



# SRI LANKA

## BULLETIN: TREATMENT OF RETURNS

Country of Origin Information Service

December 2012

**SECURING OUR BORDER CONTROLLING MIGRATION**

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## Preface

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- i) This Country of Origin Information (COI) bulletin has been produced by COI Service, UK Border Agency, for use by officials involved in the asylum and human rights decision making process. The bulletin contains information from reports released between February and 12 December 2012. The bulletin was issued on 20 December 2012.
- ii) The bulletin contains information on the treatment of Sri Lanka nationals who voluntarily or by force have returned to Sri Lanka from the United Kingdom and other countries. The bulletin should be read in conjunction with [COI report on Sri Lanka, 7 March 2012](#), for an understanding of the general human rights situation, the occurrence of torture and ill-treatment, and information on freedom of movement including for the treatment of returnees up to February 2012.
- iii) The bulletin does not contain any UK Border Agency opinion or policy. Officials requiring country policy advice should refer to the [Sri Lanka operational guidance note and/or policy bulletin](#).
- iv) The bulletin is a compilation of extracts produced by a range of external information sources, most of which are in the public domain. All information is attributed throughout the text to the original source. Where the source documents referred are available in electronic form, the relevant weblink has been included together with the date that the link was accessed. Documents not currently available in the public domain have been annexed to the bulletin with the exception of the reports produced by the UNHCR, which have not been annexed given their size and format; these are available on request from COI service. Officials are advised to examine the original source documents directly.
- v) In compiling the bulletin no attempt has been made to resolve discrepancies between information provided in different source documents, though where discrepancies exist these have been brought together. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vi) In producing this bulletin COI service has sought to provide an accurate, up-to-date, balanced and impartial compilation of extracts of available source material relevant to the themes outlined above. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below:

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### INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

vii) The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the UK Border Agency's COI material. The IAGCI welcomes feedback on UK Border Agency's COI reports and other COI material. Information about the IAGCI's work

can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

viii) In the course of its work the IAGCI reviews the content of selected UK Border Agency COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UK Border Agency's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>

ix) Please note: it is not the function of the IAGCI to endorse any UK Border Agency material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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## 1. REPORTS OF DETENTION AND HUMAN RIGHTS VIOLATIONS COMMITTEED AGAINST RETURNEES (MARCH – NOVEMBER 2012)

Officials are advised to consult the [COI report on Sri Lanka, 7 March 2012](#) for information on freedom movement, including exit and return and treatment of returns, up to February 2012.

### HUMAN RIGHTS WATCH

1.01 In a news release issued on 29 May 2012, Human Rights Watch (HRW) noted:

‘Investigations by Human Rights Watch have found that some failed Tamil asylum seekers from the United Kingdom and other countries have been subjected to arbitrary arrest and torture upon their return to Sri Lanka. In addition to eight cases in which deportees faced torture on return reported in February [referred in the HRW press release, [‘UK: Halt Deportations of Tamils to Sri Lanka’, 25 February 2012](#)], Human Rights Watch has since documented a further five cases in which Tamil failed asylum seekers were subjected to torture by government security forces on return from various countries, most recently in February 2012.’

‘The Sri Lankan security forces have long used torture against people deemed to be linked to the Liberation Tigers of Tamil Eelam (LTTE), and growing evidence indicates that Tamils who have been politically active abroad are subject to torture and other ill-treatment, Human Rights Watch said. Four of the five cases recently reported to Human Rights Watch were corroborated by medical reports.

‘A Tamil woman asylum seeker returned to Sri Lanka in May 2009 said she was detained, questioned and subjected to torture including sexual abuse by security agents, and imprisoned for five months at an army camp.

‘Two Tamil men returned described torture by Sri Lankan authorities upon arrival in Colombo. One said he was severely beaten and scalded with cigarettes and heated iron rods. The second told Human Rights Watch about his torture at the headquarters of the military Criminal Investigations Department after he was detained at the airport...’<sup>1</sup>

1.02 A press release issued by HRW on 12 September 2012 observed that ‘The United Kingdom should immediately suspend deportations to Sri Lanka of ethnic Tamils with real or imputed links to the Liberation Tigers of Tamil Eelam (LTTE) or who have engaged in activities the Sri Lankan authorities might view as anti-government...’ and added:

‘Investigations by Human Rights Watch have found that some rejected Tamil asylum seekers from the United Kingdom and other countries have been subjected to arbitrary arrest and torture or other ill-treatment upon their arrival in Sri Lanka. Human Rights Watch today issued a document it sent on August 1 [2012] to the UK immigration minister detailing 13 cases of alleged torture of failed Tamil asylum seekers on return to Sri Lanka. All of these cases are supported by medical

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<sup>1</sup> Human Rights Watch, UK: Suspend Deportations of Tamils to Sri Lanka, 29 May 2012 <http://www.hrw.org/news/2012/05/29/uk-suspend-deportations-tamils-sri-lanka>

Date accessed 23 October 2012

documentation [[Human Rights Watch document detailing 13 cases of alleged torture of failed Tamil asylum seekers](#)].'<sup>2</sup>

1.03 The HRW press release of September 2012 further noted:

'The Sri Lankan security forces have long used torture against people deemed to be linked to the LTTE, and growing evidence indicates that Tamils who have been politically active abroad in peaceful opposition to the government may be subject to torture and other ill-treatment.

'In one case, a 32-year-old Tamil man from Jaffna was among 24 Tamils deported to Sri Lanka by the UK Border Agency on June 16, 2011, after his asylum claim was rejected. On return, he was questioned at the airport outside Colombo and subsequently picked up at the Omanthai checkpoint in northern Sri Lanka. The security forces then took him to police headquarters in Colombo, where he was interrogated about his activities in London and severely tortured. He told Human Rights Watch he was whipped with electric wires and suspended upside down and beaten with sand-filled plastic pipes and forced to sign a confession in Sinhala, a language he did not understand.

'In another case, a Tamil woman whose asylum claim had been rejected in the UK returned to Sri Lanka in May 2009. She said she was detained, questioned, and subjected to torture including sexual abuse by security agents, and imprisoned for five months at an army camp. She told Human Rights Watch that officials accused her of being a fundraiser for the LTTE in the UK and showed her video clips of her holding a banner critical of the Sri Lankan government in a public demonstration.

'One Tamil man who returned from the UK in 2005 made another attempt at fleeing Sri Lanka in 2008 and was returned to the country in January 2010. He told Human Rights Watch about his torture at the headquarters of the Criminal Investigation Department in Colombo and at an army camp in Vavuniya in northern Sri Lanka where he was subsequently transferred.'<sup>3</sup>

## FREEDOM FROM TORTURE

1.04 In a news release issued on 31 May 2012, Freedom from Torture (FfT) stated:

'As the UK Border Agency prepares for another mass removal of refused asylum seekers on a charter flight to Sri Lanka today (31st May), Freedom from Torture describes the experience of one Tamil survivor, who was tortured after being removed on a similar charter flight from the UK last year. Against a backdrop of yet

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<sup>2</sup> Human Rights Watch, United Kingdom: Halt Deportation Flight to Sri Lanka, 15 September 2012

<http://www.hrw.org/news/2012/09/15/united-kingdom-halt-deportation-flight-sri-lanka>

Date accessed 30 October 2012

<sup>3</sup> Human Rights Watch, United Kingdom: Halt Deportation Flight to Sri Lanka, 15 September 2012

<http://www.hrw.org/news/2012/09/15/united-kingdom-halt-deportation-flight-sri-lanka>

Date accessed 30 October 2012

more evidence of returnees facing torture on return, Freedom from Torture has repeated its call for the UK government to halt all forcible removals of Tamils.’

‘Fearing for his life because of links to the Liberation Tigers of Tamil Eelam (LTTE) – for which he had previously been detained and tortured by the TID (Terrorist Investigation Department) – Suthan first fled to the UK from Sri Lanka more than five years ago. Despite having medical evidence that supported his account of being subjected to beatings with sticks and knives and being burned with cigarettes, his asylum application was refused and he was forcibly removed from the UK on a charter flight last year.

‘On arrival into Colombo Airport, Suthan had his details taken and was interrogated for an hour about his association with the LTTE. The presence of an official from the British High Commission meant he was allowed to leave the airport. Fearing for his safety Suthan went to stay with a relative in another town and during this time the authorities went to his home to look for him. After months in hiding he eventually decided it was safe to return home, however, he was arrested at a checkpoint and bundled into a van.

‘Suthan was taken to a detention facility where he was interrogated about claiming asylum abroad and accused of working with the LTTE from the UK. He was subjected to forced nakedness; whipped with electric flex; beaten on the soles of his feet with a wooden pole; tied to chair and burned with cigarettes; and, had his head immersed in a bag filled with petrol.

‘After a bribe was paid to secure his release, Suthan fled the country once again and made his way back to the UK earlier this year.’<sup>4</sup>

1.05 The same news release quoted Keith Best, Freedom from Torture’s Chief Executive Officer, as saying:

‘Freedom from Torture’s forensic documentation of torture highlights the on-going risks to individuals being returned to the country, particularly Tamils with an actual or perceived association to the LTTE. We continue to see a steady stream of referrals to our services for Tamil asylum seekers recently tortured, including where individuals were forcibly removed to Sri Lanka from other countries including the UK.

‘Foreign Office Minister Alistair Burt told Parliament that the UK government was investigating allegations and would review its returns policy in the light of any findings of returnees being abused. When there are clear cases of torture following removal to Sri Lanka – including where these claims have been accepted by UK immigration judges when individuals have escaped back to the UK – it begs the question ‘what kind of investigations have been going on?’

‘This situation has gone on long enough; forcible returns of refused Tamil asylum seekers must be halted until the UK government is sure that they will not be delivering people into the hands of their torturers.’<sup>5</sup>

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<sup>4</sup> Freedom from Torture, Sri Lankan asylum seeker describes his torture following forcible return from the UK, 31 May 2012

<http://www.freedomfromtorture.org/news-blogs/6348>

Date accessed: 30 October 2012

1.06 A news release issued by FfT on 14 September 2012 noted:

‘More shocking evidence of torture in Sri Lanka has been published today by Freedom from Torture, highlighting the risk faced by Tamils returning to the country from the UK.

‘The latest research relates to 24 people who were tortured in Sri Lanka after returning voluntarily from the UK since the end of the civil war in May 2009. In the vast majority of cases, individuals were in the UK on student visas and returned to Sri Lanka – mid-studies and with the intention of a short visit – for family reasons. After arriving back in Sri Lanka they were targeted for detention and torture due to a real or perceived association with the Liberation Tigers of Tamil Eelam (LTTE) and, in many cases, their alleged support for the LTTE whilst in the UK or even just their knowledge of LTTE activity in the UK. The returnees were subjected to a range of torture methods including deliberate burns with cigarettes and heated metal instruments, beating with PVC plastic pipes or whipping with cables and partial asphyxiation using water or plastic bags containing petrol. Such ill-treatment has inevitably resulted in long-lasting physical and psychological injuries.’<sup>6</sup>

1.07 The FfT briefing ‘Sri Lankan Tamils tortured on return from the UK’, dated 13 September 2012, noted in its introduction:

‘The UK recommenced forcible removals to Sri Lanka shortly after the civil war ended. This policy has been highly controversial in light of the culture of repression and impunity which continues to prevail in Sri Lanka. Citing ‘reports of torture in custody’ and other serious human rights abuses, the Foreign and Commonwealth Office identified Sri Lanka as a ‘country of concern’ in its latest Human Rights and Democracy report.

‘On 25 February 2012, Freedom from Torture called for a suspension of forcible removals to Sri Lanka after Human Rights Watch began to publish information about Tamils who were tortured after forcible return to Sri Lanka, including from the UK. Freedom from Torture has since become involved in a number of cases involving harm following forcible removal to Sri Lanka from the UK. One of these cases recently made headline news and another is the subject of proceedings in the European Court of Human Rights.

‘Freedom from Torture’s concerns have been heightened significantly by the cases in this briefing of Sri Lankan Tamils experiencing torture after returning voluntarily to Sri Lanka in the post-conflict period.

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<sup>5</sup> Freedom from Torture, Sri Lankan asylum seeker describes his torture following forcible return from the UK, 31 May 2012

<http://www.freedomfromtorture.org/news-blogs/6348>

Date accessed 30 October 2012

<sup>6</sup> Freedom from Torture, New Research Highlights Risk for Tamils Returning to Sri Lanka from UK, 14 September 2012

<http://www.freedomfromtorture.org/news-blogs/6659>

Date accessed 30 October 2012



‘In light of these cases, Freedom from Torture considers that the UK’s removal policy for Sri Lanka is based on a flawed assessment of risk. Specifically, the cases examined in this briefing reveal that Sri Lankan Tamils who in the past had an actual or perceived association at any level with the LTTE but were able to leave Sri Lanka safely now face risk of torture on return. The cases demonstrate that the fact the individuals did not suffer adverse consequences because of this association in the past does not necessarily have a bearing on risk on return now. It is a combination of both residence in the UK and an actual or perceived association at any level with the LTTE which places individuals at risk of torture and inhuman and degrading treatment in Sri Lanka. We are repeating our calls for the UK government to halt forcible removals of Tamils to Sri Lanka while the UK Border Agency’s policy on removals to Sri Lanka is changed to properly reflect this mounting evidence.’<sup>7</sup>

1.08 The introduction of the FfT briefing added that:

‘Over the past year, Freedom from Torture has been closely tracking and analysing the forensic documentation of torture of Sri Lankans by our Medico-Legal Report (MLR) Service. The impetus for this work was the UN Committee against Torture examination of Sri Lanka’s compliance with its obligations under the UN Convention against Torture which took place in November 2011. Freedom from Torture submitted detailed evidence to the Committee of 35 cases involving torture committed in Sri Lanka following the end of the civil war in May 2009.’

‘It was during the course of preparing this evidence for the UN Committee against Torture that Freedom from Torture first began to identify Sri Lankan Tamils, lawfully present in the UK with student or other visas, who were tortured after visiting Sri Lanka, usually for family reasons. We have continued to monitor our Sri Lankan MLRs for the purposes of providing an update to the Committee for its 12 month follow-up with Sri Lanka at its forthcoming 49th session and have noted the growing volume of cases fitting this profile. In addition, Freedom from Torture clinicians have noted a similar profile among Sri Lankans referred to our organisation for clinical treatment services.’<sup>8</sup>

1.09 The FfT briefing also noted:

‘We have set out in this briefing detailed aggregated evidence of the following three groups of cases involving 24 Sri Lankan Tamils tortured after voluntarily returning to Sri Lanka from the UK in the post-conflict period:

- Group 1: 6 cases forensically documented via our MLR Service included in Freedom from Torture’s original submission to the UN Committee against

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<sup>7</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012

<sup>8</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012

Torture and the public report Out of the Silence – New Evidence of Ongoing Torture in Sri Lanka 2009-2011 based on this submission;

- Group 2: 6 additional cases forensically documented via our MLR Service since these publications; and
- Group 3: 12 cases referred to Freedom from Torture for clinical treatment services mainly by health and social care professionals in the NHS or voluntary sector.

‘This rate of referrals involving torture following return from the UK to a particular country is, to the best of our knowledge, unprecedented since Freedom from Torture was founded in 1985.

‘In at least 12 cases, 10 of which were forensically documented by our MLR Service (Groups 1 & 2), the victim reported that they were interrogated about their own activities or the activities of other Tamils in the UK.’<sup>9</sup>

1.10 For additional information on the FfT report ‘Out of the Silence’ and the November 2011 session of the UN Committee against Torture which included submissions by 12 non government organisations including FfT, refer to the [UKBA COI Service Bulletin: Recent Reports on Torture and Ill-Treatment](#), dated 30 November 2011.<sup>10</sup>

1.11 With regards to the ‘Group 1’ (6 cases) referred in paragraph 1.09.above, FfT observed inter alia that:

‘All but 1 of this group of cases had an association with the LTTE in Sri Lanka (actual or perceived) in their own right and/or through immediate family members before they came to the UK. The other case had an association via an immediate family member with an active opposition politician who had been targeted by the Sri Lankan authorities since the end of the civil war. These associations, recorded by the clinical examiner in the MLRs, were explicitly identified by the individual as part of their pre-detention history and/or were inferred by them as a result of the specific questions they were asked by the Sri Lankan authorities during interrogation.

‘It is not known with certainty whether the association had or had not come to the attention of the authorities prior to the individual coming to the UK, though it is known that none of the 6 had been previously detained.

‘In all of the 6 cases the individual was detained within a month of their return and in some cases within days. All were arrested by the Sri Lankan police or military and they were picked up either from their home or at checkpoints. Two of the 6 cases

<sup>9</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012

<sup>10</sup> UKBA COI Service Bulletin: Recent Reports on Torture and Ill-Treatment, 30 November 2011.

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/Previous/bulletin-111111.pdf?view=Binary> Date accessed 30 October 2012

were detained twice; on the first occasion they were interrogated and then released within 2 days with no ill-treatment. Both were, however, subsequently detained again for several months and tortured. The length of detention across the 6 cases ranged from 2 days to 3 months, with 4 being detained for less than a month.<sup>11</sup>

1.12 The FfT September 2012 briefing added that:

‘As well as being interrogated about their associations with the LTTE in Sri Lanka as described above, 5 of the 6 cases were interrogated during their detention specifically about their activities or contact with and/or knowledge about the LTTE in the UK. Individuals reported being interrogated about:

- LTTE contacts in London
- the whereabouts of named LTTE members or supporters in London
- LTTE fundraising activities in London and their involvement in this or other forms of work for the LTTE
- anti-government demonstrations and protests in London; who the organisers were and their participation in these events.’<sup>12</sup>

1.13 With regards to torture disclosures, FfT noted that ‘All 6 cases involved torture in detention. Perpetrators were identified as non-uniformed security personnel, prison guards and police and army officers. All cases were tortured repeatedly and in 3 cases daily throughout their detention.’ The torture methods mentioned included: blunt trauma (including beating with PVC plastic pipes filled with cement, with metal bars, wooden clubs and sticks and whipping with cables); sharp trauma; burns with cigarettes or heated metal rods; sexual assault (including rape); suspension; partial asphyxiation/suffocation using water or plastic bags containing petrol.<sup>13</sup>

1.14 For ‘Group 2’ (6 cases) referred to in paragraph 1.09 above, FfT observed inter alia that:

‘All 6 cases in this group had an association with the LTTE in Sri Lanka (actual or perceived) in their own right and 4 had additional LTTE associations through family members before they came to the UK. As noted above, these associations, recorded by the clinical examiner in the Medico-Legal Reports, were explicitly identified by the individual as part of their pre-detention history and/or were inferred by them as a

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<sup>11</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p5

<sup>12</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p5

<sup>13</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p6

result of the specific questions they were asked by the Sri Lankan authorities during interrogation. Five of the 6 cases, all of whom lived in the areas most affected by the civil war, reported having provided a variety of services to LTTE members related to their field of work, either voluntarily or under varying degrees of duress.

‘In 3 cases, it is not known with certainty whether this association with the LTTE had or had not come to the attention of the authorities prior to the individual coming to the UK; the other 3 had been previously detained and tortured in Sri Lanka, two of them prior to coming to the UK and one of them when visiting Sri Lanka, while resident in the UK on a student visa.’<sup>14</sup>

1.15 With regards to detention, FfT noted:

‘Five of the 6 cases involved detention in 2011 and 1 case involved detention in 2012. One person was detained and tortured twice within the space of a week by different branches of the security forces...

‘The place of arrest was the family’s home address in 3 cases while 1 person was arrested when reporting to the local police station following a summons delivered to their home address. One person was detained on the street near their home and 1 was detained at the airport on arrival. In most cases the arresting authorities wore uniforms, though in 2 cases they did not and in 1 case there was a mixed group of uniformed and non-uniformed personnel. Half the cases were transported to their place of detention in the notorious “white van”.

‘The different types of detention facility included: “intelligence” facilities, army facilities, prison camps, police cells and “unknown”. Named detention facilities were Colombo fort, Jaffna army camp, Bossa camp, Vavuniya police station and Negombo police station.

‘The duration of detention was reported as less than a week in 1 case, less than a month in 3 cases and more than 6 months in 1 case. In 5 cases the individual reported that they escaped from detention when a family member bribed an official and 1 was otherwise released.’<sup>15</sup>

1.16 The FfT September 2012 briefing further mentioned with regards to the interrogation patterns of those who had an “Actual or perceived association” with the LTTE in Sri Lanka and the “Actual or perceived association” with and/or knowledge of the LTTE in the UK that:

‘Between them, these individuals were specifically interrogated about the following:

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<sup>14</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p9

<sup>15</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p10

- ‘their connections with the LTTE in London
- ‘LTTE members and supporters in the UK; their whereabouts and activities
- ‘their participation in a “campaign” against the Sri Lankan government in the UK
- ‘their specific participation in demonstrations and protests in London, including “Heroes Remembrance Days” and demonstrations against the Sri Lankan President and the Sri Lankan government
- ‘raising money for the LTTE in London
- ‘their participation in efforts in the UK to “revive the LTTE”

‘Individuals reported being shown photographs and being asked to identify themselves or others. One person described being shown video clips and a photograph of a person on a demonstration and being forced eventually to sign a false “confession” in Sinhalese (a language he does not speak) that the person was him. Others also reported being forced under torture to sign “confessions” presented to them as blank documents.’<sup>16</sup>

1.17 With regards to torture disclosures, FfT noted that:

‘All 6 cases involved torture in detention. Perpetrators were identified as police and intelligence officers and prison guards as well as non-uniformed personnel. All 6 were tortured on many occasions throughout their detention.

‘Specific torture methods disclosed by these individuals follow the pattern identified in Out of the Silence and included the following:

- ‘blunt trauma in all cases, including beating with metal and rigid plastic pipes
- burns with heated metal objects or cigarettes in 5 of the 6 cases
- ‘sexual assault and/or rape in 4 cases
- ‘suspension in 2 cases’

partial asphyxiation/suffocation using water or plastic bags containing petrol in 2 cases.<sup>17</sup>

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<sup>16</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p11

<sup>17</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p11

1.18 As far as the 'Group 3' (12 cases) above were concerned, FfT observed that

'The unusual profile of the cases - all Sri Lankan Tamils who were lawfully present in the UK and who were tortured having returned voluntarily to Sri Lanka for short term visits after the end of the conflict – raised sufficient concerns for our Clinical Intake Panel to forward information about these cases to research and policy staff at Freedom from Torture...

'Most cases (10 out of the 12) were detained within a month of their arrival in Sri Lanka, some within days; however, 1 was detained at the airport on arrival and one was detained after 6 months. The year of detention was therefore 2011 in 8 cases and 2012 in 4 cases.

'Except for the case detained at the airport on arrival, the place of arrest or abduction included their home address, checkpoints, in the street in the home area and outside a police station. Five cases reported that they were specifically identified by informants as being associated with the LTTE when they were arrested. Half the cases disclosed to those making the referral to Freedom from Torture that they had an association (actual or perceived) with the LTTE and indicated their view that this was the reason for their detention. The presumed reason for detention was not recorded in the other 6 cases.

'Most of the 12 cases (10) involved detention for less than a month, with the length of detention ranging from 2-20 days and an average of 11 days for this group. One person was detained for 3 months and 1 for 10 months. Eight cases reported that they had escaped from detention, 5 of whom specifically mentioned that a family member had bribed the authorities. One case was released on bail with reporting conditions and was ill treated when they reported to the authorities.'

'Two cases in this group specifically reported to their referrer that, among other things, they had been interrogated about their own or other Tamils' activities in the UK; one was accused of taking part in demonstrations and of raising funds for the LTTE in London and the other was interrogated about who in the Tamil community is conducting meetings and spreading propaganda in the UK. In the remaining cases it is not known whether the individual was interrogated about their activities or the activities of other Tamils in the UK.'<sup>18</sup>

1.19 With regards to torture disclosures related to this group, FfT noted that specific torture methods disclosed included: burning with heated metal implements or cigarettes; blunt trauma, beatings and kicking; suspension; partial

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<sup>18</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p14

<sup>19</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p13-14

asphyxiation/suffocation with water or gasoline as well as rape and sexual violence.  
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1.20 The FfT September 2012 briefing noted in its conclusions:

‘When looked at together, these 24 cases of Tamil returnees from the UK with a real or perceived LTTE affiliation who were targeted for detention and torture in Sri Lanka demonstrate that torture is ongoing despite the conclusion of the civil war. They further indicate that (a) the fact that an individual did not face adverse consequences in the past because of their actual or perceived association with the LTTE at any level is not decisive now in assessing risk on return; because (b) return from the UK specifically has been a factor in the Sri Lankan authorities’ decision to detain with a view to obtaining further intelligence about historical or current LTTE activity in both Sri Lanka and the UK. They raise the strong concern that Sri Lankan Tamils who have lived in the UK, with a previous or live LTTE association (actual or perceived), are being targeted because they are suspected by the Sri Lankan authorities of (i) being engaged in political activities while living in the UK; and/or (ii) having knowledge about LTTE activity in the UK.’<sup>20</sup>

1.21 A press release issued by FfT on 19 September 2012 stated:

‘Freedom from Torture was granted permission to intervene in yesterday’s injunction proceedings given our new evidence relating to 24 individuals who were tortured in Sri Lanka after returning voluntarily from the UK and our efforts since early August to warn the UK government about these problems. The High Court welcomed our “carefully drafted” and “detailed” research and, for the purposes of injunctions, accepted our finding that Tamils with a real or perceived association with the LTTE “at any level” are at risk of torture on return. Two injunctions were granted yesterday on this basis.’<sup>21</sup>

## TAMILS AGAINST GENOCIDE

1.22 The Tamils Against Genocide report ‘Returnees at Risk: Detention and Torture in Sri Lanka’ (TAG report) (based on the collection and analysis ‘of 27 recent asylum appeal determinations...supplemented by other datasets including a further 11 asylum interviews by the UK Border Agency... and a further set of 21 Medico-legal reports...’), 16 September 2012, observed:

‘Our research on the context surrounding the torture of returnees to Sri Lanka draws from credible secondary sources and primary data in the form of interviews by our consultant. We observe that post-2009 new factors impacting the political repression of Tamils returning from abroad have emerged...

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<sup>20</sup> Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld)

Date accessed 30 October 2012, p15

<sup>21</sup> Freedom from Torture, High Court Recognises Importance of Freedom from Torture Research as Tamils Face Removal from UK, 19 September 2012

<http://www.freedomfromtorture.org/news-blogs/6685>

Date accessed 5 November 2012

'We consider that a period of residence in the UK or other "Western" country may itself constitute a risk factor.'<sup>22</sup>

1.23 The TAG report also noted:

'Of 26 successful asylum appeal determinations, all were of Tamil ethnicity and had returned voluntarily to Sri Lanka in the period 2010 to 2011, apparently having accepted the UK government's contention that it was safe for Tamils to travel to Sri Lanka from the UK. In all these cases the Tribunal accepted extreme forms of torture in detention. There is no evidence before us that any of the detainees were charged, all were released via the payment of a bribe and most had signed blank confessions or confessions in Sinhalese that they did not understand prior to release, thus "legitimizing" their detention.

'Close to 40% of the appellants were interrogated under torture on their participation and occasionally their family member's participation in political activities abroad such as protests and assisting in anti-Sri Lanka media coverage. The details of interrogations indicate that the Sri Lankan government routinely uses torture to obtain information on a variety of lawful civic activities that take place in the UK and elsewhere.

'Of the 21 Medico Legal reports in the period 2010 to 2012, 10 relate to claimants who were detained and tortured shortly after return from Europe..., while 11 relate to claimants who make no mention of having travelled abroad...Of the 10 returnees...9 returned voluntarily from the UK and 1 was returned involuntarily from another European country.

'Of the 10 returnees from Europe, 4 including the European returnee reported being interrogated on anti-government protests...

'In total we have analysed torture allegations pertaining to 48 returnees in the period 2010 to 2012, of which 26 have been accepted by the UK courts. While noting the high proportion of voluntary returns in our 3 datasets, we observe no inconsistencies between the data sets in this and other respects. All of the voluntary returns left Sri Lanka lawfully, the vast majority as students. They did not consider themselves sufficiently at risk to apply for asylum prior to returning. We are only able to explain the large proportion of voluntary returnees among persons claiming torture, with reference to their period of residence abroad. We consider this in itself to be a new risk factor that leads to adverse interest by the Sri Lankan authorities. Additionally, [sic] some perfectly lawful types of activities abroad (such as political criticism of the Sri Lankan government) elicit adverse interest.'<sup>23</sup>

1.24 The TAG report further noted that:

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<sup>22</sup> Tamil Against Genocide (TAG), Returnees at Risk: Detention and Torture in Sri Lanka, 16 September 2012, Executive summary, <http://www.tamilsagainstgenocide.org/Data/Docs/TAG-Report-16-Sep-2012-Returnees-at-Risk.pdf> Date accessed 5 November 2012

<sup>23</sup> Tamil Against Genocide (TAG), Returnees at Risk: Detention and Torture in Sri Lanka, 16 September 2012, p4-5 <http://www.tamilsagainstgenocide.org/Data/Docs/TAG-Report-16-Sep-2012-Returnees-at-Risk.pdf> Date accessed 5 November 2012



‘The British High Commission in Colombo monitors arrivals of enforced returns and charter flights at the airport and asserts that this ensures the safety of returnees. Yet our data shows that less than a quarter of voluntary returnees claimed to have been detained at the airport. 9 out of 16 report being picked up white vans, the rest report being picked either at check points, public places such as bus stops or at home. The vast majority were picked up within a month of leaving the airport, some 11 cases report being picked up within 2 weeks, while some cases make no comment on this. Thus while the correlation between arrival and pick up is clear, there is also an established practice of waiting till returnees have cleared the airport before detaining them. Thus circumventing any efforts to monitor the safe arrival of returnees by meeting them at the airport is ineffective.’<sup>24</sup>

See also [Chapter 3: Enquiries made by The Foreign and Commonwealth Office, British High Commission, Colombo](#)

1.25 The TAG report went on to add that:

‘The standard age of those questioned, detained, and/or tortured upon their return was between 22-38, with a slight bias towards young men over [sic] women. This age range would have been those most exposed to political mobilization in the North and East during the course of the conflict.

‘All of the cases where the determination was accepted were Sri Lankan citizens with temporary or student visas in the UK.

‘All of the cases related to ethnic Tamils.

‘A real or perceived “tie” to the LTTE. Participation in political protests abroad has increased prevalence as a risk factor.’<sup>25</sup>

## REPORTS BY OTHER ORGANISATIONS

1.26 On 28 April 2012 TamilNet reported:

‘A 28-year-old Tamil man, recently deported from UK was found killed in Trincomalee on 18 April, news sources in the district told TamilNet Saturday. In the meantime, in a systematic combing operation launched by the special units of Colombo's military and police establishments, up to 300 Tamil males and females have been “arrested” and sent to military detention camps in Welikanda and Vavuniyaa since last Saturday [28 April]. Among the victims are also people who have recently returned from Tamil Nadu and they too have now ended up in Welikanda and Vavuniyaa, the sources in Trincomalee further said.

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<sup>24</sup> Tamil Against Genocide (TAG), Returnees at Risk: Detention and Torture in Sri Lanka, 16 September 2012, <http://www.tamilsagainstgenocide.org/Data/Docs/TAG-Report-16-Sep-2012-Returnees-at-Risk.pdf> Date accessed 5 November 2012, p12

<sup>25</sup> Tamil Against Genocide (TAG), Returnees at Risk: Detention and Torture in Sri Lanka, 16 September 2012, <http://www.tamilsagainstgenocide.org/Data/Docs/TAG-Report-16-Sep-2012-Returnees-at-Risk.pdf> Date accessed 5 November 2012, p13-14

'Easwarathasan Ketheeswaran, forcefully sent back from UK in 2010, was living alone at Paalaiyoottu in Trincomalee city.'

'On 18 April, he was visiting his aunt and went out for shopping. When he returned he had reportedly told his relatives not to go out as strange persons were wandering around the house. But, he was killed when he left the house later, the sources said.'

'Meanwhile, last week, the military and police units that had come from Colombo to launch the combing operations in the district were having lists of recently deported people from abroad, the details of returnees from Tamil Nadu and details of ex- LTTE members who were released by them earlier, the sources further said.'<sup>26</sup>

1.27 However, on 1 June 2012 the Daily Mirror (Sri Lanka) reported that:

'Two suspects were arrested for the Killing of Eswaradasan Keniswaran of Wairwan Kovil St. Palapettu, Trincomalee. The victim was hacked to death on April 18, 2012 at Aiyakarni by unidentified persons.

'The CID had taken over the investigations into the death and had arrested a pilot and another contract killer. According to the Police the Pilot was in an illicit love affair with the victims [sic] wife and together with the wife had paid 1750 pounds [sic] to the contract killer for the murder of the man.'<sup>27</sup>

1.28 On 5 June 2012 the Guardian reported:

'The British government is forcibly deporting asylum seekers who are then tortured in Sri Lanka, according to the testimony of one victim who was left scarred and suicidal after a brutal two-week ordeal.

'The victim told the Guardian he was tortured over the space of 17 days after being deported from the UK last year. His torturers accused him of passing on to British officials information about previous beatings at the hands of state officials and other human rights abuses, to ruin diplomatic relations between the two countries.

'In an in-depth interview, the former member of the rebel Tamil Tigers' intelligence service said he was tortured after the Home Office deported him and two dozen other asylum seekers in June 2011.

'Speaking through a translator, the victim, who wants to be identified only as Hari for fear of further retribution by Sri Lankan authorities, said that six months after he was deported, security personnel arrested him and beat him with rods, put petrol-filled plastic bags over his face and hung him by his feet with a nylon rope. Hari's back displays a welter of scars and the Guardian has seen medical reports supporting his claims.'<sup>28</sup>

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<sup>26</sup> TamilNet, UK deportee killed while Tamil Nadu returnees arrested in Trincomalee, 28 April 2012, <http://www.tamilnet.com/art.html?catid=13&artid=35136> Date accessed 20 November 2012

<sup>27</sup> Daily Mirror (Sri Lanka), Trincomalee murder over illicit love affair , 1 June 2012, <http://www.dailymirror.lk/news/19215-trincomalee-murder-over-illicit-love-affair.html> Date accessed 20 November 2012

1.29 The Guardian's article further noted:

'Last week, the UK government forcibly deported several other Sri Lankans, ignoring pleas from human rights organisations to halt flights in the face of mounting evidence that UK and European returnees have been tortured.

'In a dramatic turn of events, a senior high court judge last week halted up to 40 deportations from taking place as the plane waited on the tarmac.

'Citing evidence from Human Rights Watch that returnees were being tortured on arrival, the judgment granted a last-minute reprieve. Drafted by Justice Eady and seen by Channel 4 News, it is reported to have said: "The recent Human Rights Watch report, dated 29.05.2012 suggests that there may be new evidence relevant to the risk of ill treatment."' <sup>28</sup>

1.30 On 19 September 2012, The Independent reported that:

'Dozens of failed Sri Lankan asylum seekers were removed at the last minute from a controversial deportation flight today after a senior judge accepted there was a risk that they could be tortured on their return.

'Human rights groups, lawyers and news organisation including The Independent have all documented what is a growing dossier of evidence showing that torture is commonplace in Sri Lanka and that Tamil ethnicity migrants who are returned from Britain are particularly at risk over their perceived or real links to the Tamil Tigers.

'At least 37 cases have been identified in the last two years where people have been returned to Sri Lanka from Britain or Europe and tortured.

'Mr Justice Wilkie declined to order the removal all the Tamil passengers but he did rule that anyone who showed during their failed asylum process that they risked allegations against them from the Sri Lankan government of a real or perceived Tamil Tiger connection, or had shown evidence that they had been previously tortured, should not be deported.' <sup>29</sup>

1.31 On 20 September 2012 BBC News reported:

'A group of 25 Sri Lankans deported from the UK has arrived in Sri Lanka, amid warnings that Tamils among them may be tortured.

'Rights groups say that in previous cases, Tamil returnees have been arrested some time after coming back and in some cases tortured. The Sri Lankan government denies this. Both it and the UK have insisted that those being sent back are not in danger of being mistreated.

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<sup>28</sup> Tamils deported to Sri Lanka from Britain being tortured, victim claims, 5 June 2012 <http://www.guardian.co.uk/uk/2012/jun/05/tamils-deported-sri-lanka-torture> Date accessed 5 November 2012

<sup>29</sup> Sri Lankan asylum seekers removed from deportation flight at last minute after judge accepts there is risk of torture, 19 September 2012 <http://www.independent.co.uk/news/world/asia/britain-is-returning-tamil-refugees-to-be-tortured-in-sri-lanka-8153361.html> Date accessed 5 November 2012

'The IOM [International Organization for Migration] says that while its officials are in no way involved in the deportation process, it will provide financial help for the returnees to be reunited with their families.

'Presidential adviser Rajiva Wijesinha said on Wednesday that Britain itself had established that returnees would not be tortured. He said most of those being deported were economic migrants.

'Britain says that unless a Sri Lankan Tamil was a high-level activist with the separatist Tamil Tiger rebel group, he or she is unlikely to be targeted on returning to Sri Lanka.

'But human rights groups such as Freedom from Torture and Human Rights Watch argue that Tamil people either linked or perceived to be linked to the Tigers - at any level - are at risk if they return.

'A man now on his second asylum application in Britain also told the BBC on Wednesday that he was he was [sic] beaten, deprived of sleep and almost suffocated in polythene and petrol by the Sri Lankan police when he was made to return.'<sup>30</sup>

See Section 4, subsection [Charter flights from the UK](#)

- 1.32 The report 'When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka', by ACAT-France, in collaboration with the Asian Legal Resource Centre, dated June 2012, noted in its executive summary:

'Three years after the conflict between Governmental forces and the Liberation Tigers of Tamil Eelam (LTTE) came to an end, ACAT-France, in collaboration with the Asian Legal Resource Centre, wanted to provide an overview of the phenomenon of torture in Sri Lanka using the testimony of those involved: victims, human rights advocates, lawyers and doctors. The findings are devastating. The use of torture and ill-treatment remains routine, daily and endemic; the impunity of authors of torture is generalised.

'Torture is used by security forces across the country to, for example, extract information, obtain false confessions to close criminal cases or extort money or favours. Furthermore, the situation is worrying for those suspected of having ties with the LTTE. They are arrested and detained, sometimes in secret, for an unlimited period without access to a lawyer or their families. The use of cruel and degrading treatment is also frequent in prisons and seems to act as a form of detention management.

'Although the Government continues to tell the international community that it is implementing a zero tolerance policy as regards torture, it must be acknowledged that these claims are only empty shells. There is a total lack of sincere political will to eradicate these practices. The 1994 anti-torture law has become virtual and has

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<sup>30</sup> BBC News, Deported Sri Lankans arrive home from UK amid torture fears, 20 September 2012, <http://www.bbc.co.uk/news/world-asia-19650640> Date accessed 5 November 2012

been replaced by an illegitimate regime which encourages confessions obtained by force, secret detention and immunity for the security forces.’<sup>31</sup>

1.33 The ACAT report also noted:

‘Despite the thousands of cases of torture documented by NGOs and submitted to the justice system, the latter has only passed four sentences for torture since the anti-torture law was adopted 18 years ago. The judiciary has collapsed in thrall to the political authorities. All attempts to fight impunity are hampered. There are no investigations following allegations of torture. The courts no longer exercise independent judicial control in most cases and the Attorney General protects State officers accused of torture by blocking criminal cases.

‘Victims and witnesses are subjected to intimidation and reprisals. Some have been killed or have disappeared after being kidnapped. In February 2012, a man was kidnapped in front of his wife and children in broad daylight by men armed with assault rifles. He had complained to the Supreme Court after 28 months of arbitrary detention and torture and was supposed to testify two days later before the Court, implicating senior police officers. He has not been seen since. Against this background, many people prefer to remain silent, considering that it is dangerous and pointless to complain.

‘A number of local NGOs have developed initiatives to provide legal and psychological assistance to those requiring it. They are trying to overcome, in a limited way, the failings of the State which has no public health policy in terms of rehabilitation for victims of torture. However, it is difficult for local NGOs to promote human rights in the country. They are regularly denounced as “traitors” and “enemies of the State” by Government representatives because they dare to criticise the offences committed by State officers or the inaction of institutions.

‘The collapse of the rule of law and the denial of justice can only encourage the use of torture and a continuation of the illegal acts committed by State officers.’<sup>32</sup>

1.34 With regards to the victims of the ACAT report observed:

‘Torture can affect anyone, whatever their social standing, profession, ethnicity, age or religion. A business man, a lawyer or a soldier can find themselves victims of an act of torture. Nonetheless, the overwhelming majority of cases of torture affect people from impoverished backgrounds who are more vulnerable to the authority of an official because of their lack of political or economic influence and their inability to fight against injustice or an abuse of power.

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<sup>31</sup> ACAT-France, in collaboration with the Asian Legal Resource Centre, When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka, June 2012  
<http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf> Date accessed 5 November 2012, p3

<sup>32</sup> ACAT-France, in collaboration with the Asian Legal Resource Centre, When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka, June 2012  
<http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf> Date accessed 5 November 2012, p3

'Victims' accounts of torture mainly come from men. Women are also victims, although probably to a lesser extent, but it is difficult to gather their accounts. They are afraid to testify and lodge a complaint, particularly if they were subjected to sexual violence because they risk becoming a victim twice over if they are also rejected by their families and society. Torture does not spare juveniles either.

The phenomenon of torture also affects Sinhalese groups as much as Tamils. Further, despite the end of the conflict an indeterminate number of Tamils has spent years in secret detention with an increased risk of being subjected to torture. They were arrested during and after the conflict, suspected of being affiliated to the LTTE and were kept in detention during the years which followed. Those who were freed have testified to acts of torture.'<sup>33</sup>

1.35 The ACAT report added:

'In 2011 and 2012 Tamil Sri Lankans who had returned to their country, sometimes after having their requests for asylum dismissed, indicated that they had been tortured and subjected to ill-treatments upon their return to Sri Lanka in order to confess to presumed links with the Tamil Tigers. A Tamil returned from the United Kingdom and arrested on 29 December 2011 alleged that he was beaten and burnt with cigarettes by soldiers during his interrogation. His head was allegedly immersed in kerosene. He was also apparently hung by his feet and had his head immersed in a bucket of water; pepper was allegedly applied to his head and his chest. These methods allegedly aimed to make him confess to being a member of the LTTE.'<sup>34</sup>

1.36 With regards to this specific case, the ACAT report noted:

'This case and others were described in detail in a communiqué from Human Rights Watch on 25 February 2012 UK [see paragraph 1.01, [Human Rights Watch](#)]: Halt Deportations of Tamils to Sri Lanka... Further, a group of British lawyers specialising in the rights of foreigners revealed that a Tamil whose request for asylum had been rejected by the United Kingdom and who was sent home on 21 February 2012 was allegedly tortured upon his arrival in Sri Lanka. During his interrogation, he was allegedly violently punched by officers...'<sup>35</sup>

1.37 As for the type of torture described with regards to the person returned to Sri Lanka in December 2011, the ACAT report added that; 'A note from the [Immigration and Refugee Board \[IRB\] of Canada \[dated 22 August 2011\]](#) corroborates this kind of

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<sup>33</sup> ACAT-France, in collaboration with the Asian Legal Resource Centre, When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka, June 2012

<http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf> Date accessed 5 November 2012, p17

<sup>34</sup> ACAT-France, in collaboration with the Asian Legal Resource Centre, When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka, June 2012

<http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf> Date accessed 5 November 2012, p17

<sup>35</sup> ACAT-France, in collaboration with the Asian Legal Resource Centre, When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka, June 2012

<http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf> Date accessed 5 November 2012, p17, footnote 25

information and reports ill-treatments and torture for people detained at the airport and suspected of having links with the LTTE.’<sup>36</sup>

- 1.38 The IRB response of August 2011 is referred to in the [Country of Origin Information \(COI\) Report, Sri Lanka](#), dated 7 March 2012, which should be read in conjunction with this bulletin.’<sup>37</sup>
- 1.39 Besides the cases referred above, the ACAT report does not contain other references to allegations of torture/mistreatment with regards to returnees. Users should, however, read the the report ‘[When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka](#)’ to gain a fuller understanding of the contents and specific issues covered by the report.’<sup>38</sup> It contains, amongst other things, information on the following issues: analysis of the practice of torture; the institutions responsible for torture and ill-treatment; the impact of the Emergency Regulations and the Prevention of Terrorism Act; and inefficiency of complaint and inquiry bodies.
- 1.40 Additionally, officials are advised to consult the Amnesty International report, Locked away: Sri Lanka's security detainees, published on 13 March 2012, although it does not contain specific references to allegations of torture/mistreatment with regards to returnees, for a broader picture of “The framework of unlawful detention” and “Patterns of arbitrary detention”, and their connection to the Prevention of Terrorism Act (PTA) and the Emergency Regulations. In its summary, the AI report noted, amongst other things, that:

‘Sri Lankan authorities continue to arrest and detain suspects without minimal safeguards. Sri Lankan law permits police to remove prisoners from their cells and transport them from place to place for the purpose of investigation – a practice that has contributed to torture and custodial killings. Detainees have been held incommunicado and tortured in unofficial places of detention which have included private homes, repurposed schools, administrative buildings and warehouses. Torture, enforced disappearances and extrajudicial executions continue in Sri Lanka in part because of these arbitrary detention practices. The culture of impunity that was established in Sri Lanka during the course of the armed conflict continues to pervert the rule of law and hamper the provision of justice.’<sup>39</sup>

<sup>36</sup> ACAT-France, in collaboration with the Asian Legal Resource Centre, When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka, June 2012 <http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf> Date accessed 5 November 2012, p17

<sup>37</sup> Country of Origin Information (COI) Service, UK Border Agency Country of Origin Information (COI) Report, Sri Lanka, 7 March 2012 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/report-070312.pdf?view=Binary> Date accessed 5 November 2012, p209-214

<sup>38</sup> ACAT-France, in collaboration with the Asian Legal Resource Centre, When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka, June 2012 <http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf> Date accessed 5 November 2012

<sup>39</sup> Amnesty International, Sri Lanka: Locked away: Sri Lanka's security detainees, 13 March 2012 <http://www.unhcr.org/refworld/pdfid/4f5f4c3a2.pdf> (via UNHCR Refworld), Date accessed 5 November 2012

1.41 'The Human Rights and Democracy: the 2011 Foreign & Commonwealth Office Report', published in March 2012, covering events in 2011, observed that: 'There have been allegations in the media of returning migrants and refugees being abused. All such allegations in respect of returnees from the UK were investigated by our High Commission and no evidence was found to substantiate them. Returnees were encouraged to contact the High Commission if they required assistance.'<sup>40</sup>

1.42 The Foreign and Commonwealth Office's 'Human Rights and Democracy - Quarterly Updates: Sri Lanka', updated 30 September 2012 noted:

'The Asian Human Rights Commission reported 7 incidents of torture during the last three months including one death and a critical injury. A joint military and police operation to rescue three prison officials taken hostage by protesting ex-LTTE and Prevention of Terrorism Act (PTA) prisoners in June resulted in serious injuries to three prisoners. Two of the injured died in July and August and a third remained in a coma in September [2012]. Civil society and Tamil political parties allege excessive use of force. UK based NGOs Freedom From Torture and Human Rights Watch in recently released reports have alleged ill treatment of Tamils returning to Sri Lanka from the UK. All asylum cases are looked at on their individual merits but judicial decisions in the UK courts have not upheld the view that Tamils are, per se, at risk of ill treatment on return from the UK.'<sup>41</sup>

1.43 The summary of a LandInfo report on a fact-finding mission to Sri Lanka conducted in April 2012, published on 7 December 2012 (at the time of writing only a Norwegian edition had been published; a English translation will be available in due course), observed inter alia that:

'Most of the IDPs (Internal Displaced Persons) have left the camps and the inmates in the Rehabilitation Centres have been released. Their return to their places of origin (in the Vanni and Jaffna) has not created serious security and human rights-related problems. Former LTTE-cadres (rehabilitees) settling in the Vanni are continuously kept under tight security surveillance and face restrictions on movement, but relatively few seem to have been re-arrested.

'Female returnees (IDPs) and particularly female rehabilitees are vulnerable, facing both social, cultural and livelihood-related difficulties in connection with their resettlement. There are not many documented cases of sexual abuse of local women by security personnel from the Vanni region. Reported cases indicate that violence and sexual abuse of women is as much a family and community problem as a problem connected to the presence of the security personnel in the Northern Province.

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<sup>40</sup> Human Rights and Democracy: the 2011 Foreign & Commonwealth Office Report <http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/> March 2012, Date accessed 20 November 2012

<sup>41</sup> FCO, Human Rights and Democracy - Quarterly Updates: Sri Lanka, 30 September 2012 <http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/sri-lanka/quarterly-updates-sri-lanka/> Date accessed: 20 November 2012



'Human Rights Watch (HRW) has published reports on Tamils in the UK allegedly having been tortured upon return to Sri Lanka. Landinfo did not receive any information in Sri Lanka in April 2012 indicating that Tamils returning to Sri Lanka are exposed to particular security arrangements or are at risk for physical abuse.'<sup>42</sup>

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## 2. STATISTICS ON RETURNS TO SRI LANKA FROM COUNTRIES OF ASYLUM

### RETURNS FROM THE UK

2.01 Figures published by the Home Office, Migration and Asylum – research statistics tables, Immigration Statistics October – December 2011, Removals and voluntary departures data tables Immigration Statistics October - December 2011, Removals and voluntary departures by country of destination and type, update 23 February 2012, which provided data for 2009, 2010 and 2011, and Immigration Statistics July - September 2012, Removals and voluntary departures data tables Immigration Statistics July - September 2012, Volume 3, released on 29 November 2012 provided the following breakdown for asylum and non-asylum returns to Sri Lanka between the period 2009 and 2012:

Table 1: Asylum returns - voluntary and enforced (2009 to September 2012)

Year	Asylum cases: Enforced removals and notified voluntary departures	Asylum cases: voluntary Returns	Asylum cases: Other voluntary departures	Total number of asylum returns (enforced and voluntary)
2009	107	89	12	<b>208</b>
2010	117	118	12	<b>247</b>
2011	306	102	5	<b>413</b>
2012 (Q. 1-3)	227	108	2	<b>337</b>
Total	757	417	31	<b>1205</b>

43 44

<sup>42</sup> LandInfo, Temanotat Sri Lanka: Menneskerettigheter og sikkerhetsrelaterte forhold for tamilbefolkningen i Colombo og Nordprovinsen, 7 Desember 2012, p.3 [http://landinfo.no/asset/2224/1/2224\\_1.pdf](http://landinfo.no/asset/2224/1/2224_1.pdf) Date accessed 12 December 2012. An English translation of the Norwegian text was not yet available at the time of writing but will be in due course available from <http://landinfo.no/id/2224.0>

<sup>43</sup> Home Office, Migration and Asylum – research statistics tables, Removals and voluntary departures by country of destination and type (table rv.06, filtering Sri Lanka), updated 23 February 2012, <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/removals-q4-2011-tabs>, Date accessed 26 November 2012

<sup>44</sup> Home Office, Migration and Asylum – research statistics tables, Removals and voluntary departures by country of destination and type (table rv.06.q, filtering Sri Lanka), updated 29 November 2012

Table 2: Non-asylum return - voluntary and enforced (2009 to September 2012)

Year	Non-asylum cases: Enforced removals and notified voluntary departures	Non-asylum cases: Assisted Voluntary Returns	Non-asylum cases: Other voluntary departures	Total number of non-asylum returns (enforced and voluntary)
2009	90	41	94	296 <sup>45</sup>
2010	93	49	151	361 <sup>46</sup>
2011	170	41	211	452 <sup>47</sup>
2012 (Q. 1-3)	139	32	180	379 <sup>48</sup>
Total	492	163	636	1488

49 50

Table 3: Asylum and non-asylum returns combined: voluntary and enforced (combining figures in the column, 'Total number of asylum cases (enforced and voluntary)', in Table 1, and the column, 'Total number of Non-asylum cases (enforced and voluntary)', in Table 2)

Year	Total number of asylum cases (enforced and voluntary) returns	Total number of non-asylum (enforced and voluntary) returns	Total number of Asylum and Non-asylum cases
2009	208	296	504
2010	247	361	608
2011	413	452	865

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q3-2012/removals3-q3-2012-tabs?view=Binary>

date accessed 5 December 2012

<sup>45</sup> Also included 71 'Non-asylum cases: Refused entry at port and subsequently removed'

<sup>46</sup> Also included 68 'Non-asylum cases: Refused entry at port and subsequently removed'

<sup>47</sup> Also included 30 'Non-asylum cases: Refused entry at port and subsequently removed'

<sup>48</sup> Also included 28 'Non-asylum cases: Refused entry at port and subsequently removed'

<sup>49</sup> Home Office, Migration and Asylum – research statistics tables, Removals and voluntary departures by country of destination and type (table rv.06, filtering Sri Lanka), updated 23 February 2012,

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/removals-q4-2011-tabs>,

date accessed 26 November 2012

<sup>50</sup> Home Office, Migration and Asylum – research statistics tables, Removals and voluntary departures by country of destination and type (table rv.06.q, filtering Sri Lanka), updated 29 November 2012

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q3-2012/removals3-q3-2012-tabs?view=Binary>

date accessed 5 December 2012

2012 (Q. 1-3)	337	379	717
Total	1205	1488	2693*

\*Total includes 197 cases of individuals refused entry at port and subsequently departed.

See also Chapter 3, subsection [Voluntary and enforced returns of failed asylum seekers](#) (data for Switzerland and Australia)

## RETURNS FROM ‘INTERGOVERNMENTAL CONSULTATIONS ON MIGRATION, ASYLUM AND REFUGEES’ MEMBER STATES

2.02 In February 2012 the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) – on behalf of the UK Border Agency – carried out a survey amongst its participating states about asylum applications, policy and returns in regard to Sri Lanka. The survey asked, amongst other things, questions related to voluntary and enforced returns and related figures. The entire content of the IGC survey is provided at [Annex C](#). The IGC is an informal, non-decision making forum for intergovernmental information exchange and policy debate on issues of relevance to the management of international migratory flows. The IGC brings together 17 Participating States, the United Nations High Commissioner for Refugees, the International Organization for Migration and the European Commission. The Participating States are Australia, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom and United States of America.<sup>51</sup>

2.03 The IGC survey asked the following question: ‘Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?’ and reported the following answers and figures from participating states:

IGC Participating Country	Enforced returns in 2010	Enforced returns in 2011
Belgium	1	3
Canada	76	72
Denmark	0	9
Finland	1	7
Germany	10	8
Ireland	0	0
New Zealand	4	1
Norway	14	49
Sweden	1	3

Ireland noted: ‘We have not carried out any forced or voluntary returns of Sri Lankan nationals during the period in question. However, this is not due to any sort of policy of non-return, it is simply that the numbers of Sri Lankan nationals are so small that

<sup>51</sup> IGC website <http://www.igc.ch/> , date accessed 19 November 2012

they have not been prioritised for forced removals and also because no Sri Lankans have applied for voluntary return in that period.’<sup>52</sup>

Australia; The Netherlands; Switzerland and the United States stated that this information could not be disclosed; France noted that the Office Français de Protection des Réfugiés et Apatrides [OFPRA] could not provide data on the topic as this was under the exclusive jurisdiction of the Ministry of the Interior.<sup>53</sup>

- 2.04 The IGC survey also asked participating states whether – where enforcing returns to Sri Lanka – they had any mechanism in place to monitor the situation of returnees. The following participating states mentioned they had no such mechanism in place: Canada; Denmark; Germany; New Zealand; Norway and Sweden. Belgium clarified that this is ‘Only on individual request through embassy or IOM’.

Australia; The Netherlands and Switzerland stated the information could not be disclosed; France noted OFPRA had no competence on return issues and could not provide data on this topic.<sup>54</sup>

- 2.05 The IGC survey asked the following question: ‘Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?’ and reported the following answers and figures from participating states:

IGC Participating Country	Voluntary returns in 2010	Voluntary returns in 2011
Belgium	7	9
Canada	27	16
Denmark	6	6
Finland	See below	See below
Germany	11	10
Ireland	0	0
New Zealand	0	1
Norway	24	54
Sweden	11	18

Finland noted the following:

‘Currently, assisted voluntary return is implemented mainly in the framework of the project “Developing Assisted Voluntary Return in Finland” which was launched on 1st January 2010 as cooperation between the office of the International Organisation for Migration (IOM) in Helsinki and the Finnish Immigration Service. The project is funded by the European Return Fund and the Finnish Immigration Service.

<sup>52</sup> IGC comparative study on Sri Lanka, see [Annex C](#)

<sup>53</sup> IGC comparative study on Sri Lanka, see [Annex C](#)

<sup>54</sup> IGC comparative study on Sri Lanka, see [Annex C](#)

‘According to the information received from the IOM, during the (project cycle) period of 1.1.2010-28.2.2011 a total of nine persons and during 1.3.-31.12.2011 one person returned voluntarily to Sri Lanka with the assistance of the project.

Ireland noted: ‘...no Sri Lankans have applied for voluntary return in that [2010 – 2011] period.’<sup>55</sup>

Australia; The Netherlands; Switzerland and the United States stated the information could not be disclosed; France noted OFPRA had no competence on return issues and could not provide data on this topic.’<sup>56</sup>

See also Chapter 3, subsection [Voluntary and enforced returns of failed asylum seekers](#)

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## RETURNS FROM INDIA AND AUSTRALIA

### India

2.06 A press release issued by the UNHCR on 27 April 2012 observed:

‘COLOMBO, Sri Lanka – The number of Sri Lankan refugees returning home has fallen in the first quarter of 2012 compared to the previous year. Latest UNHCR statistics show that some 408 individuals voluntarily returned to Sri Lanka with UNHCR’s help during the first three months of this year, nearly a third less than the same period last year when 597 refugees returned.

“It is difficult to say exactly why the numbers are lower, but part of the reason could be the suspension since October last year of the Colombo-Tuticorin ferry service from India. Refugees told us they preferred returning by sea as they could bring more of their household goods home with them,” said UNHCR’s Representative in Sri Lanka Michael Zwack.

‘UNHCR stepped up its voluntary repatriation programme at the start of 2011, to support an increasing number of individuals who were returning home. However refugee returns slowed down towards the latter part of the year. A total of 1,728 Sri Lankan refugees returned under UNHCR’s facilitated voluntary repatriation programme in 2011.’<sup>57</sup>

2.07 The UNHCR press release continued:

‘Most refugees are returning from government-run camps in the South Indian state of Tamil Nadu. Small numbers have also returned from Malaysia, Georgia, Hong Kong and the Caribbean Island of St. Lucia.

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<sup>55</sup> IGC comparative study on Sri Lanka, see [Annex C](#)

<sup>56</sup> IGC comparative study on Sri Lanka, see [Annex C](#)

<sup>57</sup> United Nations, High Commissioner for Human Rights (UNHCR), Sri Lankan refugee returns lower in first quarter 2012, 27 April 2012  
<http://www.unhcr.lk/uplode-pdf/refugee-returns-March2012Final.pdf> Date accessed: 21 November 2012

‘UNHCR provides refugees returning home with a standard reintegration grant as a first step towards helping them restart their lives. Each individual is also provided with a modest transport grant to help them arrange their own transportation back to their villages. Once at their destination in Sri Lanka, these returnees can approach one of UNHCR's six offices, covering the north and east, and in Colombo to obtain a kit of basic household supplies.

‘Refugees are mainly returning to Trincomalee, Mannar and Vavuniya districts with smaller numbers returning to Jaffna, Kilinochchi, Batticaloa, Colombo, Ampara, Puttalam and Kandy.’<sup>58</sup>

2.08 On 30 August 2012, Irin News reported:

‘The Sri Lankan government is to step up efforts to repatriate more Sri Lankan refugees from India next year.

“In 2013, we will address the repatriation of Sri Lankan refugees living in southern India,” Sri Lanka's Minister of Resettlement Gunaratne Weerakoon told IRIN in Colombo.

‘According to Indian government figures, there are more than 100,000 Sri Lankans in the southern Indian state of Tamil Nadu, including 68,000 in 112 government-run camps and 32,000 outside the camps.

‘The government is keen to welcome thousands of ethnic Tamil Sri Lankan refugees home after two and a half decades, Weerakoon said, noting, however, that Colombo’s current priority is the resettlement of those who were internally displaced in the final stages of the decades-long civil war which ended in May 2009.’

‘Asked how a larger repatriation effort might be implemented, Weerakoon said: “It will happen in stages and will be carried out with the assistance of the Indian government and UNHCR [the UN Refugee Agency]... There needs to be special support for such returnees.”

‘Since the end of the civil war, more than 5,000 Sri Lankans have returned to the island nation under a UNHCR-facilitated voluntary repatriation scheme. Most were from refugee camps in Tamil Nadu, and originally hailed from Trincomalee, Mannar, Vavuniya and Jaffna districts, with smaller numbers from Kilinochchi, Batticaloa, Colombo, Mullaitivu, Puttalam and Kandy.

‘In 2011, 1,728 Sri Lankan refugees returned with UNHCR’s help after the agency stepped up its assistance package to returnees. By the end of July 2012 a further 758 had returned.’<sup>59</sup>

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<sup>58</sup> United Nations, High Commissioner for Human Rights (UNHCR), Sri Lankan refugee returns lower in first quarter 2012, 27 April 2012  
<http://www.unhcr.lk/uplode-pdf/refugee-returns-March2012Final.pdf> Date accessed: 21 November 2012

- 2.09 However, on 4 September 2012, the same source reported that ‘More than three years after the end of Sri Lanka’s 1983-2009 civil war, most Sri Lankan refugees in India say they would rather not return, citing economic hardship and concern over human rights abuses.’<sup>60</sup>
- 2.10 On 19 September 2012, the Sri Lankan government’s website reported:
- ‘A group of over 70 asylum seekers returned to Sri Lanka from India yesterday.
- ‘The UN High Commissioner for Refugees (UNHCR) facilitated the arrival of the Sri Lankan asylum seekers. The UNHCR offered Rs. 14,500 for an elder and 11,500 for a minor on arrival at the BIA [Bandaranaike International Airport, Colombo]. The accounts were opened under the names of the chief households of the family at the Bank of Ceylon.
- ‘For the convenience of the returnees, the UNHCR has set up a special office at the entrance of the airport.’<sup>61</sup>
- 2.11 The UNHCR Sri Lanka ‘Results of Household Visit Protection Monitoring Interviews of Sri Lankan Refugee Returnees of 2011, dated May 2012, noted in its introduction:
- ‘Since the end of the armed conflict in Sri Lanka in May 2009, increasing numbers of Sri Lankan refugees and asylum-seekers outside the country have been considering the possibility of voluntary repatriation.
- ‘Responsive to this demand, UNHCR Sri Lanka in cooperation with UNHCR offices in countries of asylum, continues to facilitate the voluntary repatriation of these Sri Lankans.
- ‘Essential to this on-going voluntary repatriation initiative is credible data regarding the return and reintegration experience for those who have already repatriated. Solid protection monitoring data of these refugee returnees allows UNHCR to intervene as relevant to improve protection of these persons of concern. This protection data and analysis also assists UNHCR staff in countries of asylum to better counsel Sri Lankan refugees and asylum-seekers who are considering return regarding the challenges and potential risks. Such counseling, when backed by solid protection data and analysis, helps to insure that any decision to repatriate is an informed one.
- ‘For repatriation facilitated by UNHCR, UNHCR staff in the country of asylum counsel prospective returnees, and verify the voluntary nature of their decision. UNHCR then provides air or sea transport for the refugee returnees. UNHCR Sri Lanka staff meet

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<sup>59</sup> Irin News, Sri Lanka: Government welcomes refugee repatriation from India, 30 August 2012 <http://www.irinnews.org/Report/96203/SRI-LANKA-Government-welcomes-refugee-repatriation-from-India> Date accessed: 22 November 2012

<sup>60</sup> Irin News, Sri Lanka: Refugees in India reluctant to return, 4 September 2012 <http://www.irinnews.org/Report/96233/SRI-LANKA-Refugees-in-India-reluctant-to-return> Date accessed: 22 November 2012

<sup>61</sup> Government of Sri Lanka (GOSL) – News Line, Another group of refugees returned from India, 19 September 2012 [http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201209/20120919another\\_group\\_refugees\\_returned\\_india.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201209/20120919another_group_refugees_returned_india.htm) Date accessed 21 November 2012

each facilitated returnee upon arrival at the airport or port and ensures safe arrival. UNHCR Sri Lanka, in a program with the Bank of Ceylon, opens a bank account with a reintegration grant deposited for each household in the joint name of the husband and wife. UNHCR Sri Lanka also provides a modest transportation allowance in cash to the returnees for onward transportation to their villages of origin. Upon arrival in the villages of origin, the facilitated returnees visit one of the five UNHCR offices in the field to receive non-food item (NFI) assistance. Returnees also receive counseling on reintegration support, including procedures to obtain essential civil documentation such as birth certificates and national identity cards. Returnees are also directly linked to mine risk education programs underway in their areas of return.

‘Concurrently, a consistent number of Sri Lankan refugees continue to return spontaneously. Although these spontaneous returnees are not eligible for UNHCR cash grants and NFI assistance, UNHCR encourages spontaneous returnees to approach UNHCR offices in their area of return, for protection monitoring and referrals to specialised agencies that can support their initial reintegration process.

‘...UNHCR Sri Lanka field staff visit the households of a representative sample of refugee returnees, to collect a lengthy mix of quantitative data as well as ask open questions regarding the return and reintegration experience. As the UNHCR household visit to them is at periods ranging from one week to one year after return, UNHCR gains in depth knowledge and assessment in analyzing the reintegration process and protection challenges faced by the returning refugees in a mid- and long-term perspective. And because interviews take place inside the returnee’s home, a greater accuracy and depth of response is expected.’<sup>62</sup>

2.12 With regards to the methodology utilised, the UNHCR Sri Lanka document observed:

‘The sampling was carried out in all five Districts in the Northern Province and in Trincomalee District in the Eastern Province. Using structured questionnaires, face to face interviews were conducted with a sample of 173 respondents.

‘The sample represented both spontaneous and facilitated refugee returnees who approached UNHCR field offices.’

‘Household visits and interviews took place during the month of November and December 2011, as well as April 2012.’<sup>63</sup>

2.13 The Summary of findings of the UNHCR Sri Lanka document noted inter alia:

‘In general, most refugee returnees of 2011 found repatriation and reintegration to be a positive experience:

‘The significant majority of refugee returnees are satisfied with their family’s decision to return.

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<sup>62</sup> UNHCR Sri Lanka, ‘Results of Household Visit Protection Monitoring Interviews of Sri Lankan Refugee Returnees of 2011, May 2012, p1 (copy available on request)

<sup>63</sup> UNHCR Sri Lanka, ‘Results of Household Visit Protection Monitoring Interviews of Sri Lankan Refugee Returnees of 2011, May 2012, p3 (copy available on request)



‘Virtually all refugee returnees recommended voluntary repatriation to Sri Lankan refugees still in countries of asylum.

‘Amongst all refugee returnees sampled, most expressed as their top challenge the resumption of livelihoods, with shelter inadequacy a second. Two thirds of returnee families rely on occasional day labour, and do not have a stable income.

‘Very few expressed that security was their top, or second ranked, challenge. Few expressed that landmines/UXOs impact their daily lives, although it is known that there is significant contamination in the North and the East.

‘Few expressed concerns regarding military presence in their area of return.

‘Virtually all of returnees stated they are not treated differently by their community because they are refugee returnees.

‘Most returnees remained where they returned to, without onward movement, and declared an intention to continue to remain. A significant minority of returnee households had since return moved to a third location, and could not be interviewed.’  
64

2.14 The same document also observed;

‘Sample size: Although the sample size sought (173 households) is relatively limited, the high sample proportion (25% of all households of 2011 returnees), and its reach to all Districts of significant refugee return, renders this data highly representative of the refugee returnee experience during that period as reported by the refugee returnees themselves.

‘Refugee returnees, not IDP returnees: The data reflects the experience of refugee returnees in 2011, and should not be assumed also to reflect the experience of IDP returnees.’<sup>65</sup>

2.15 The ‘Detailed Summaries by Themes’ of the above mentioned document included the following: ‘Sample size and availability for interview; Age/gender/household role of respondent; Mode and duration of return; country of asylum; Returnee sentiments regarding return & reintegration; Registration & other visits by authorities; Civil documentation; Land & Shelter; Security; Livelihood and Reintegration programmes of UNHCR and other agencies.’<sup>66</sup>

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## Australia

<sup>64</sup> UNHCR Sri Lanka, ‘Results of Household Visit Protection Monitoring Interviews of Sri Lankan Refugee Returnees of 2011, May 2012, p4 (copy available on request)

<sup>65</sup> UNHCR Sri Lanka, ‘Results of Household Visit Protection Monitoring Interviews of Sri Lankan Refugee Returnees of 2011, May 2012, p5 (copy available on request)

<sup>66</sup> UNHCR Sri Lanka, ‘Results of Household Visit Protection Monitoring Interviews of Sri Lankan Refugee Returnees of 2011, May 2012, Table of context, (copy available on request)

2.16 On 2 November 2012 ColomboPage reported:

‘Australia has returned another group of Sri Lankan nationals home on a charter flight that left from Christmas Island late Thursday.

‘The office of Australian Minister for Immigration and Citizenship Chris Bowen said in a release that 26 single adult Sri Lankan males, who arrived by boat at Christmas Island and Cocos Islands earlier this week, were advised of their status and removed from Australia.

‘The men had not made any claims for asylum in Australia and therefore Australia had no any international obligations to them, Bowen has told media.’

‘When asked about the cost to return the asylum seekers on chartered flights, the Minister justified the cost saying that it is a cost well-worth paying if it helps to deter the asylum seekers and break the people smugglers spin.’<sup>67</sup>

2.17 The media release issued on that day by Chris Bowen MP, Australia’s Minister for Immigration and Citizenship stated:

‘They raised no issues that engaged Australia's international obligations.

‘Without a valid visa they had no legal right to remain in Australia and were removed at the earliest opportunity.

‘This government is committed to breaking the evil people smuggling trade and preventing people from taking dangerous boats.

‘People who pay smugglers are risking their lives and throwing their money away. There is no visa awaiting them on arrival, no speedy outcome, and no special treatment.

‘We will continue to regularly transfer people to Nauru and shortly to Manus Island, and seek to return them where appropriate.’<sup>68</sup>

2.18 On 6 November 2012 Radio Australia reported:

‘The International Organisation for Migration has backed the Australian government's view that some of the Sri Lankans arriving in Australia by boat are economic migrants, not refugees.

‘The IOM is working with Australia trying to convince Sri Lankans not to make the dangerous journey and helping repatriate those who chose to return home rather than wait for years in detention centres.

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<sup>67</sup> ColomboPage, Australia returns 26 Sri Lankan illegal migrants home, 2 November 2012 [http://www.colombopage.com/archive\\_12A/Nov02\\_1351840177CH.php](http://www.colombopage.com/archive_12A/Nov02_1351840177CH.php) Date accessed 23 November 2012

<sup>68</sup> Chris Bowen MP, [Australia’s] Minister for Immigration and Citizenship Group of Sri Lankans removed from Australia, 2 November 2012 <http://www.minister.immi.gov.au/media/cb/2012/cb191395.htm> Date accessed 20 November 2012

'Last week Australia's Immigration Minister Chris Bowen sent 26 men back to Sri Lanka who had arrived by boat, suggesting they were economic refugees.

'Richard Danziger [Chief of Mission for the International Organisation for Migration in Sri Lanka] says many of those who have chosen to return to Sri Lanka rather than wait to be processed on Nauru or Australia originally left their homeland in search of work... some [asylum seekers] are facing pressure from their own families to stay in Australia or Nauru and persist with their claims.'<sup>69</sup>

- 2.19 A media release issued on 23 November 2012 by Chris Bowen MP, Australia's Minister for Immigration and Citizenship stated:

'Five groups of Sri Lankan families have been returned to Sri Lanka today as part of the 11th involuntary removal this month.

'The family groups, made up of eight adults and four children, as well as 15 single adult men were sent home on a flight from Christmas Island to Colombo.

'They were all recent arrivals from a number of different boats and takes to 493 the number of Sri Lankans returned involuntarily since 13 August.

'The government will continue to return people where they do not engage Australia's international obligations.

'Since August 13, more than 600 Sri Lankans have returned home – both voluntarily and involuntarily – as people realise that these smugglers only sell lies and false promises about what awaits people in Australia.'<sup>70</sup>

- 2.20 A similar media release issued on 30 November 2012 by Chris Bowen MP noted that 'Another group of 50 Sri Lankan men has been returned to Colombo today, taking to 593 the number of Sri Lankans removed involuntarily since August 13.' Since that time 'more than 700 Sri Lankans have returned home — both voluntarily and involuntarily...'<sup>71</sup>

Additional [press releases issued by Australia's Minister for Immigration and Citizenship](#) in 2012 are accessible from the hyperlink.

- 2.21 On 4 December 2012 AFP reported:

<sup>69</sup> Radio Australia, IOM says some Sri Lankan asylum seekers really economic migrants, 6 November 2012, <http://www.radioaustralia.net.au/international/radio/program/connect-asia/iom-says-some-sri-lankan-asylum-seekers-really-economic-migrants/1042032> Date accessed 23 November 2012

<sup>70</sup> Chris Bowen MP, [Australia's] Minister for Immigration and Citizenship, Family groups returned to Sri Lanka, 23 November 2012, <http://www.minister.immi.gov.au/media/cb/2012/cb191988.htm> Date accessed 26 November 2012

<sup>71</sup> Chris Bowen MP, [Australia's] Minister for Immigration and Citizenship, Group of Sri Lankans returned to Colombo, 30 November 2012, <http://www.minister.immi.gov.au/media/cb/2012/cb192089.htm> Date accessed 4 December 2012

'A group of 56 Sri Lankan asylum-seekers have challenged their deportation from Australia, claiming the government ignored pleas that they risked persecution back home, refugee advocates said Tuesday.

'Australia has sent more than 500 Sri Lankan men back to Colombo involuntarily since August, deeming them economic migrants.

'But a group of 56 who had been scheduled for deportation applied for an injunction against their removal in the High Court late on Monday [3 December 2012], said Ian Rintoul, a campaigner with the Refugee Action Coalition.

'No injunction was granted but the asylum-seekers won an undertaking from the government that they will not be removed before their case returns to court on Thursday, he said.

'Rintoul said the screening process the men had been subjected to was "entirely unaccountable, non-transparent, non-reviewable".

"We don't know the criteria on which these decisions are made; but they are clearly life and death decisions," he told AFP.

'He said it appeared that anyone whose claim of persecution predated the April 2009 end of the civil war in Sri Lanka was sent back, while others were cut off as they answered questions during their interviews.'<sup>72</sup>

## 2.22 The AFP article added:

"We are quite sure that people have what in other circumstances would be a request, and an explicit request, for protection from Australia on the basis of risk of persecution, but they are being ignored," Rintoul said.

'Pamela Curr, from the Asylum Seeker Resource Centre, told state broadcaster ABC that many of the men being returned to Sri Lanka were being "screened out and deported".

'Immigration Minister Chris Bowen - who has overseen a policy on boatpeople which has seen hundreds of asylum-seekers sent to the Pacific islands for their claims to be processed offshore - said through a spokesman that it would be inappropriate to comment given the court proceedings.'<sup>73</sup>

## 2.23 On 6 December 2012 the Sidney Morning Herald (SMH) reported that:

'Asylum seekers forcibly deported from Australia say the government ignored their claims of persecution, granted them only one brief interview in detention and knowingly sent them back to danger in Sri Lanka.

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<sup>72</sup> Sri Lankan asylum-seekers challenge Australia deportation, 4 December 2012  
<http://reliefweb.int/report/australia/sri-lankan-asylum-seekers-challenge-australia-deportation>  
date accessed 5 December 2012

<sup>73</sup> Sri Lankan asylum-seekers challenge Australia deportation, 4 December 2012  
<http://reliefweb.int/report/australia/sri-lankan-asylum-seekers-challenge-australia-deportation>  
date accessed 5 December 2012

'The United Nations High Commissioner for Refugees says their forcible deportation, and subsequent imprisonment, raises "troubling concerns" with Australia's asylum processes.

'Fairfax Media met with members of the latest group of 50 men expelled from Australia - 38 Tamils and 12 Sinhalese who were deported last Friday [30 November] - after they were bailed from Negombo court on Sri Lanka's west coast.

'It comes as the Australian government agreed in the High Court on Wednesday [5 December] to reconsider the refugee claims of 56 Tamil men due to be deported this week.

'The men had previously been "screened out" of the refugee process but launched a legal bid to have their claims heard.'<sup>74</sup>

#### 2.24 The SMH article continued:

'A spokesman for the UNHCR in Canberra said the agency was troubled by the way Australia was processing people's claims.

"In principal, UNHCR has no objection to the return of people found clearly not to need international protection," he said.

"However, the first step must be a fair and accurate process to assess any protection claims that are raised.

"The current procedures raise troubling questions as to both fairness and accuracy, which we have raised with the Australian government."

'An immigration department spokesman would not respond to specific questions about screening processes, saying: "The department does not discuss specifics of its discussions with clients."

'But he said: "The removal of these people was consistent with Australia's non-refoulement obligations [not to return people to danger].

'Since May 2012 there has been an increasing number of people outlining that their reasons for coming to Australia were based on economic concerns. The process and then removal of people who make economic claims or who otherwise make unfounded claims for protection is consistent with Australia's obligations.'<sup>75</sup>

See also Enquiries made the British High Commission, Colombo, sub-section [Voluntary and enforced returns of failed asylum seekers](#)

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<sup>74</sup> Sidney Morning Herald, Asylum officials 'ignore claims', 6 December 2012  
<http://www.smh.com.au/opinion/political-news/asylum-officials-ignore-claims-20121205-2avx6.html> date accessed 6 December 2012

<sup>75</sup> Sidney Morning Herald, Asylum officials 'ignore claims', 6 December 2012  
<http://www.smh.com.au/opinion/political-news/asylum-officials-ignore-claims-20121205-2avx6.html> date accessed 6 December 2012

### 3. ENQUIRIES MADE BY THE BRITISH HIGH COMMISSION, COLOMBO

#### PROCEDURES FOR RETURNEES ARRIVING AT COLOMBO INTERNATIONAL AIRPORT

- 3.01 A letter from the British High Commission (BHC) Colombo, dated 2 November 2012, noted:

‘The British High Commission in Colombo monitors the situation faced by Sri Lankan nationals who have been returned to Colombo, especially Tamils. Between 3 -17 September 2012 officials from the High Commission spoke to several interlocutors in Colombo to gauge the current situation [most of the interlocutors asked that they and their organisations should not be named]. This was in response to several allegations made in the public domain that the situation for Tamils had deteriorated and that there was a high risk of mistreatment on return.’<sup>76</sup>

- 3.02 With regards to the question ‘What procedures are in place to identify failed asylum seekers (FAS) at the airport and those who are wanted by the authorities?’ the BHC letter reported:

‘A spokesperson for the Swiss Embassy stated that the Swiss Government only return persons on scheduled flights. They do not inform the Sri Lankan authorities in advance. Many of their returnees are voluntary, although they have enforced returnees, some of whom may be escorted by two civil police officers. The authorities at the airport question them, but there have been no problems.

‘A caseworker in Sri Lanka stated that his organisation do not recognise them as FAS, and term them as irregular or stranded migrants. On arrival the authorities check the individuals on a database against criminal records and a “wanted list”, and may track returnees with bad [immigration] records. It was added that his organisation had no involvement with these procedures but said that all returnees on both scheduled and charter flights went through the same procedures and that there was no difference in the way that the authorities viewed them. Often charter flights were accompanied by more escorts and the British High Commission always sent a representative to meet charters from the UK to provide assistance.

‘A spokesperson for the Australian High Commission said that in their experience the authorities are notified by the airlines carrying enforced returnees. For voluntary returnees there was no formal notification by the airlines. They added that often, those persons who left Sri Lanka lawfully, and those returnees travelling using their original travel document just passed straight through the immigration control. The usual process was that the Department of Immigration & Emigration (DIE) did their checks to see if a returnee was on their “watch list” or left the country illegally. The returnees are then referred to the State Intelligence Service (SIS) and the police Criminal Investigation Department (CID). CID check with the returnees’ local police station and this can take some time.

‘An international agency told us that from their experience of operating a voluntary repatriation programme, returnees were gathered in the transit area and remained

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<sup>76</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

with DIE officials for around 2 - 2½ hours who interviewed heads of family only. Returnees were then passed to SIS who interviewed them for around 2 hours and sometimes interviewed children of all ages as well. They added that persons aged 20 - 45 were interviewed in more detail.

‘A representative of a local non government organisation (NGO) in Colombo said that returnees are checked against the “black list” or “watch list”, but added that none of the cases that they had been involved with had been detained or arrested, and the longest time they had been delayed for process was one and a half hours. Indeed, they stated that some of their returnees were not questioned at all, even those holding an emergency passport.

‘A Colombo based independent organisation said they did not know directly first hand, but they were aware that there were periods where CID and TID (Terrorist Investigation Department) monitored those coming back to Sri Lanka. They had not spoken to anyone detained at the airport but they knew that SIS was there to monitor those who leave and return especially during the UN Human Rights Council meetings in Geneva.

‘A spokesman for CID said all deportees are spoken to by his officers who record their details. In some cases they are referred to his department by the airlines or DIE as being in possession of forged documentation or because they are wanted. If a deportee\* was wanted they would refer them to the relevant agency, if they were not wanted then they would be allowed to proceed. (\*NB. The Sri Lankan Authorities refer to anyone returned, refused entry, removed or indeed deported by another country as a ‘deportee’)

‘A spokesman for DIE said that under their new Readmission Case Management System (RCMS) returnees would be identified and records established on their database before their arrival. If they were not in possession of a valid passport they would be issued with a Temporary Travel Document (TTD) by the Sri Lankan High Commission in London. He added that all returnees were referred to SIS and CID regardless of whether they had a valid passport.’<sup>77</sup>

3.03 With regards to the question ‘What would happen to a Tamil on arrival at Colombo Airport?’ the BHC letter reported:

‘A spokesperson for the Swiss Embassy stated that there is no difference to the way a Tamil is treated, and that the same procedures apply for all ethnic groups. They have returned mainly Tamils, and occasionally Muslims. They said that the authorities appeared more interested in the illegal smuggling of these persons, but added that they had received no complaints from their returnees, not even that that [sic] the authorities had taken any money from them.

‘A caseworker in Sri Lanka stated that the arrivals process does not distinguish between ethnicities, but added that the larger number of returnees were Tamils who were dealt with exactly the same as the others.

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<sup>77</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A spokesperson for the Australian High Commission stated that procedures for Tamils are the same as for Sinhalese. They added that Tamils come under more scrutiny from SIS who seek more details about their activities abroad and about how they left the country.

‘An international agency said that they conducted background searches beforehand in order to expedite procedures, but added that Tamils may take a little longer to process and the interviews are a bit more intensive. Those who left Sri Lanka between 2006 - 2009 faced a bit more scrutiny, although they found that the process was not intimidating at all.

‘A local NGO in Colombo opined that Tamils may be looked at twice, but that does not mean that they would be harassed or detained; although this was probably due to pressure by the international community. They added that if they held a passport they would be cleared quickly, but if they travelled on an emergency passport they may face more questions.

‘A Colombo based independent organisation said that from what they had heard if the authorities have concerns about anyone, or identified any with ties with the Liberation Tigers of Tamil Eelam (LTTE), they are taken aside, questioned, given no access from outside and are detained and released after a couple of hours. They added that there is hearsay that people are held and tortured, but they did not have that information.

‘A spokesman for CID said they would be dealt with exactly the same as the others, that they do not treat any group differently, and that all face the same procedures. He did add that there were language barriers in that many Tamil returnees did not speak English or Sinhala. In those cases a Tamil speaking officer would be sought.

‘A spokesman for DIE said that returnees were not treated by race, they were all Sri Lankan. He added that all deportees were referred to SIS and CID.’<sup>78</sup>

3.04 As for the question ‘What checks are undertaken [at the airport]?’ the BHC letter of 2 November 2012 observed:

‘A spokesperson for the Swiss Embassy said that on arrival all of their returned failed asylum seekers are interviewed by DIE, cross-checked by the police and looked into by the SIS. Often the voluntary returnees just walk through without being interviewed.

‘A caseworker in Sri Lanka said that Immigration check their travel documents, and then they refer the returnees to the SIS, who take statements from them, and then the police CID, who conducted checks with their local police station. In some special cases the returnees were referred to the police TID. They added that all returnees are dealt with the same, although there have been medical concerns regarding returnees from West Africa having malaria, who are made to undergo a medical examination on arrival. Also some voluntary returnees from certain countries had not been referred for further checks, although this may have been down to the individual immigration officer and the fact that they were travelling on their original passports.’

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<sup>78</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text



‘An international agency stated that returnees were asked basic questions as to when they left the country, if they had any links to the LTTE, and what they did abroad. They added that if returnees were considered to be withholding information that may cause agitation amongst interviewing officers.

‘A local NGO in Colombo explained that DIE interviewed each returnee dependent on what sort of travel document they were holding. It was added that one of their clients alleged to having had to pay a bribe of £50 to an officer.

‘A Colombo based independent organisation said checks are conducted to see if returnees have links with the LTTE.

‘A spokesman for CID said that they checked returnees on their databases to see if they were wanted or suspected of any offence, adding that these people left for a reason.

‘A spokesman for DIE said that if a person presented a Sri Lankan passport or temporary travel document they would check their details against their border control and passport databases, and also against their prosecution lists for Court Orders. He added that their system had not yet been linked up to the Interpol database.’<sup>79</sup>

For the full text of the above mentioned letter see [Annex B](#)

See also paragraph 3.35 [Charter flights from the UK](#)

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## MONITORING OF RETURNEES

3.05 A letter from the British High Commission (BHC) Colombo, dated 2 November 2012, reported on the following questions on the monitoring of returnees:

‘Does your organisation monitor returning failed asylum seekers (FAS)?

‘A spokesperson for the Swiss Embassy said they did not monitor their returnees, adding that there was no need as they can address the Embassy at any time.

‘A caseworker in Sri Lanka said that they did monitor reintegrated returnees through their support programmes. They added that they meet returnees and discuss reintegration and sustainability.

‘A spokesperson for the Australian High Commission said they viewed the arrival process, either personally or through the International Organization for Migration (IOM), but did not have a formal monitoring capacity at the airport. Their role ceased once returnees had gone through the arrival process. Returnees were though provided with post arrival assistance on a case by case basis and the High Commission received pre-departure reports on cases with potential issues. There

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<sup>79</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

was no monitoring of human rights, only follow-up pastoral care by IOM, who provided a feedback function through reporting. It was also added that they do investigate any allegations of mistreatment.

‘An international agency said that they did monitor returnees and had compiled a report which was to be released once cleared by the Sri Lankan government.

‘A local NGO in Colombo said that they connected their returnees to caseworkers who officially kept in touch with them for one year. They added however that some just did not keep in touch and disappeared, and also that they did not offer legal support to returnees.

‘A Colombo based independent organisation said they did not meet, monitor or support returnees.’<sup>80</sup>

3.06 The BHC letter continued:

‘Does your organisation meet returning FAS at Colombo Airport?’

‘A spokesperson for the Swiss Embassy said that they do not meet their returnees unless it is specifically requested by the authorities in Switzerland. This was not a regular occurrence.

‘A caseworker in Sri Lanka confirmed that they do meet returning FAS at the airport.

‘A spokesperson for the Australian High Commission referred to their previous answer above.

‘An international agency confirmed that they did meet returnees at the airport.

‘A local NGO in Colombo said that returnees decided themselves in advance as to whether they required a meet and greet service.

‘Do you provide assistance to FAS after their arrival? If so, what and for how long?’

‘A spokesperson for the Swiss Embassy said that their voluntary returnees are able to apply for a payment of up to 4 - 5,000 Swiss Francs (£2,600 - £3,300) per person. Payments are assessed both in Switzerland and in Sri Lanka and are tailored to individual needs. Medical assistance is also made available. They added that enforced returnees only receive travel money before departing Switzerland.

‘A caseworker in Sri Lanka stated that they provided post arrival assistance to returnees from several countries, including Australia and EU countries. They have staff in Colombo and Jaffna who work with returnees and the length of assistance depends on the donor country and the type of reintegration programme. For example the West African project is up to 18 months whereas the EU standard project last 6 months. They added however that with some of their community based projects they are still in touch with returnees from 5 years ago.

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<sup>80</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A spokesperson for the Australian High Commission again referred to their previous answer above, adding that they are running a project with IOM which would provide assistance to returnees for up to 6 months, but had not done any yet.

‘An international agency said all they offered was a reintegration grant and transportation allowance, and opened bank accounts for returnees.

‘A local NGO in Colombo said they provide assistance for up to one year. Often returnees require assistance with obtaining documents, but mostly they require business development, access to business services, or to continue studies. They pointed out that having decided what assistance they required before arriving in Sri Lanka, 75% of them changed their minds once they were back.’<sup>81</sup>

3.07 The BHC letter added:

‘How accessible to FAS is your organisation or other organisations such as NGOs, United Nations and western embassies?’

‘A spokesperson for the Swiss Embassy said that their returnees are free to come and see them at the Embassy. It was added that it is rare for the Embassy to be informed of removals in advance from Switzerland because the process for returning people has become so smooth.

‘A caseworker in Sri Lanka said that their organisation were very accessible. The door to their offices was always open, returnees are given phone numbers, there is a network of support workers and other returnees they can turn to, various forums they can attend and they even carry out Skype chats with clients. They have received no criticism from returnees regarding their accessibility.

‘A spokesperson for the Australian High Commission said that they provide returnees with a mobile phone number and contact details for the Australian High Commission, plus returnees could always approach them through the front gate. As part of their project IOM set up contact arrangements, which also acted as intelligence gathering and enabled them to conduct surveys regarding community perceptions to migration.

‘An international agency said that they did protection monitoring, and that returnees visited their officers in each of their districts, as well as their officers undertaking household visits . These questions then generated their reports. They added that security was not their focus now.

‘A local NGO in Colombo said that they had not had any major complaints regarding their accessibility. They have had to rethink their network and amended and adjusted their programme to suit the returnees. They added that many of their returnees have become friends, phone regularly, pop into the office to talk and have even invited their staff to weddings.

‘Are FAS and other returnees who experience problems on return able to report these difficulties to human rights groups or other organisations?’

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<sup>81</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A spokesperson for the Swiss Embassy said that the Federal Office for Migration sometimes use the International Organization for Migration (IOM) to liaise with returnees.

‘A caseworker in Sri Lanka said that returnees often talk to lawyers in Sri Lanka, although in many cases that was to try and get back to the country from where they had been returned. Also, they had access to the Human Rights Commission. They added that they had not recently encountered any returnees with problems.

‘A spokesperson for the Australian High Commission said that they were only aware of complaints made directly to them, but assumed returnees did have access to human rights groups, adding that a recent case of theirs had gone to Amnesty International.

‘An international agency said they were able to go to their offices.

‘A local NGO in Colombo said that in their experience of dealing with returnees none had complained of problems, only one family had a brief problem at a major check point when they could not initially locate their identity documents.’<sup>82</sup>

See also subsection [Charter flights from the UK below](#)

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## TREATMENT OF RETURNEES

3.08 A letter from the British High Commission (BHC) Colombo, dated 2 November 2012, reported the following on the question ‘**In what circumstances may the authorities detain a returnee, and if so, where?**’:

‘A spokesperson for the Swiss Embassy said that returnees may be detained if there is an outstanding lawsuit against them, if they are on the “black list”, or if there is a strong indication that they are involved in human smuggling. They added that they thought membership of the LTTE was no longer an issue. Those detained are usually taken to Negombo (the nearest large city to the airport) and presented at Court. Also, those with a criminal record may face further questioning.

‘A caseworker in Sri Lanka stated that they were only aware of two cases where a returnee was detained in the past 12 months. Both were due to their criminal records and had outstanding warrants. One was from West Africa and the other from Indonesia.

‘A spokesperson for the Australian High Commission said that those with outstanding arrest warrants and those involved in people smuggling were liable to arrest.

‘An international agency said that they were aware of two arrests on arrival. The first was detained in 2010 and was alleged to have links to a high level paramilitary leader. He remains in detention, has had legal counsel made available, but there is

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<sup>82</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

not much information about his status. The second travelled on a forged document and is currently on bail pending a criminal prosecution.

‘Representatives from a local NGO in Colombo said that none of the voluntary returnees they had met on arrival had been detained, but gave the opinion that a returnee may face further scrutiny if they had trouble explaining who they were, where they were going to and also how they left the country.

‘A Colombo based independent organisation said those identified as having links to or sympathies with the LTTE could face further scrutiny. They opined that there was paranoia in the regime and that they are clearing up the remnants of the LTTE.

‘A spokesman for CID stated that if a returnee is in possession of a forged passport then they will be arrested, and similarly if they are imposters. His department will then follow the correct legal procedures.

‘A spokesman for DIE said that if having checked on their databases it was established that a person had presented a false passport they would hand them to CID to prosecute them. If the person turned out to be Indian or Bangladeshi or another nationality, they would hand them back to the airline and contact the relevant Embassy or High Commission in Colombo. In some cases it had been known that the Court orders persons to be sent to India.’<sup>83</sup>

3.09 The same letter also dealt with the questions ‘**What profile of Tamil is detained and/or interrogated on arrival at Colombo Airport?**’ and ‘**Are other groups detained and interrogated, and if so, under what circumstances?**’ and noted:

‘A spokesperson for the Swiss Embassy said that the interviews of returnees can go on for two hours. They did not consider that detention and pointed out that an asylum interview at the Swiss Embassy takes three hours.

‘A caseworker in Sri Lanka said that in their experience only those where there was mistaken identity, outstanding charges or on the “wanted list”.

‘A spokesperson for the Australian High Commission stated that it depended on circumstances but recalled the case of a deportee who was interviewed because he left Sri Lanka illegally.

‘An international agency stated that everyone is subject to questioning, and that the questions posed by officials are standardised. They thought that the more recent departures and the age group of the returnees were relevant; however, they added that they did not see a distinction from countries of origin.

‘A local NGO in Colombo stated that they did not know of any being detained. They opined that maybe Tamils from deep inside the former war zone may face further scrutiny, or asked how they have left the country. They added that from their experience no single women had been questioned further.

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<sup>83</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A Colombo based independent organisation opined that those with links to the LTTE, those critical of the government, those who were providing meals to cadres, neighbours, or links with someone who was involved. Even those who have been rehabilitated in the north and east are still questioned as to who they are seeing and speaking to.

‘A spokesman for CID denied that Tamils were detained or interrogated on arrival.

‘A spokesman for DIE stated that they did not detain persons at the airport and that all persons are dealt with exactly the same.’<sup>84</sup>

3.10 With regards to the question ‘**Are other groups detained and interrogated, and if so, under what circumstances?**’, the BHC letter reported:

‘A spokesperson for the Swiss Embassy said that additional questions may be asked of persons returning from the north and previously LTTE held areas, or if they had strong connections or links to the LTTE. They added that when a returnee had left Sri Lanka played a part. If they had for example left in the mid-1990s, they may be interviewed and even made to register in their home district.

‘A caseworker in Sri Lanka said they did not know of any.

‘A spokesperson for the Australian High Commission said they were not aware of any.

‘An international agency said they did not know of any.

‘A local NGO in Colombo said they had only experience of returnees who had come through their programme and could not comment.

A Colombo based independent organisation stated that during the UNHRC [sessions] in Geneva people are questioned on both leaving and entering the country.

‘A spokesman for CID said that if a person was suspected of terrorism by SIS, they would be handed to the Terrorist Investigations Department (TID).

‘A spokesman for DIE stated that anyone suspected of committing immigration offences are investigated.’<sup>85</sup>

3.11 As for the question ‘**Are additional questioning/interrogations carried out elsewhere? If so, under what circumstances?**’ the BHC letter of 2 November 2012 noted that:

‘A spokesperson for the Swiss Embassy said they were not aware of any.

‘A caseworker in Sri Lanka stated that they had no experience of this, but recalled the case of a returnee on a UK charter flight who had been arrested on return as the

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<sup>84</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>85</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

subject of an outstanding warrant for the murder of two policemen. He was taken to prison in Kalmunai.

‘A spokesperson for the Australian High Commission said that there had been a case of one returnee being a deserter from the Sri Lankan Air Force who was taken to the Air Force headquarters. Also a recent enforced returnee was taken to the CID headquarters in Colombo prior to being released a few hours later.

‘An international agency said that returnees are dealt with at the airport and that if they are overly suspicious, CID get involved. They were only aware of the two cases being detained (as mentioned above) in more than 2½ years, and out of more than 4,000 returnees.

‘A local NGO in Colombo said they had not heard of any yet.

‘A Colombo based independent organisation said they did not know where they were detained, but in country they were detained at secret locations.

‘A spokesman for CID said that generally they did not arrest returnees and so could not take them into Colombo. All of their interviews are carried out at their airport office, and under Sri Lankan law they have to present a suspect to the nearest Court within 24 hours.

‘A spokesman for DIE said that persons detained awaiting removal are handed to Aviation Services Limited who provide the facilities to hold them until their departure.’<sup>86</sup>

3.12 The BHC letter of 2 November 2012 also reported on **whether (and how) a series of factors would affect the way an individual is treated at the airport.**

‘Having a previous record as a suspected or actual LTTE member[::]’

‘A spokesperson for the Swiss Embassy said that they had not come across any but thought high profile cases and those suspected of war crimes may come under scrutiny.

‘A caseworker in Sri Lanka stated that they had experienced several returnees from West Africa being identified as ex LTTE having gone through the governments rehabilitation programme. None were detained.

‘An international agency said that it depended on the profile. Those from the political wing would be under more scrutiny, and anyone who fought with the LTTE would be of interest to the authorities. They thought that people with any interest to anyone in the LTTE, or links to the LTTE would be of interest, but would not necessarily determine detention, adding that a person could be a chef or a photographer.

‘A spokesperson for the Australian High Commission confirmed that that being a suspected or actual member of the LTTE would be a factor and the individual would face further scrutiny.

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<sup>86</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A Colombo based independent organisation agreed this would be a factor.

‘A spokesman for CID stated that most of the LTTE suspects were rehabilitated, very few leaders are around and his department are not expecting to arrest LTTE cadres. If they did suspect someone of LTTE activities they would be referred to TID.

‘A spokesman for DIE said that his department only establish nationality.’<sup>87</sup>

3.13 The BHC letter continued:

[If an individual] has been identified as **having relatives in the LTTE**[:]

‘A spokesperson for the Swiss Embassy said they were not aware of any.

‘A caseworker in Sri Lanka thought this was immaterial.

‘A spokesperson for the Australian High Commission stated that any LTTE connections would cause the authorities to investigate further.

‘An international agency said that they assumed that they would be asked about relatives.

‘A Colombo based independent organisation agreed this would be a factor.

‘A spokesman for CID said this was not a factor as his department possessed a good database to confirm people’s records. He again said that most LTTE cadres were rehabilitated, adding that they can complete their checks within 1-2 hours.’<sup>88</sup>

[If an individual] has spent time/has been released from rehabilitation camps for LTTE cadre/those with LTTE connections[:]

‘A spokesperson for the Swiss Embassy said this was a difficult and the most problematic group. The way they were dealt with depended on the area they lived, their involvement, their ability to resurrect and the information available to the authorities.

‘A caseworker in Sri Lanka reiterated that they had experienced several ex LTTE returnees from West Africa being identified on arrivals as having gone through the rehabilitation camps and none were detained.

‘A spokesperson for the Australian High Commission said that being in a rehabilitation camp indicated that an individual was at some level a LTTE operative, adding that it may have just been a basic role.

‘An international agency said they had not encountered surrenderees who had gone abroad to claim and then come back. They thought there would undoubtedly be some but that it was too soon, although they speculated that they would receive a

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<sup>87</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>88</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text



high level of scrutiny. They went on to describe that those rehabilitated often had a reporting requirement to civil officers, army camps or the local police, and that anything adverse regarding them would have come to notice. Even when they have left the district they still face higher scrutiny than other returnees.

‘A Colombo based independent organisation agreed this would be a factor.

‘A spokesman for CID said that they recently identified 2 former LTTE cadres when they were returned from Guinea. Military intelligence checks confirmed that they had been rehabilitated, and they were duly released.’<sup>89</sup>

### 3.14 The BHC went on with regards to the issue of **having spent time in IDP camps**

‘A spokesperson for the Swiss Embassy said this [if an individual has spent time in IDP camps, it] was not a problem.

[Would there be problems for an individual who has spent time in IDP camps]: ‘a caseworker in Sri Lanka said they did not think so. Many of their returnees from West Africa had spent time in Menik Farm and had no problems on arrival.

‘A spokesperson for the Australian High Commission said it [spending time in IDP camps] would not necessarily be a factor just because they had lived under an LTTE regime. They added that being an IDP alone was not a cause for detention.

‘An international agency stated that those in Menik Farm in 2009 may attract attention and be asked how they got out of the camp. Those recent refugees with a profiled age would probably be asked how they got out of Sri Lanka. They added that the authorities are encouraged to show an interest in an attempt to discourage irregular migration.

‘A Colombo based independent organisation agreed this [if an individual had spent time in an IDP camp] would be a factor.

‘A spokesman for CID did not think this [spending time in an IDP camp] was a factor.’<sup>90</sup>

### 3.15 The BHC letter of 2 November 2012 also reported on additional factors:

[If an individual] has a **previous criminal record and/or an outstanding arrest warrant[:]**

‘A spokesperson for the Swiss Embassy said that this would be a factor and those with outstanding arrest warrants would be arrested, taken to Negombo and presented to the Courts.

‘A spokesperson for the Australian High Commission confirmed this would be a factor to merit further investigation.

<sup>89</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>90</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘An international agency said they were aware of the case they had mentioned previously.

‘A Colombo based independent organisation agreed this would be a factor.

‘A spokesman for CID said that his department would follow the correct legal procedures.

‘A spokesman for DIE stated that if their system contains persons who have a Court Order against them, or if they have escaped from prison. It does not contain a list of LTTE suspects.’

‘[If an individual] has **jumped bail/escaped from custody**[:]’

‘A spokesperson for the Swiss Embassy said that this would be a factor and they would be arrested, taken to Negombo and presented to the Courts.

‘A spokesperson for the Australian High Commission said that this would be a factor to merit further investigation.

‘An international agency said they were not aware of any returnees in that category. They added that they do come across persons who have been recognised as refugees who sometimes mention this in their background, but apart from that “no”.

‘A Colombo based independent organisation agreed this would be a factor.

‘A spokesman for CID said that they would check their records to see if these persons had been rehabilitated.’<sup>91</sup>

3.16 The BHC letter continued:

‘[If an individual] has **signed a confession or a similar document**[:]’

A spokesperson for the Swiss Embassy said they had no knowledge of any cases like this.

‘A caseworker in Sri Lanka said they had no knowledge of reports of cases like this.

‘A spokesperson for the Australian High Commission offered no comment.

‘An international agency said they had no information regarding this.

‘A Colombo based independent organisation agreed this would be a factor and added that the signing of Sinhala statements was still going on and that they were pursuing cases through the Courts.

‘A spokesman for CID was not aware of such cases.’<sup>92</sup>

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<sup>91</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

3.17 The BHC letter added:

'[If an individual] has been **asked by the security forces to become an informer/identify suspected LTTE members**[:]

'A spokesperson for the Swiss Embassy said that some of their asylum applicants had mentioned this but it was considered not much of an issue.

'A caseworker in Sri Lanka said they had no knowledge of reports of cases like this.

'A spokesperson for the Australian High Commission said they had no knowledge of reports of cases like this.

'An international agency said they had no information regarding this.

'A Colombo based independent organisation agreed this would be a factor.

'A spokesman for CID was not aware of such cases.'<sup>93</sup>

'[If an individual] has **visible scarring**[:]

'A spokesperson for the Swiss Embassy said that some time ago this was mentioned to staff at the Embassy during their asylum interviews but this had stopped now. (NB. The Swiss government have since announced that they will no longer accept in-country asylum applications for Sri Lanka.)

'A caseworker in Sri Lanka said they had no reports of cases like this. One of their returnees from West Africa had a prosthetic leg which did not create problems.

'A spokesperson for the Australian High Commission said this would have no relevance.

'An international agency said that they had noticed that persons with a limp, or a scar on their arm or hand might be questioned a bit more, often quite intensive questions; however, they were not aware that any specific scars were sought.

'A Colombo based independent organisation said there was an assumption that they would be questioned as to how they had got a scar or injury. They had not heard of scarring by the Sri Lankan authorities.

'A spokesman for CID said that they may be asked to explain scars, and if identified as ex-LTTE and not rehabilitated then they may be referred to TID [Terrorist Investigations Department]. He was not aware of scarring by government officials being used as a means of identifying suspects.

'A spokesman for DIE said that visible scars were not a factor.'<sup>94</sup>

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<sup>92</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>93</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

3.18 The BHC letter of 2 November 2012 continued, reporting on **additional factors potentially affecting the way individuals are treated at the airport.**

'[If an individual] has **returned from London or another centre of LTTE fundraising[:]**

'A spokesperson for the Swiss Embassy said they had no evidence of this being a factor, adding that Switzerland could be considered an even bigger centre.

'A caseworker in Sri Lanka said this would make no difference.

'A spokesperson for the Australian High Commission said they were not aware of any such cases.

'An international agency said they dealt with returnees from several countries and in their experience the procedures were the same for all. They added that the authorities are often aware of their presence at the airport though and were therefore friendly.

'A Colombo based independent organisation said it depended on profile, but if they were suspected of having links then yes. They added though that they didn't think anyone coming from London would be questioned.

'A spokesman for CID said it was not only London; no returnees from any European countries, including Norway or Toronto are targeted.'<sup>95</sup>

'[If an individual] has **taken part in demonstrations against the Sri Lankan government in the UK or elsewhere[:]**

'A spokesperson for the Swiss Embassy said they had no evidence of this being a factor.

'A caseworker in Sri Lanka said they there were reports after the Oxford Union cancellation in the UK but not since.

'A spokesperson for the Australian High Commission said they were not aware of any such cases.

'An international agency said they were not aware of any such cases.

'A Colombo based independent organisation said that they were aware that the government had taken photographs of protesters and put them on the MoD or President's websites.

'A spokesman for CID said that the government did not maintain such records.'<sup>96</sup>

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<sup>94</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>95</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

3.19 The BHC letter added:

'[If an individual] has **illegally departed from Sri Lanka**[:]

'A spokesperson for the Swiss Embassy said that the authorities would want to know who the agent was who arranged for their departure.

'A caseworker in Sri Lanka said they thought this was not relevant.

'A spokesperson for the Australian High Commission stated that illegally departing from Sri Lanka was a criminal offence under the Immigration Act. They added however that current practice was not to prosecute offenders.

'An international agency said they were not aware of any such cases.

'A Colombo based independent organisation said that profile played a part, for example their name, and those without an embark stamp in the passport would be questioned. They thought that Sinhalese would be treated better.

'A spokesman for CID said it was not really a factor, adding that although it is an offence there is rarely enough evidence or the documentation to support a case to go to Court. He further added that the Court requires original documents and that photocopies of documents are no good.

'A spokesman for DIE said that if they had evidence that a person had illegally departed Sri Lanka they would hand them over to CID.'<sup>97</sup>

'[If an individual] has **made an asylum claim abroad**[:]

'A spokesperson for the Swiss Embassy said that this was not an issue.

'A caseworker in Sri Lanka said this would not be a factor.

'A spokesperson for the Australian High Commission said they did not notify the Sri Lankan authorities that someone had made a claim for asylum and that it was down to the individual concerned whether they told them. They added that they were not aware of any issues.

'An international agency said that the authorities knew that all of the persons they dealt with had sought refuge abroad and were processed accordingly.

'A Colombo based independent organisation agreed this would be a factor.

'A spokesman for CID said it was not a factor as it was not an offence in Sri Lanka.

'A spokesman for DIE stated that it was not up to his department to consider this.'<sup>98</sup>

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<sup>96</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>97</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

3.20 The BHC letter continued:

[If an individual] lacks an **ID card or other documentation**[:]

‘A spokesperson for the Swiss Embassy said they that their returnees, if they were not in possession of their own passport, held Emergency Travel Certificates issued by the Sri Lankan government which provided evidence of nationality and identity.

‘A caseworker in Sri Lanka said this was not a problem because National Identity Cards and birth certificates were never discussed on arrival.

‘A spokesperson for the Australian High Commission said it was a factor but added that all returnees were in possession of a passport or emergency travel document.

‘An international agency stated that the lack of an identity card only became an issue when the returnee reached their destination. Their organisation worked with partners to obtain documentation, which took around two months through an implementing partner.

‘A Colombo based independent organisation said that now DIE do not ask for ID cards, indeed Sri Lankans do not even complete landing cards on arrival. However, if their profile is raised then it may be a factor, although it varies from person to person.

‘A spokesman for CID said that they would be in possession of an emergency passport and that was enough.’<sup>99</sup>

3.21 The BHC letter of 2 November 2012 also specifically reported on **additional issues regarding the treatment of returnees**:

‘Are you aware of any **reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka**? If so, what was the nature of these difficulties or mistreatment?’

‘A spokesperson for the Swiss Embassy said they had no information regarding the mistreatment of returnees on return to Sri Lanka.

‘A caseworker in Sri Lanka stated that they had not received any such reports, adding that the Lessons Learnt and Reconciliation Commission report referred to some difficulties within communities.

‘A spokesperson for the Australian High Commission stated that they were aware of one returnee from the UK making an allegation, one from the Netherlands making a complaint, and one from Canada where a Court ordered his return.

‘An international agency said they only dealt with voluntary returns, but knew that often once the person had returned to their homes they were visited by CID at least once or twice. Also, some were requested to visit civil offices.

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<sup>98</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>99</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A local NGO in Colombo referred again to the allegation by one of their returnees of having to pay a bribe, and said they were aware of two persons being questioned further at the airport. They added that they had no information about any Tamils being mistreated and had received no complaints of mistreatment.

‘A Colombo based independent organisation said that they had seen reports from sources.’<sup>100</sup>

3.22 The BHC letter continued:

‘Are you aware of **FAS or other returnees being detained on or after arrival?**

‘A spokesperson for the Swiss Embassy said they were not aware of any returnees being detained on or after arrival.

‘A spokesperson for the Australian High Commission said that three of their returnees had been arrested on return at the airport. The first was a deserter from the Sri Lankan Air Force who had been handed over to the Air Force and released after 3 days. The second had an outstanding arrest warrant against him for financial matters. He was taken to Negombo Prison and released after 2 days. The third was a people smuggler who had been the skipper of a boat which went to Australia. He was arrested and taken to Negombo Prison where he made allegations that he had been mistreated. This was fully investigated by the AHC and found to be without foundation. It was added that they had been made aware of two returnees who had featured in maritime captures by the Sri Lankan authorities, who were merely “trying again”.

‘An international agency referred to previous answers, adding that none further had been detained on arrival. They were aware of a search operation in Trincomalee where one or two were arrested but subsequently released.

‘A local NGO in Colombo said they were not aware of any returnees being detained on or after arrival.

‘A Colombo based independent organisation said that had heard of cases through other sources since 2009, but were not aware of cases in 2012.’<sup>101</sup>

3.23 The BHC letter of 2 November 2012 added:

‘Are you aware of **FAS or other returnees being stopped at check-points in Colombo or elsewhere?**

‘A spokesperson for the Swiss Embassy said that from persons they had spoken to there was no problem with check-points any more.

‘A caseworker in Sri Lanka had no reports of returnees being stopped at check-points.

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<sup>100</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>101</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A spokesperson for the Australian High Commission said that there were not many check points now.

‘An international agency said that the only check point was at Omanthai where returnees would show the letter from their organisation which was okay even if they did not have an [sic] National Identity Card (NIC). They have had no issues.

‘A local NGO in Colombo referred again to a family, who had been initially unable to locate their NICs at a check point, but duly located them and were allowed to proceed.

‘A Colombo based independent organisation said that questions were asked of persons passing through checkpoints, especially at Omanthai, like what are you doing here, who do you have here. They added that it was part of information gathering along with surveillance, household registration and home visits by the authorities.’<sup>102</sup>

3.24 The BHC letter continued:

‘Are you aware of **specific substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards?** If so, do you have details?’

‘A spokesperson for the Swiss Embassy said they were not aware of any substantiated cases of ill treatment of returnees.

‘A caseworker in Sri Lanka stated they did not know of any such cases.

‘A spokesperson for the Australian High Commission said that they were not aware of any such cases.

‘An international agency said they had heard of none at the airport, and were only aware of one or two returnees being visited afterwards by police who were verifying their addresses.

‘A local NGO in Colombo stated that they had not heard of any major stories.

‘A Colombo based independent organisation said they were not aware of such cases.

‘**If FAS or other returnees are detained and/or ill treated, do they have a particular profile?**

‘A spokesperson for the Swiss Embassy said they were not aware of any substantiated cases of ill treatment of returnees.

‘A caseworker in Sri Lanka stated they did not know of any such cases.

‘A spokesperson for the Australian High Commission said that they were not aware of any such cases.

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<sup>102</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text



‘An international agency said they had not heard of any such cases.

‘A local NGO in Colombo said they had not heard of any such cases.

‘A Colombo based independent organisation said they were not aware of such cases.’<sup>103</sup>

3.25 The BHC letter of 2 November 2012 also reported on the following issues:

‘Several allege **being taken to the 4th floor of CID premises in Colombo** - is anything known of this?

‘A spokesperson for the Swiss Embassy said they had no knowledge of anyone being taken to CID in Colombo, adding that the International Committee of the Red Cross had visited the establishment.

‘A caseworker in Sri Lanka stated they did not know of any such cases, adding that the CID premises are notorious, but they did not know anything further.

‘A spokesperson for the Australian High Commission said that they were aware of an unsubstantiated allegation that a maritime people smuggler had been beaten up at CID headquarters.

‘An international agency said that their returnees did not generally go through CID.

‘A local NGO in Colombo stated that they did not know of any such cases. They added that they had expected to hear such claims but no-one has ever alleged to having visited such offices.

‘A Colombo based independent organisation said they knew of cases from others, adding that this was not limited to those coming back to the country, persons in-country are taken there.

‘Some allege being taken to Vavuniya and Batticaloa army camps - what is known about them and would detainees be taken there?

‘A spokesperson for the Swiss Embassy said they had not heard of any returnees being taken to any army camps.

‘A caseworker in Sri Lanka stated they did not know of any such cases.

‘A spokesperson for the Australian High Commission said that they were not aware of any such cases, although they were aware of some returnees facilitated from India were taken to Boosa detention camp, adding that International Committee of Red Cross had subsequently been given access to the camp.

‘An international agency said they were not aware of any such cases.

‘A local NGO in Colombo said they did not know of any such cases.

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<sup>103</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A Colombo based independent organisation said they were only aware of camps in Vavuniya, Batticaloa, Jaffna and the Vanni being used for the rehabilitation of those with links to the LTTE.’<sup>104</sup>

See also sub-section [Charter flights from the UK](#)

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## VOLUNTARY AND ENFORCED RETURNS OF FAILED ASYLUM SEEKERS

### Enforced returns

3.26 The BHC letter of 2 November 2012 also reported on the the issue of enforced returns:

‘Do you enforce the return of FAS to Sri Lanka and if so, could you provide an estimated figure for 2011 and 2012?’

‘A spokesperson for the Swiss Embassy said that in 2012 up to 31 August there had been 7 enforced returns, only one of whom was escorted. There had been similar figures for 2011.

‘A spokesperson for the Australian High Commission said that they had only recently carried out their first enforced Tamil return. Prior to that, since October 2008 they have returned 88 FAS, of which 73 were voluntary. The 15 non-voluntary comprised of Muslim or Sinhalese returnees. In the coming months the Australian government are looking to screen out Sri Lankan boat arrivals at the first stage and fast track them through an off-shore processing centre in Nauru, Papua New Guinea.

‘If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?’

‘A spokesperson for the Swiss Embassy said that they do field trips but do not liaise with any of their returnees, adding that they always have the option to come to the Embassy.

‘A spokesperson for the Australian High Commission referred to previous answers given above.’<sup>105</sup>

### Voluntary returns

3.27 The BHC letter of 2 November 2012 also reported on the the issue of voluntary returns:

‘Do you return FAS voluntarily to Sri Lanka and if so could you provide an estimated figure for 2011 and 2012?’

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<sup>104</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>105</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A spokesperson for the Swiss Embassy said that they had 80 voluntary returnees during 2011 and for 2012 up to 31 August they had 54 voluntary returnees. They added that they had also this year recorded 82 uncontrolled departures of Sri Lankans, these were FAS who left [Switzerland] of their own volition.

‘A spokesperson for the Australian High Commission said that they were currently looking at the possibility of just 10-12, but added that this was a reflection of the Australian Court system. (NB. Following the meeting the Australians operating two charter flights of voluntary returnees in the last week of September 2012 following the opening [sic] of the off-shore processing site in Papua New Guinea)’<sup>106</sup>

See also [Chapter 2: Statistics on returns to Sri Lanka from countries of asylum](#)

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## GOVERNMENT PERCEPTION OF RETURNING SRI LANKANS

3.28 The BHC letter of 2 November 2012 also dealt with the issue of the Sri Lankan government’s perception of returning Sri Lankans:

‘How do the authorities perceive Sri Lankans who apply for asylum in the UK and then return either forcibly or voluntarily to Sri Lanka?’

‘A spokesperson for the Swiss Embassy said that they thought the Sri Lankan government would be thrilled so many are now returning, especially because of the skills that they bring. They added that they are aware that there are plans to link some of the returnees to work in the hotel trade.

‘A caseworker in Sri Lanka said they did not know government perceptions, only that they adopted the same interview process.

‘A spokesperson for the Australian High Commission said that it depended on who you spoke to. In their engagements with the government of Sri Lanka regarding returns from Australia they had agreed to treat all returnees well and to take them back. They often showed an interest in who had claimed asylum.

‘An international agency thought the authorities put on an empathetic front, claiming “our people are coming back” but then queried why they all had to return in one go.

‘A local NGO in Colombo thought the authorities may have doubts about them, but added that the country relied on migrant labour. They often had concerns about returnees such as how they had left Sri Lanka, their location before leaving, and their mode of communication with networks and agents.

‘A Colombo based independent organisation stated that the authorities are likely to ask “Why are you applying for asylum?” and “What are your political links?” They added that they did question them and had the option to monitor, visit their homes, carry out surveillance, and get them to register at police stations.

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<sup>106</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A spokesman for CID gave the opinion that an overstayer in the UK is not committing an offence in Sri Lanka. He added that they’ll have earned more money whilst there, and that even Sinhalese are heading to Italy for jobs, for a better future and lifestyle.

‘A spokesman for DIE thought that there was no longer a reason for Sri Lankans to claim asylum as there was no war and they could live here without hindrance.’<sup>107</sup>

3.29 The BHC letter continued:

‘How do the authorities perceive Sri Lankan FAS returning from other countries in Western Europe?’

‘A spokesperson for the Swiss Embassy said the perceptions were the same as from the UK, adding that many were actually returning from India with the assistance of UNHCR.

‘A caseworker in Sri Lanka said they did not know government perceptions.

‘A spokesperson for the Australian High Commission said their perceptions were no different to returnees from anywhere else, and that there was no evidence of deferential treatment based on where they came from.

‘An international agency said they were not involved in such cases.

‘A local NGO in Colombo told us that the authorities viewed them as being better off.

‘A Colombo based independent organisation said that it was not Europe per se, but any returnees coming large diaspora groups such as London, Geneva, Toronto faced questions. Those linked to large active groups could face secret surveillance.

‘A spokesman for CID said he thought that other areas of the world did not pay as much as European countries.

‘A spokesman for DIE said there was no difference in the way they were treated.’<sup>108</sup>

3.30 The BHC letter of 2 November 2012 added:

**‘Do the authorities take any special interest in Sri Lankan citizens who have been studying abroad, especially in the UK?’**

‘A spokesperson for the Swiss Embassy said that they were not aware and thought authorities based their questions on individual profiles rather than general ones.

A caseworker in Sri Lanka stated they did not know.

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<sup>107</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>108</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

‘A spokesperson for the Australian High Commission said that they were not aware of any such cases.

‘An international agency said they did not know.

‘A local NGO in Colombo said they were not sure but thought that the authorities showed a greater interest in why they did not work, and considered them to be a burden on the state.

‘A Colombo based independent organisation said they were not aware of such cases, but again it depended on profile.

‘A spokesman for CID said they are treated as normal.

‘A spokesman for DIE stated they did not.’<sup>109</sup>

3.31 The BHC letter further noted:

‘Are you aware of any **cases of Sri Lankans studying abroad being arrested during a visit to Sri Lanka**, and if so, what was their profile?’

‘A spokesperson for the Swiss Embassy said they were not aware of any such cases.

‘A caseworker in Sri Lanka stated they did not know of any such cases.

‘A spokesperson for the Australian High Commission said that they were not aware of any such cases.

‘An international agency said they did not know of any such cases.

‘A local NGO in Colombo did not know of any cases like this but said they were aware of two cases where students came back to Sri Lanka, then returned to the UK and were refused entry on arrival.

‘A Colombo based independent organisation said they were not aware of such cases.

‘A spokesman for CID was not aware of any such cases.

‘A spokesman for DIE said he was not aware of any such cases and questioned why they would be arrested.’<sup>110</sup>

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<sup>109</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

<sup>110</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 2 November 2012. See [Annex B](#) for the full text

## CHARTER FLIGHTS FROM THE UK

The following sub-section refers to letters produced by the BHC subsequent to charter returns undertaken by the UK Border Agency in June, September, October and December 2012. The full text of these letters is available in [Annex B](#).

3.32 A letter from the British High Commission (BHC) Colombo, dated 5 June 2012 reported:

‘A flight chartered by the UK Border Agency (UKBA) specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom left London on 31 May 2012.

‘Flight BPA8882 arrived at Bandaranaike International Airport, Colombo at approximately 0730hrs on 1 June 2012 with 36 enforced returnees (24 Failed Asylum Seekers, 7 Foreign National Offenders, 5 Non-Asylum Offenders). The ethnic split of the returnees was 22 Tamil, 8 Sinhala and 6 Muslim. The returnees were in possession of either their own national passport or a Travel Document (emergency or common provisional) issued by the Sri Lankan High Commission in London. ‘On arrival the aircraft was positioned on a stand some distance from the main terminal building where it was met by the handling agents, Sri Lankan Airlines. UKBA representatives, the returnees and escorts were then transported by bus to the airport terminal arriving at approximately 0740hrs. A UKBA Chief Immigration Officer handed copies of the final manifest listing the names of the 36 returnees and travel and identity documents to Department of Immigration and Emigration (DIE) officials. A bag containing medical records and medication for some of the returnees was also handed to the DIE officials.

‘The escorting officers who had accompanied the returnees on the flight passed through the transit area and proceeded into the departure lounge.

‘All of the returnees were escorted to a seating area adjacent to the transfer desk which had been specifically created for this flight and cordoned off using temporary barriers. DIE officials had arranged for four tables with bench seats and individual chairs to be placed in front of the seating area. These were then used by their officers to conduct interviews with the returnees.

‘From the British High Commission the Returns Liaison Assistant and I attended the specially arranged seating area. Also present were officials from the Police Criminal Investigations Department (CID), the State Intelligence Service (SIS) and airport security. DIE had brought in a team of Tamil speaking officers. CID and SIS had also drafted in extra staff specifically to assist in processing the returnees.

‘Once the returnees had taken their seats I addressed them in English. I explained who I was and what procedures they were about to go through and offered them words of reassurance about the process. I advised them to bear with the Sri Lankan authorities whilst they undertook their procedures as the sooner these were completed, the sooner the returnees would be able to leave the airport. I also explained that my colleague and I would reunite them with their baggage and personal belongings and stated that we would remain at the airport until the last one of them had been cleared. I advised them to be aware that there may be media

present when they left the airport, after the Customs area, but that I was not aware of any in attendance at the moment. None of the returnees appeared ill or distressed in any way.’<sup>111</sup>

3.33 The BHC letter of 5 June 2012 continued:

‘At approximately 0840hrs DIE officials began interviewing the returnees at the tables in front of the seating area, with one immigration officer dealing with one returnee at a time. The purpose of these interviews was to confirm the identity and nationality of the returnee. DIE took a digital photograph of each returnee. The remaining returnees waited in the seating area and were allowed to use toilet facilities under the supervision of airport security staff. They had access to water and the Sri Lankan authorities made them tea/coffee on request.’

‘Once the returnees had completed their interviews with DIE they were escorted either to the SIS office immediately adjacent to the area where they were seated or they were taken to CID’s ground floor interviewing facilities. Each returnee underwent a further interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

‘DIE identified one returnee whose documentation they did not consider genuine. They advised me that he would be handed over to CID with a view to being prosecuted. CID informed me that this returnee would be detained and that he would appear before the court in Negombo the following day. I spoke to the returnee twice during the course of the day to confirm that he understood what was happening and to check that he was okay. I also gave him my business card should he have any future concerns.

‘On completion of the SIS/CID interviews the returnees returned to the main seating area. As soon as they were reunited with their passports/travel documents they were allowed to proceed. The first returnee was allowed to proceed at 1155hrs.’<sup>112</sup>

3.34 The BHC letter of 5 June 2012 added:

‘Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50. This would enable the returnee to have the means to travel to their onward address within Sri Lanka and would also cover overnight accommodation where required. Each returnee provided contact details to the IOM and in return the IOM provided the returnee with their details should they be required.

‘The returnees initially came through to the IOM in ones and twos but as things progressed they subsequently came through in groups of three, four or five. My colleague and I accompanied all of the returnees to the secure baggage warehouse, accompanied by a Sri Lankan Airlines’ representative; where we oversaw them collect their bags. All the bags were numbered with the returnees manifest number.

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<sup>111</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 5 June 2012, See [Annex B](#) for the full text

<sup>112</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 5 June 2012, See [Annex B](#) for the full text

We were therefore able to ensure that each returnee collected the correct bags. One returnee asked for our assistance in trying to get documents returned from UKBA. Two of the returnees initially complained about missing baggage but these were subsequently found. All of the returnees were given either my business card or that of my colleague at the British High Commission. They were advised to contact us if they had any questions or concerns.

‘Having collected their luggage, the returnees proceeded through Customs to the exit. My colleague and I both watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way. Some of the returnees returned to the Duty Free area to purchase goods before proceeding out of the airport.

‘Thirty-five of the thirty-six returnees completed the airport formalities smoothly with the last departing the Customs area just before 1430hrs. All seemed in good spirit and relaxed and content with what had happened and with the way the whole process had been completed. Many thanked both my colleague and me for our assistance.’<sup>113</sup>

3.35 A letter from the BHC Colombo dated 27 September 2012 reported:

‘Flight BPA8882 arrived at Bandaranaike International Airport, Colombo at approximately 0900hrs on 20 September 2012 with 25 enforced returnees. The ethnic split of the returnees was 13 Tamil, 4 Sinhala and 8 Muslim. The gender split was 21 Males and 4 Females. The returnees were in possession of either their own national passport or a Temporary Travel Document (TTD) issued by the Sri Lankan Department of Immigration and Emigration (DIE).

‘Due to the early arrival of the flight, the two British High Commission officials did not witness the aircraft landing or the returnees being transported by buses in to the airport terminal as is standard procedure. However, the First Secretary Immigration (Integrity) of the Australian High Commission was present. He was able to liaise by telephone with the British High Commission officials, meet the UKBA staff who arrived on the charter and oversaw the initial handover process leading to the first interviews of the returnees.

‘On arrival at the airport the two BHC officials liaised with the Australian First Secretary and officers from the Department of Immigration & Emigration (DIE), the police Criminal Investigation Department (CID) and the State Intelligence Service (SIS). The returnees were seated in an area adjacent to the transit area, in a section specially cordoned off, waiting to be processed. They were allowed to use toilet facilities under the supervision of airport security staff, had access to water, and the Sri Lankan authorities made them tea/coffee on request. Five of them were already being interviewed by Immigration officers at tables in front of the seating area.

‘The two BHC officials, an Entry Clearance Officer and the Returns Liaison Assistant [RLA], addressed the returnees and explained their role, what procedures the returnees were about to go through, and offered them words of reassurance about

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<sup>113</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 5 June 2012, See [Annex B](#) for the full text



the process. The returnees were advised to bear with the Sri Lankan authorities whilst they undertook their procedures as the sooner these were completed, the sooner the returnees would be able to leave the airport. It was also explained that they would be reunited with their baggage and personal belongings and that the BHC officials would remain at the airport until the last one of them had been cleared. The returnees were also advised that there may be media present when they left the airport, after the Customs area, but they were not aware of any in attendance at the moment. None of the returnees appeared ill or distressed in any way. A UKBA official who had travelled on the flight stated that one returnee had his arm bandaged due to a self inflicted injury prior to departure from the UK.’<sup>114</sup>

3.36 The BHC letter of 27 September 2012 continued:

‘Once the returnees had completed their interviews with DIE they were escorted either to the SIS office immediately adjacent to the area where they were seated, or they were taken to CID’s ground floor interviewing facilities. Each returnee underwent an interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

‘On completion of the SIS/CID interviews the returnees returned to the main seating area. As soon as they were handed their passports/travel documents which had been endorsed with an arrival stamp by DIE, they were allowed to proceed. The first batch of five returnees was allowed to proceed at 1254hrs.

‘Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50. This would enable the returnee to have the means to travel to their onward address within Sri Lanka and would also cover overnight accommodation where required. Each returnee provided contact details to the IOM, and they in turn provided each returnee with their contact details.

‘All of the returnees were given the RLA’s business card and advised to contact them at the BHC if they had any questions or concerns.’<sup>115</sup>

3.37 The BHC letter of 27 September 2012 added:

‘Having collected their baggage, the returnees proceeded through Customs to the exit. BHC officials watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way. Some of the returnees returned to the Duty Free area to purchase goods before proceeding out of the airport. Twenty three of the twenty five returnees completed the airport formalities smoothly with the last departing the Customs area just before 1530hrs. Many thanked the BHC officials for their assistance.

‘Two male returnees remained with CID and were advised that they were to be further questioned by the Terrorist Investigation Department (TID). The TID officer in-charge informed BHC officials that the two individuals were previously involved with

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<sup>114</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 27 September 2012, See [Annex B](#) for the full text

<sup>115</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 27 September 2012, See [Annex B](#) for the full text

the LTTE. It was suspected that the two were not rehabilitated prior to departing the country. Authorisation was therefore sought from TID headquarters in Colombo to verify their clearance. A TID officer stated that they needed to check the baggage of the two returnees as a part of their procedures. The RLA representing the BHC and an officer representing the IOM were invited to witness the baggage search. One returnee did not have any baggage with him, but the other had three bags in total.

'The officers asked the returnee to unseal his bags after which a thorough search was conducted. Amongst clothes and other belongings officers found a Tamil newspaper cutting from 2006 containing articles about the LTTE with the former leaders' picture printed on it. The officers immediately took an interest in this, plus then gathered a note book and some sim cards. The officers also examined letters and photographs and questioned the returnee about who was in the photographs, which were mostly his family members. Upon completion of the search the returnee's bags were resealed with the assistance of Sri Lankan Airline's baggage counter staff. The returnee was then escorted back to the transit area and reunited with the other returnee.

'The RLA gave her business card to both returnees and asked them to contact her if they wished to discuss any issues. However, the returnee with the baggage refused to accept the card, stated that he would not be released from the airport and added that he suffered with asthma. He took out and used his inhaler.

'At around 1630hrs TID officers examined both returnees UK mobile phones which they had brought with them on the flight. The officers went through the phone book of each phone and asked each returnee to contact their family in Sri Lanka using the numbers in their phone book. The officers had not realised they had UK sim cards and neither phone had enough credit to call. The officers therefore allowed them to ring their families using a TID officer's phone. This was clearly to check if the two returnees have given false information about the location they were heading to from the airport. Upon being content with the information they received, they returned the mobile phones to both returnees. All this was done in the presence of the BHC and IOM officials, in the transit area, in full view of the travelling public.

'At 1650hrs a TID officer received a telephone call and announced that the two returnees were free to leave the airport and that they would not be arrested or detained for further enquiries. However, they added that they needed to see if any of their family was waiting for them in the arrivals area of the airport. One returnee stated that his wife was [sic] should be there, but was not sure if she had the flight arrival time. The other stated that he had no family and that he was making his onward journey alone. IOM officials handed the two returnees their travel grants and shared their contact information. The RLA gave her business card to the returnee who had previously refused to accept it. On this occasion he took it. Both returnees proceeded to the baggage reclaim area accompanied by officials from TID, IOM and the BHC. At 1710 both returnees exited the Customs area.'<sup>116</sup>

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<sup>116</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 27 September 2012, See [Annex B](#) for the full text

3.38 A letter from the BHC Colombo dated 29 October 2012 reported:

‘A flight chartered by the UK Border Agency (UKBA) specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom left London on 23 October 2012.’

‘On arrival at the airport at 0700hrs the two officials from the British High Commission (BHC) liaised with officers from the Department of Immigration & Emigration (DIE), the police Criminal Investigation Department (CID), the State Intelligence Service (SIS), Airport Duty Manager and Sri Lankan Airlines to discuss reception procedures for the charter flight.’

‘Flight ZT2512 arrived at Bandaranaike International Airport, Colombo at approximately 0915hrs on 24 October 2012 with 28 enforced returnees. The ethnic split of the returnees was 14 Tamil, 9 Sinhala and 5 Muslim. The gender split was 24 Males and 4 Females. The returnees were in possession of either their own national passport or a Temporary Travel Document (TTD) issued by the Sri Lankan Department of Immigration and Emigration (DIE).

‘The returnees were seated in an area adjacent to the transit area, in a section specially cordoned off, waiting to be processed. They were allowed to use toilet facilities under the supervision of airport security staff, had access to water, and the Sri Lankan authorities made them tea/coffee on request. The interviews by the DIE officials were conducted in a different area this time, on the ground floor where tables and chairs were arranged. This area was considered to be more suitable with the quiet ambience for the interviewing process.

‘The two BHC officials, an Immigration Liaison Officer and the Returns Liaison Assistant, addressed the returnees and explained their role, what procedures the returnees were about to go through, and offered them words of reassurance about the process. The returnees were advised to bear with the Sri Lankan authorities whilst they undertook their procedures as the sooner these were completed, the sooner the returnees would be able to leave the airport. It was also explained that they would be reunited with their baggage and personal belongings and that the BHC officials would remain at the airport until the last one of them had been cleared. The returnees were also advised that there may be media present when they left the airport, after the Customs area, but they were not aware of any in attendance at the moment. None of the returnees appeared ill or distressed in any way. The medical officer asked for all those who had been in the UK for less than 3 months to raise their hands. None did and no screening for malaria was conducted.’<sup>117</sup>

3.39 The BHC of 29 October 2012 continued:

‘Once the returnees had completed their interviews with DIE they were escorted either to the SIS office immediately adjacent to the area where they were seated, or they were taken to CID’s ground floor interviewing facilities. Each returnee underwent an interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

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<sup>117</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 29 October 2012, See [Annex B](#) for the full text

‘On completion of the SIS/CID interviews the returnees returned to the main seating area. As soon as they were handed their passports/travel documents which had been endorsed with an arrival stamp by DIE, they were allowed to proceed. The first batch of five returnees was allowed to proceed at 1300hrs.

‘Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50. This would enable the returnee to have the means to travel to their onward address within Sri Lanka and would also cover overnight accommodation where required. Each returnee provided contact details to the IOM, and they in turn provided each returnee with their contact details.

‘All of the returnees were given the RLA’s business card and advised to contact them at the BHC if they had any questions or concerns. BHC officials accompanied all of the returnees to the baggage reclaim to oversee them collect their bags.

‘Having collected their baggage, the returnees proceeded through Customs to the exit. BHC officials watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way. Some of the returnees returned to the Duty Free area to purchase goods before proceeding out of the airport. Customs officers agreed to allow two returnees to exit from through the staff exit as opposed to the normal passenger exit as they indicated that they did not want to be interviewed by waiting media. All twenty eight returnees completed the airport formalities smoothly with the last proceeding through Customs area just before 1600hrs. Many thanked the BHC officials for their assistance.’<sup>118</sup>

3.40 A letter from the BHC Colombo dated 12 December 2012 reported:

‘A flight chartered by the UK Border Agency (UKBA) specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom, left London on 6 December 2012.’

‘Flight ZT2513 arrived at Bandaranaike International Airport, Colombo at approximately 0900hrs on 07 December with 29 enforced returnees. The ethnic split of the returnees was 17 Tamil, 5 Sinhala and 7 Muslim. The gender split was 24 Males and 5 Females. The returnees were in possession of either their own national passport or a Temporary Travel Document (TTD) issued by the Sri Lankan Department of Immigration and Emigration (DIE). Prior arrangements were made for one returnee arriving in a wheelchair to ensure that the facilities were available to allow the person to embark from the aircraft, they would be processed quickly and that relatives were present to receive them.

A Chief Immigration Officer, 2 Immigration officers and an airport security officer travelled to the stand where the aircraft was parked and boarded the aircraft to meet

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<sup>118</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 29 October 2012, See [Annex B](#) for the full text

the UK officials onboard. At 0920hrs the Immigration officers returned to the terminal building with the returnees and UKBA officials in a convoy of buses.’<sup>119</sup>

3.41 The BHC of 12 December 2012 continued:

‘At 0930hrs all returnees were seated in an area adjacent to medical services area on the ground floor of the terminal building, in a section specially cordoned off, waiting to be processed. They were allowed to use toilet facilities under the supervision of airport security staff, and had access to water. This area was considered to be more suitable by the Sri Lankan border authorities as it was considered quieter for the interviewing process. We were told that this area was to be used as the permanent interviewing area for all future charters.

‘The two BHC officials, the Immigration Liaison Officer and Migration Support Officer, addressed the returnees and explained what procedures the returnees were about to go through and offered them words of reassurance about the process. The returnees were advised to bear with the Sri Lankan authorities whilst they went through their procedures as the sooner these were completed; the sooner the returnees would be able to leave the airport. It was also explained that they would be reunited with their baggage and personal belongings and that the BHC officials would remain at the airport until the last one of them had been cleared. The returnees were also advised that there may be media present when they left the airport, after the Customs area, adding they were not aware of any in attendance at present. None of the returnees appeared ill or distressed in any way. The returnee in the wheelchair was given priority and was processed speedily by all officials involved in the arrival process.

‘All interviews were conducted in the one area and there was no requirement for the returnees to be escorted from DIE interviews to SIS and CID offices as had happened previously. The interview process was noticeably quicker. On completion of the SIS/CID interviews the returnees returned to the main seating area. Once handed their passports/travel documents which had been endorsed with an arrival stamp by DIE, they were allowed to proceed.’<sup>120</sup>

3.42 The same BHC letter also added:

‘Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50. This would enable the returnee to have the means to travel to their onward address within Sri Lanka and would also cover overnight accommodation where required. Each returnee provided contact details to the IOM, and they in turn provided each returnee with their contact details.

‘At 1245hrs the first returnee was allowed to proceed having completed the arrival process. All of the returnees were given the business card of the Migration Support Officer and advised to contact them at the BHC if they had any questions or concerns. BHC officials accompanied all of the returnees to the baggage reclaim to oversee them collect their bags. All the bags were numbered with the returnees

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<sup>119</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 12 December 2012, See [Annex B](#) for the full text

<sup>120</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 12 December 2012, See [Annex B](#) for the full text

manifest number in order to ensure that each returnee collected the correct bags and this was overseen by airport security officials.

'Having collected their baggage, the returnees proceeded through Customs to the exit. BHC officials watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way. Some of the returnees returned to the Duty Free area to purchase goods before proceeding out of the airport. Customs officers agreed to allow two returnees to exit from through the staff exit as opposed to the normal passenger exit as they indicated that they did not want to be interviewed by media who may be present in the arrivals area. All 29 returnees completed the airport formalities with the last proceeding through Customs just after 1400hrs. Many thanked the BHC officials for their assistance.

'It was noticeable to the BHC officials that since the Australian government had been operating regular charter flights of returnees to Colombo in the last few months, the border authorities had tweaked their arrival procedures to speed up the process. It also appeared that officials from all agencies had become more familiar with the process and considered it routine to receive a charter flight of returnees.'<sup>121</sup>

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## SRI LANKANS RETURNED FROM WEST AFRICA

3.43 A letter from the BHC Colombo dated 6 September 2012 reported:

'The British High Commission in Colombo routinely monitors migration trends of Sri Lankan nationals. In 2011 reports emanating from West Africa indicated a large number of Sri Lankans were gathering in countries like Benin and Togo, allegedly waiting for vessels to take them to Canada. In late 2011 the Canadian Government approached the International Organization for Migration (IOM) in Ghana, seeking their assistance in repatriating some of the Sri Lankans who were in effect stranded. The attached link from the Canadian National Post although dated 14 June 2012, gives not only the news story from that day, but a bit of background to the situation in West Africa: <http://news.nationalpost.com/2012/06/14/148-sri-lankan-migrants-arrested-on-their-way-to-canada/>

'Many of the migrants had travelled to West Africa by air and were awaiting vessels to go to Canada. Many were apprehended by the authorities in the transit countries and were held in compounds. The host governments were unable to deport the Sri Lankans because they do not possess the funding, resources or infrastructure to effect such deportations. The Sri Lankans were therefore stranded. There was a great reluctance initially for them to return to Sri Lanka as agents continued to promise them they would still be allowed to make onward journeys, but more so, they have paid a lot of money to the agents and were banking on finding employment in Canada to repay their debts. The attached document is the translation of an article that appeared at <http://news.lankasri.com/show-RUmgyGScOXmq3.html> detailing the

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<sup>121</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 12 December 2012, See [Annex B](#) for the full text

plight of many.’ [a translation of the article is accessible from [Annex B](#) as part of the BHC letter] <sup>122</sup>

3.44 The BHC letter of 6 September 2012 continued:

‘In January 2012 the first assisted voluntary returns were completed by IOM when 9 persons, out of a total of 209 being held in Togo, were flown back to Colombo on a scheduled flight. Since then the numbers have increased culminating in a charter flight of 147 returnees from Benin. To date a total of 505 Sri Lankans have been voluntarily returned from seven West African countries: Benin, Ghana, Guinea, Mali, Mauritania, Sierra Leone and Togo. The project is continuing and expanding to further countries as there are an estimated further 800 Sri Lankans currently stranded in West Africa.

‘Each returnee receives three payments; the first prior to departure and is in effect pocket-money for the journey, the second on arrival in Colombo is a grant provided to meet immediate needs, and the third linked to reintegration programmes which are individually tailored.

‘IOM officials accompany the returnees on flights and they are also received by further IOM officials at Colombo Airport. Those officials remain with them throughout the arrival procedures which involve interviews with the Department of Immigration & Emigration, the State Intelligence Service and the Criminal Investigation Department of the Police. There had been health scares regarding some of the earlier returnees with claims of many having yellow fever on their return. See: <http://www.dailymirror.lk/news/16642-deportees-from-togo-to-be-checked-for-yellow-fever.html> . Since then IOM have worked with the Sri Lankan Ministry of Health and returnees are screened both prior to departure from the West African country and again on arrival in Colombo. We are told that 99% of all of the returnees return using their own valid national passport. Once the returnees have passed through all of the arrival procedures, IOM provide transport to their home districts.’

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#### 4. ENQUIRIES ABOUT RETURNS MADE BY THE UK BORDER AGENCY THROUGH THE IGC

4.01 In February 2012 the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) – on behalf of the UK Border Agency – carried out a survey amongst its participating states about asylum applications, policy and returns in regard to Sri Lanka. The survey asked, amongst other things, questions related to voluntary and enforced returns and related figures. The entire content of the IGC survey is provided at [Annex C](#).

The IGC is an informal, non-decision making forum for intergovernmental information exchange and policy debate on issues of relevance to the management of international migratory flows. The IGC brings together 17 Participating States, the United Nations High Commissioner for Refugees, the International Organization for Migration and the European Commission. The Participating States are Australia,

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<sup>122</sup> British High Commission (BHC) Colombo, letter to the UKBA COI Service, 6 September 2012, See [Annex B](#) for the full text

Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom and United States of America.

- 4.02 The IGC survey asked the following question: ‘Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?’ and reported the following answer from Australia:

‘In September 2010 Amnesty International and the Asian Human Rights Commission issued media releases alleging three failed asylum seekers from Sri Lanka returned from Australia in 2009 had been tortured following their detention in August 2010 by the Sri Lankan police Criminal Investigation Department (CID).

‘According to Amnesty International, on 14 August 2010, two of the men, who were brothers, were arrested apparently on suspicion that they were again planning to seek asylum in Australia. Amnesty claimed one of the brothers was tortured by the CID for six days. On 22 August, the brothers were taken to a prison in the town of Negombo, along with another Sri Lankan man who had also been deported from Australia, and tortured in custody.

‘The Asian Human Rights Commission statement contains more details about the alleged mistreatment of one of the brothers.

[http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-143-2010/?searchterm="17 september 2010](http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-143-2010/?searchterm=) ‘Action taken by Australia

‘These claims were investigated by the Australian High Commission in Colombo. Australia is satisfied that it has not breached its non-refoulement obligations in relation to the three Sri Lankans named in the 2010 statements by Amnesty International and the Asian Human Rights Commission.’<sup>123</sup>

- 4.03 The IGC survey also reported the following answers:

[Denmark] ‘Reference is made to fact finding report “Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka. 19 June to 3 July 2010”, Chapters I.1.2, I.2.4, III.1.5, III.1.6, VII. Source: The Danish Immigration Service.’ [accessible from: <http://www.unhcr.org/refworld/publisher,DIS,,4cc6d0492,0.html>]

[Finland] ‘According to some sources returnees have faced difficulties (such as questioning, detainment or even assault) on return to Sri Lanka.

‘Please refer to, for example: Immigration and Refugee Board of Canada: Sri Lanka: Information on the treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; repercussions, upon return, for not having proper government authorization to leave the country, such as a passport. Research Directorate, Immigration and Refugee Board of Canada, Ottawa, 22 August 2011. Available at: [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=453562&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453562&l=e) )

<sup>123</sup> IGC comparative study on Sri Lanka, see [Annex C](#)



[France] ‘Some applicants invoke these motives but no reliable sources were provided to support these claims.’<sup>124</sup>

4.04 The IGC document also included answers from other IGC participating countries:

‘[Germany] Information available to the Federal Office for Migration and Refugees indicates that asylum applicants do not face particular difficulties upon their return. If entering with a valid Sri Lankan passport, entry formalities are usually carried out expeditiously. However, background checks are regularly carried out if, instead of a passport, returnees present a travel document issued by a Sri Lankan mission abroad (Identity Certificate Overseas Missions, ICOM, also called Emergency Pass), usually only on the basis of the information provided by the person concerned. These returnees are interviewed at the airport by both the Sri Lankan immigration authority (Department of Immigration and Emigration, DIE) and the criminal police (Criminal Investigation Department, CID) regarding their identity, their personal background and their destination. There are no reports indicating that returning Tamil people were subject to additional disadvantages.

‘[New Zealand] Other than general information that may appear from time to time in the media, we are not aware of specific reports or allegations concerning any of New Zealand's cases.’

‘[Norway] National Police Immigration Service has not received any information of forced returnees facing difficulties or being mistreated upon arrival at Sri Lanka. However we have received information that returnees are questioned at the airport and then released.

The following IGC participating states mentioned they were not aware of such reports or allegations: Belgium; Canada; Sweden. The Netherlands; Switzerland and the United States mentioned this information could not be disclosed; France noted OFPRA could not provide data on that topic as this was under the exclusive jurisdiction of the Ministry of the Interior.’<sup>125</sup>

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<sup>124</sup> IGC comparative study on Sri Lanka, see [Annex C](#)

<sup>125</sup> IGC comparative study on Sri Lanka, see [Annex C](#)

## **Annex A – list of sources**

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### **ACAT**

When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka', by ACAT-France, in collaboration with the Asian Legal Resource Centre, June 2012

<http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf>

**Date accessed: 5 November 2012**

### **Agence France Press (AFP)**

Sri Lankan asylum-seekers challenge Australia deportation, 4 December 2012

<http://reliefweb.int/report/australia/sri-lankan-asylum-seekers-challenge-australia-deportation>

Date accessed 5 December 2012

### **Amnesty International**

Sri Lanka: Locked away: Sri Lanka's security detainees, 13 March 2012

<http://www.unhcr.org/refworld/pdfid/4f5f4c3a2.pdf> (via UNHCR Refworld)

**Date accessed: 5 November 2012**

### **Australian Government - Department of Immigration and Citizenship**

Chris Bowen MP, Minister for Immigration and Citizenship Group of Sri Lankans removed from Australia, 2 November 2012

<http://www.minister.immi.gov.au/media/cb/2012/cb191395.htm>

**Date accessed: 20 November 2012**

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**Date accessed: 26 November 2012**

Chris Bowen MP, Minister for Immigration and Citizenship, Group of Sri Lankans returned to Colombo, 30 November 2012,

<http://www.minister.immi.gov.au/media/cb/2012/cb192089.htm>

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### **BBC News**

Deported Sri Lankans arrive home from UK amid torture fears, 20 September 2012

<http://www.bbc.co.uk/news/world-asia-19650640>

**Date accessed: 5 November 2012**

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Country of Origin Information (COI) Report, Sri Lanka, 7 March 2012

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/report-070312.pdf?view=Binary>

**Date accessed: 5 November 2012**

Bulletin: Recent Reports on Torture and Ill-Treatment, 30 November 2011

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/Previous/bulletin-111111.pdf?view=Binary>

**Date accessed: 30 October 2012**

### **Daily Mirror (Sri Lanka)**

Trincomalee murder over illicit love affair, 1 June 2012

<http://www.dailymirror.lk/news/19215-trincomalee-murder-over-illicit-love-affair.html>

**Date accessed: 5 November 2012**

### **Foreign and Commonwealth Office/British High Commission, Colombo**

Human Rights and Democracy: the 2011 Foreign & Commonwealth Office Report

<http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/>

**Date accessed: 20 November 2012**

Human Rights and Democracy - Quarterly Updates: Sri Lanka, 30 September 2012

<http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/sri-lanka/quarterly-updates-sri-lanka/>

**Date accessed: 20 November**

BHC letter to the UK Border Agency COI Service dated 5 June 2012

See [Annex B](#)

BHC letter to the UK Border Agency COI Service dated 6 September 2012

See [Annex B](#)

BHC letter to the UK Border Agency COI Service dated 27 September 2012

See [Annex B](#)

BHC letter to the UK Border Agency COI Service dated 29 October 2012

See [Annex B](#)

BHC Colombo, letter to the UK Border Agency COI Service, 2 November 2012.

See [Annex B](#)

### **Freedom from Torture**

Sri Lankan Tamils tortured on return from the UK - Briefing, 13 September 2012

<http://www.unhcr.org/refworld/docid/505321402.html>

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Sri Lankan asylum seeker describes his torture following forcible return from the UK, 31 May 2012

<http://www.freedomfromtorture.org/news-blogs/6348>

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Another group of refugees returned from India, 19 September 2012

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Tamils deported to Sri Lanka from Britain being tortured, victim claims, 5 June 2012

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Sri Lankan refugee returns lower in first quarter 2012, 27 April 2012

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**Date accessed: 21 November 2012**

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Available upon request

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## Annex B – correspondence from the British High Commission, Colombo



British  
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Country of Origin Information Service  
UK Border Agency

5 June 2012

Dear Colleague,

### **Re: UKBA Charter Flight of Returnees – 31 May/1 June 2012**

A flight chartered by the UK Border Agency (UKBA) specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom left London on 31 May 2012.

Flight BPA8882 arrived at Bandaranaike International Airport, Colombo at approximately 0730hrs on 1 June 2012 with 36 enforced returnees (24 Failed Asylum Seekers, 7 Foreign National Offenders, 5 Non-Asylum Offenders). The ethnic split of the returnees was 22 Tamil, 8 Sinhala and 6 Muslim. The returnees were in possession of either their own national passport or a Travel Document (emergency or common provisional) issued by the Sri Lankan High Commission in London.

Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the re-documentation of the returnees, the necessary authorisations for the aircraft and the smooth arrival and processing of the returnees on arrival in Sri Lanka. The experience gained during the previous UKBA charter flights in June, September and December 2011 and February 2012 allowed all parties to review procedures ahead of the flight's arrival. It had

been agreed by the government of Sri Lanka that UKBA could return up to 60 returnees on the flight.

On arrival the aircraft was positioned on a stand some distance from the main terminal building where it was met by the handling agents, Sri Lankan Airlines. UKBA representatives, the returnees and escorts were then transported by bus to the airport terminal arriving at approximately 0740hrs. A UKBA Chief Immigration Officer handed copies of the final manifest listing the names of the 36 returnees and travel and identity documents to Department of Immigration and Emigration (DIE) officials. A bag containing medical records and medication for some of the returnees was also handed to the DIE officials.

The escorting officers who had accompanied the returnees on the flight passed through the transit area and proceeded into the departure lounge.

All of the returnees were escorted to a seating area adjacent to the transfer desk which had been specifically created for this flight and cordoned off using temporary barriers. DIE officials had arranged for four tables with bench seats and individual chairs to be placed in front of the seating area. These were then used by their officers to conduct interviews with the returnees.

From the British High Commission the Returns Liaison Assistant and I attended the specially arranged seating area. Also present were officials from the Police Criminal Investigations Department (CID), the State Intelligence Service (SIS) and airport security. DIE had brought in a team of Tamil speaking officers. CID and SIS had also drafted in extra staff specifically to assist in processing the returnees.

Once the returnees had taken their seats I addressed them in English. I explained who I was and what procedures they were about to go through and offered them words of reassurance about the process. I advised them to bear with the Sri Lankan authorities whilst they undertook their procedures as the sooner these were completed, the sooner the returnees would be able to leave the airport. I also explained that my colleague and I would reunite them with their baggage and personal belongings and stated that we would remain at the airport until the last one of them had been cleared. I advised them to be aware that there may be media present when they left the airport, after the Customs area, but that I was not aware of any in attendance at the moment. None of the returnees appeared ill or distressed in any way.

At approximately 0840hrs DIE officials began interviewing the returnees at the tables in front of the seating area, with one immigration officer dealing with one returnee at a time. The purpose of these interviews was to confirm the identity and nationality of the returnee. DIE took a digital photograph of each returnee. The remaining returnees waited in the seating area and were allowed to use toilet facilities under the supervision of airport security staff. They had access to water and the Sri Lankan authorities made them tea/coffee on request.

After the interviewing process had commenced the Returns Liaison Assistant went to the baggage reclaim area to check where the returnees' luggage would be deposited. She liaised with Sri Lankan Airlines with a view to getting the luggage held in a separate area of the baggage reclaim hall. This, however, was not possible. The luggage was therefore offloaded in the secure warehouse.



Once the returnees had completed their interviews with DIE they were escorted either to the SIS office immediately adjacent to the area where they were seated or they were taken to CID's ground floor interviewing facilities. Each returnee underwent a further interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

DIE identified one returnee whose documentation they did not consider genuine. They advised me that he would be handed over to CID with a view to being prosecuted. CID informed me that this returnee would be detained and that he would appear before the court in Negombo the following day. I spoke to the returnee twice during the course of the day to confirm that he understood what was happening and to check that he was okay. I also gave him my business card should he have any future concerns.

On completion of the SIS/CID interviews the returnees returned to the main seating area. As soon as they were reunited with their passports/travel documents they were allowed to proceed. The first returnee was allowed to proceed at 1155hrs.

Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50. This would enable the returnee to have the means to travel to their onward address within Sri Lanka and would also cover overnight accommodation where required. Each returnee provided contact details to the IOM and in return the IOM provided the returnee with their details should they be required.

The returnees initially came through to the IOM in ones and twos but as things progressed they subsequently came through in groups of three, four or five. My colleague and I accompanied all of the returnees to the secure baggage warehouse, accompanied by a Sri Lankan Airlines' representative; where we oversaw them collect their bags. All the bags were numbered with the returnees manifest number. We were therefore able to ensure that each returnee collected the correct bags. One returnee asked for our assistance in trying to get documents returned from UKBA. Two of the returnees initially complained about missing baggage but these were subsequently found. All of the returnees were given either my business card or that of my colleague at the British High Commission. They were advised to contact us if they had any questions or concerns.

Having collected their luggage, the returnees proceeded through Customs to the exit. My colleague and I both watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way. Some of the returnees returned to the Duty Free area to purchase goods before proceeding out of the airport.

Thirty-five of the thirty-six returnees completed the airport formalities smoothly with the last departing the Customs area just before 1430hrs. All seemed in good spirit and relaxed and content with what had happened and with the way the whole process had been completed. Many thanked both my colleague and me for our assistance.

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Second Secretary (Migration)

**This letter has been compiled by staff of the British High Commission in Colombo entirely from information obtained from sources indicated. The letter does not reflect the opinions of the author, or any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from UKBA and further enquiries regarding its contents should be directed to UKBA.**



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Country of Origin Information Service  
UK Border Agency

6 September 2012

Dear colleague,

**Re: Sri Lankans in West Africa**

The British High Commission in Colombo routinely monitors migration trends of Sri Lankan nationals. In 2011 reports emanating from West Africa indicated a large number of Sri Lankans were gathering in countries like Benin and Togo, allegedly waiting for vessels to take them to Canada. In late 2011 the Canadian Government approached the International Organization for Migration (IOM) in Ghana, seeking their assistance in repatriating some of the Sri Lankans who were in effect stranded. The attached link from the Canadian National Post although dated 14 June 2012, gives not only the news story from that day, but a bit of background to the situation in West Africa: <http://news.nationalpost.com/2012/06/14/148-sri-lankan-migrants-arrested-on-their-way-to-canada/>

Many of the migrants had travelled to West Africa by air and were awaiting vessels to go to Canada. Many were apprehended by the authorities in the transit countries and were held in compounds. The host governments were unable to deport the Sri Lankans because they do not possess the funding, resources or infrastructure to effect such deportations. The Sri Lankans were therefore stranded. There was a great reluctance initially for them to return to Sri Lanka as agents continued to promise them they would still be allowed to make onward journeys, but more so, they have paid a lot of money to the agents and were banking on finding employment in Canada to repay their debts. The attached document [the embedded document has been annexed to the letter below] is the translation of an article that appeared at <http://news.lankasri.com/show-RUmgyGScOXmq3.html> detailing the plight of many.

In January 2012 the first assisted voluntary returns were completed by IOM when 9 persons, out of a total of 209 being held in Togo, were flown back to Colombo on a scheduled flight. Since then the numbers have increased culminating in a charter flight of 147 returnees from Benin. To date a total of 505 Sri Lankans have been voluntarily returned from seven West African countries: Benin, Ghana, Guinea, Mali, Mauritania, Sierra Leone and Togo. The project is continuing and expanding to further countries as there are an estimated further 800 Sri Lankans currently stranded in West Africa.

The following IOM leaflets [PDF files omitted from here] provide additional information on the programme. We are informed that all of the returnees must complete the attached voluntary declaration.

Each returnee receives three payments; the first prior to departure and is in effect pocket-money for the journey, the second on arrival in Colombo is a grant provided to meet immediate needs, and the third linked to reintegration programmes which are individually tailored.

IOM officials accompany the returnees on flights and they are also received by further IOM officials at Colombo Airport. Those officials remain with them throughout the arrival procedures which involve interviews with the Department of Immigration & Emigration, the State Intelligence Service and the Criminal Investigation Department of the Police. There had been health scares regarding some of the earlier returnees with claims of many having yellow fever on their return. See: <http://www.dailymirror.lk/news/16642-deportees-from-togo-to-be-checked-for-yellow-fever.html>. Since then IOM have worked with the Sri Lankan Ministry of Health and returnees are screened both prior to departure from the West African country and again on arrival in Colombo. We are told that 99% of all of the returnees return using their own valid national passport. Once the returnees have passed through all of the arrival procedures, IOM provide transport to their home districts.

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Second Secretary (Migration)

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IOM translation of article referred in the second paragraph of the letter above. The original version in Tamil available at <http://news.lankasri.com/show-RUmqyGScOXmq3.html>

Story of those who went to Africa with 5 Lakhs

'Going Abroad' considered as the basic requirement of Tamils living in the North has now become an uncertainty. After the war and the Sunsea ship episode most of the European States have become alert. These countries have stopped recognizing refugee settlements. However our craze for Western Civilization continues without understanding this fact. When Obama and Sarkosi are on the way to relinquish their positions of power as they are unable to provide employment for the citizens of their countries, how can they provide golden opportunities for us? If we can invest the money spent in our attempts to go abroad on self employment opportunities here it will benefit both, the country and our homes. However, this is not being realized by anyone.

It is said desperate appeals to IOM from people who had attempted settlement abroad and had been deserted continue to pour in from different countries.

Six months ago, one day it was close to midnight someone called on the phone from Thalayadi and queried if I was sleeping? He further said, there was someone who had offered to take us abroad for only one and half lakhs. He inquired if I was aware of it. In my sleepy mood, I said "I don't know" and fell asleep and forgot about it thereafter. Some days later when I recollected and tried to call that number it had gone out of use.

\*\*\*\*\*

Six months later the following news caught my attention "Hundreds of Sri Lankans have been abandoned in West Africa and are in a helpless situation. They have paid considerable sums of monies to human smugglers and unauthorized Agents for travel abroad but have all been defrauded and left abandoned in a foreign country. We are engaged in rescuing them and many of them had already returned to the country"

\*\*\*\*\*

I was a teacher here. People known to me told me that the flight ticket cost only need to be paid now and the balance 5 lakhs can be paid after setting foot on the land abroad. They will take us to the destination in five days. I was tempted. How long can I continue in the teaching profession. I had a saving of 2 Lakhs. I obtained a loan on interest. In 4 days of receiving this information my foreign travel dream has brought me to the Katunayake Airport. It was there I found that in all nine of us were making this journey. I had to pay Rs. 160,000 to a person there who handed me the flight ticket. He also got me to sign a chit consenting to pay the balance due to them. He is the person from the Agency whom I was meeting for the first time.

First we landed in Ethiopia. Then we landed in a country bordering a desert. Thereafter we were left in a new country. This we were told Togo. This is a country of blacks but they appeared to be quite decent unlike our people. People who were in my group promptly communicated their arrival to their homes. Most of the people are from Thalayadi, Uduthurai, Vadamaradchchi, Sarasalai and Vadamarachchi East.

Afterwards we were taken to a house and were allowed to stay there. There were 47 in number including me. This house had one toilet and one bathroom. We had to queue up from early morning 3.00 am for our morning rituals. What can we do, we had to be submissive to achieve our aim of going abroad. We were divided into groups of five each and there was a leader for each group. He was the only person who could go out and buy food. The fact that 47 of us were there was not known to that countrymen, we were told. The leader of the group will at times resort to beating up those who tend to argue with him. Our mobile phones were taken away from us. He is the person who deals with the agency people. He will give us our phones to speak to our homes in his presence and take it back soon after.

Five days had elapsed and there was no ship or any other thing. In the meantime five boys from Sarasalai came from somewhere and remained without changing the clothes. They kept standing leaning against the wall. They had been told that within half hour of their arrival at the house there will be a vehicle to take them and they have to disappear. But the vehicle did not turn up. Poor chaps, they waited until midnight and later changed clothes.

This went on and around the end of two months few persons came with files. One of these files had a photo of a ship on it.

Instantly they hung up the photograph of the ship to the wall. They started preaching to us. I was reminded of my teaching times and how I tortured the many students with my teaching methods. However their teaching was interesting. It is because the vision of going abroad was circulating in our minds.

Our attention was drawn to the picture of the ship and were told that will be the ship we will be traveling. The ship was said to be in the Penin Harbour and we were told that we should travel by trawlers and board that ship. They said, first they will give us the training and safety gear. What he said last flabbergasted all of us. What he said was that some cargo needs to be loaded to the ship as we will need food while on the ship, biscuits, mixture and the like have to be purchased. He wanted us to pay the money as informed by the agency. (The amounts varied from 5 lakhs to a few and 8 lakhs to others) The photograph of the ship shown to us and what he said about having to buy the needed cargo to feed us raised some hope in us. Nevertheless I did not pay the money. I told them that I will pay only after reaching the destination. All the others found fault with me saying that their travel plan would be disturbed by my refusal to pay.

On the 3rd day after this, the Police of that country took all of us into custody at around 3.30 am. They first grabbed our passports and took us to a ground and left us there. It was then we realized that people from all over Sri Lanka had come on this expedition. More than 200 people were locked up in that place. Not even a mat for us to sleep. One meal a day was served by the Army. At times it will be one meal for 3 days. On these days, even a single grain of rice seen on the ground will be picked up and eaten by us. Boys who escaped from custody were promptly rounded up and captured. This was because even god would not have understood the language of that country. Police will identify and arrest easily. What was worse is the children of the army who stand guard around us will wait to eat the food left over by us. They will gather round and watch from there. This is what I meant when I said earlier that they are very decent.

UNHCR officials visited us later. Some days later officials of IOM organization contacted us and inquired of those who are willing to go back to our country. Few of us registered ourselves to go back. Then the problem started.

All of them started yelling at us. Threatened us in the nights. They said the Agency man had told them that we should refuse to go back and for all of us to say the same thing in one voice if anyone comes to register persons who wish to return. They accused us of having disturbed that arrangement. The group leaders also threatened us. But we contacted the IOM and immediately returned to our country.

I now understand that only 25 persons are still there and the rest have all returned to the country. These 25 persons are people who cannot return to the country.

It is learnt that the network of this agency has been busted but the person mainly responsible for this racket is still at large.

This is not a story of someone else. It is the story of the true person who had traveled with his own dreams and had come back. He is now living here. (Name not disclosed)

\*\*\*\*\*

It may be the person who called me on the cell phone in the midnight is also one of them. International Organization for Migration continues to rescue hundreds of persons who have been misled by Human Smugglers and illegal agencies who advertise and prowl the area promising to take people abroad at less cost.

These people have been left abandoned in the West African countries, Benin, Mali, Togo and Nigeria by fake Agencies who had given them false hopes and cheated them. Many of them who undergo severe hardship and sufferings out of frustration consider returning as the best choice and return. However, those who cannot live in Sri Lanka due to the circumstances and have sought refuge continue to stay there undergoing difficulties.



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Country of Origin Information Service  
UK Border Agency

27 September 2012

Dear Colleague,

**Re: UKBA Charter Flight of Returnees – 19/20 September**

A flight chartered by the UK Border Agency (UKBA) specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom left London on 19 September 2012.

Flight BPA8882 arrived at Bandaranaike International Airport, Colombo at approximately 0900hrs on 20 September 2012 with 25 enforced returnees. The ethnic split of the returnees was 13 Tamil, 4 Sinhala and 8 Muslim. The gender split was 21 Males and 4 Females. The returnees were in possession of either their own national passport or a Temporary Travel Document (TTD) issued by the Sri Lankan Department of Immigration and Emigration (DIE). This was the first time returnees on a charter flight were issued with TTDs through DIE's new Readmission Case Management System.

Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the re-documentation of the returnees, the necessary authorisations for the aircraft and the smooth arrival and processing of the returnees on arrival in Sri Lanka. The experience gained during five previous UKBA charter flights allowed all parties to review procedures ahead of the flight's arrival.



Due to the early arrival of the flight, the two British High Commission officials did not witness the aircraft landing or the returnees being transported by buses in to the airport terminal as is standard procedure. However, the First Secretary Immigration (Integrity) of the Australian High Commission was present. He was able to liaise by telephone with the British High Commission officials, meet the UKBA staff who arrived on the charter and oversaw the initial handover process leading to the first interviews of the returnees.

On arrival at the airport the two BHC officials liaised with the Australian First Secretary and officers from the Department of Immigration & Emigration (DIE), the police Criminal Investigation Department (CID) and the State Intelligence Service (SIS). The returnees were seated in an area adjacent to the transit area, in a section specially cordoned off, waiting to be processed. They were allowed to use toilet facilities under the supervision of airport security staff, had access to water, and the Sri Lankan authorities made them tea/coffee on request. Five of them were already being interviewed by Immigration officers at tables in front of the seating area.

The two BHC officials, an Entry Clearance Officer and the Returns Liaison Assistant, addressed the returnees and explained their role, what procedures the returnees were about to go through, and offered them words of reassurance about the process. The returnees were advised to bear with the Sri Lankan authorities whilst they undertook their procedures as the sooner these were completed, the sooner the returnees would be able to leave the airport. It was also explained that they would be reunited with their baggage and personal belongings and that the BHC officials would remain at the airport until the last one of them had been cleared. The returnees were also advised that there may be media present when they left the airport, after the Customs area, but they were not aware of any in attendance at the moment. None of the returnees appeared ill or distressed in any way. A UKBA official who had travelled on the flight stated that one returnee had his arm bandaged due to a self inflicted injury prior to departure from the UK.

Once the interviewing process had commenced, the Returns Liaison Assistant (RLA) went to the baggage reclaim area to liaise with the handling agents, Sri Lankan Airlines, and arranged for their baggage to be held in a separate area of the baggage reclaim hall. An airport security officer was assigned to guard the baggage, which was neatly stacked on trolleys.

Once the returnees had completed their interviews with DIE they were escorted either to the SIS office immediately adjacent to the area where they were seated, or they were taken to CID's ground floor interviewing facilities. Each returnee underwent an interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

On completion of the SIS/CID interviews the returnees returned to the main seating area. As soon as they were handed their passports/travel documents which had been endorsed with an arrival stamp by DIE, they were allowed to proceed. The first batch of five returnees was allowed to proceed at 1254hrs.

Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50. This would enable the returnee to have the means to travel to their onward address within Sri Lanka and would also cover overnight accommodation where required. Each returnee

provided contact details to the IOM, and they in turn provided each returnee with their contact details.

All of the returnees were given the RLA's business card and advised to contact them at the BHC if they had any questions or concerns. BHC officials accompanied all of the returnees to the baggage reclaim to oversee them collect their bags. All the bags were numbered with the returnees manifest number in order to ensure that each returnee collected the correct bags. One returnee asked for assistance in trying to get documents returned from UKBA. Another initially complained about missing baggage, but this was subsequently found, and another returnee left one of his bags behind but subsequently arranged for it to be released to a returnee who was his close friend and was willing to deliver it to him.

Having collected their baggage, the returnees proceeded through Customs to the exit. BHC officials watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way. Some of the returnees returned to the Duty Free area to purchase goods before proceeding out of the airport. Twenty three of the twenty five returnees completed the airport formalities smoothly with the last departing the Customs area just before 1530hrs. Many thanked the BHC officials for their assistance.

Two male returnees remained with CID and were advised that they were to be further questioned by the Terrorist Investigation Department (TID). The TID officer in-charge informed BHC officials that the two individuals were previously involved with the LTTE. It was suspected that the two were not rehabilitated prior to departing the country. Authorisation was therefore sought from TID headquarters in Colombo to verify their clearance. A TID officer stated that they needed to check the baggage of the two returnees as a part of their procedures. The RLA representing the BHC and an officer representing the IOM were invited to witness the baggage search. One returnee did not have any baggage with him, but the other had three bags in total.

The officers asked the returnee to unseal his bags after which a thorough search was conducted. Amongst clothes and other belongings officers found a Tamil newspaper cutting from 2006 containing articles about the LTTE with the former leaders' picture printed on it. The officers immediately took an interest in this, plus then gathered a note book and some sim cards. The officers also examined letters and photographs and questioned the returnee about who was in the photographs, which were mostly his family members. Upon completion of the search the returnee's bags were resealed with the assistance of Sri Lankan Airline's baggage counter staff. The returnee was then escorted back to the transit area and reunited with the other returnee.

The RLA gave her business card to both returnees and asked them to contact her if they wished to discuss any issues. However, the returnee with the baggage refused to accept the card, stated that he would not be released from the airport and added that he suffered with asthma. He took out and used his inhaler.

At around 1630hrs TID officers examined both returnees UK mobile phones which they had brought with them on the flight. The officers went through the phone book of each phone and asked each returnee to contact their family in Sri Lanka using the numbers in their phone book. The officers had not realised they had UK sim cards and neither phone had enough

credit to call. The officers therefore allowed them to ring their families using a TID officer's phone. This was clearly to check if the two returnees have given false information about the location they were heading to from the airport. Upon being content with the information they received, they returned the mobile phones to both returnees. All this was done in the presence of the BHC and IOM officials, in the transit area, in full view of the travelling public.

At 1650hrs a TID officer received a telephone call and announced that the two returnees were free to leave the airport and that they would not be arrested or detained for further enquiries. However, they added that they needed to see if any of their family was waiting for them in the arrivals area of the airport. One returnee stated that his wife was should be there, but was not sure if she had the flight arrival time. The other stated that he had no family and that he was making his onward journey alone. IOM officials handed the two returnees their travel grants and shared their contact information. The RLA gave her business card to the returnee who had previously refused to accept it. On this occasion he took it. Both returnees proceeded to the baggage reclaim area accompanied by officials from TID, IOM and the BHC. At 1710 both returnees exited the Customs area.

████████████████████

Returns Liaison Assistant (Migration)

On behalf of

████████████████████

Second Secretary (Migration)

**This letter has been compiled by staff of the British High Commission in Colombo entirely from information obtained from sources indicated. The letter does not reflect the opinions of the author, or any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from UKBA and further enquiries regarding its contents should be directed to UKBA.**



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29 October 2012

Dear Colleague,

**Re: UKBA Charter Flight of Returnees – 23/24 October**

A flight chartered by the UK Border Agency (UKBA) specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom left London on 23 October 2012.

Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the re-documentation of the returnees, the necessary authorisations for the aircraft and the smooth arrival and processing of the returnees on arrival in Sri Lanka. The experience gained during five previous UKBA charter flights allowed all parties to review procedures ahead of the flight's arrival.

On arrival at the airport at 0700hrs the two officials from the British High Commission (BHC) liaised with officers from the Department of Immigration & Emigration (DIE), the police Criminal Investigation Department (CID), the State Intelligence Service (SIS), Airport Duty Manager and Sri Lankan Airlines to discuss reception procedures for the charter flight. An officer from Department of Health "Anti Malaria Campaign" approached the BHC officials with a letter issued by the Ministry of External Affairs (MEA) and addressed to the Controller General of DIE, informing them that the Department of Health was to carry out malaria tests of those who were arriving on the charter. The BHC officials explained to the health officer that the returnees are from the UK and could not see the relevance of a malaria test. It was agreed with the health officials that any returnees who had been in the UK for less than 3 months should undergo tests.

Flight ZT2512 arrived at Bandaranaike International Airport, Colombo at approximately 0915hrs on 24 October 2012 with 28 enforced returnees. The ethnic split of the returnees was 14 Tamil, 9 Sinhala and 5 Muslim. The gender split was 24 Males and 4 Females. The returnees were in possession of either their own national passport or a Temporary Travel Document (TTD) issued by the Sri Lankan Department of Immigration and Emigration (DIE).

The returnees were seated in an area adjacent to the transit area, in a section specially cordoned off, waiting to be processed. They were allowed to use toilet facilities under the supervision of airport security staff, had access to water, and the Sri Lankan authorities made them tea/coffee on request. The interviews by the DIE officials were conducted in a different area this time, on the ground floor where tables and chairs were arranged. This area was considered to be more suitable with the quiet ambience for the interviewing process.

The two BHC officials, an Immigration Liaison Officer and the Returns Liaison Assistant, addressed the returnees and explained their role, what procedures the returnees were about to go through, and offered them words of reassurance about the process. The returnees were advised to bear with the Sri Lankan authorities whilst they undertook their procedures as the sooner these were completed, the sooner the returnees would be able to leave the airport. It was also explained that they would be reunited with their baggage and personal belongings and that the BHC officials would remain at the airport until the last one of them had been cleared. The returnees were also advised that there may be media present when they left the airport, after the Customs area, but they were not aware of any in attendance at the moment. None of the returnees appeared ill or distressed in any way. The medical officer asked for all those who had been in the UK for less than 3 months to raise their hands. None did and no screening for malaria was conducted.

Once the returnees had completed their interviews with DIE they were escorted either to the SIS office immediately adjacent to the area where they were seated, or they were taken to CID's ground floor interviewing facilities. Each returnee underwent an interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

On completion of the SIS/CID interviews the returnees returned to the main seating area. As soon as they were handed their passports/travel documents which had been endorsed with an arrival stamp by DIE, they were allowed to proceed. The first batch of five returnees was allowed to proceed at 1300hrs.

Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50. This would enable the returnee to have the means to travel to their onward address within Sri Lanka and would also cover overnight accommodation where required. Each returnee provided contact details to the IOM, and they in turn provided each returnee with their contact details.

All of the returnees were given the RLA's business card and advised to contact them at the BHC if they had any questions or concerns. BHC officials accompanied all of the returnees to the baggage reclaim to oversee them collect their bags. All the bags were numbered with the returnees manifest number in order to ensure that each returnee collected the correct bags.

Having collected their baggage, the returnees proceeded through Customs to the exit. BHC officials watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way. Some of the returnees returned to the Duty Free area to purchase goods before proceeding out of the airport. Customs officers agreed to allow two returnees to exit from through the staff exit as opposed to the normal passenger exit as they indicated that they did not want to be interviewed by waiting media. All twenty eight returnees

completed the airport formalities smoothly with the last proceeding through Customs area just before 1600hrs. Many thanked the BHC officials for their assistance.

[REDACTED]

Returns Liaison Assistant (Migration)

On behalf of

[REDACTED]

Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

2 November 2012

Dear colleague,

### **Re: Sri Lanka - Update on Situation for Returned Tamils**

The British High Commission in Colombo monitors the situation faced by Sri Lankan nationals who have been returned to Colombo, especially Tamils. Between 3 -17 September 2012 officials from the High Commission spoke to several interlocutors in Colombo to gauge the current situation. This was in response to several allegations made in the public domain that the situation for Tamils had deteriorated and that there was a high risk of mistreatment on return.

#### **1. Treatment of Tamils at Colombo Airport**

**What procedures are in place to identify failed asylum seekers (FAS) at the airport and those who are wanted by the authorities?**

A spokesperson for the Swiss Embassy stated that the Swiss Government only return persons on scheduled flights. They do not inform the Sri Lankan authorities in advance. Many of their returnees are voluntary, although they have enforced returnees, some of whom may be escorted by two civil police officers. The authorities at the airport question them, but there have been no problems.

A caseworker in Sri Lanka stated that his organisation do not recognise them as FAS, and term them as irregular or stranded migrants. On arrival the authorities check the individuals on a database against criminal records and a 'wanted list', and may track returnees with bad records. It was added that his organisation had no involvement with these procedures but said that all returnees on both scheduled and charter flights went through the same procedures and that there was no difference in the way that the authorities viewed them. Often charter flights were accompanied by more escorts and the British High Commission always sent a representative to meet charters from the UK to provide assistance.

A spokesperson for the Australian High Commission said that in their experience the authorities are notified by the airlines carrying enforced returnees. For voluntary returnees there was no formal notification by the airlines. They added that often, those persons who left Sri Lanka lawfully, and those returnees travelling using their original travel document just passed straight through the immigration control. The usual process was that the Department of Immigration & Emigration (DIE) did their checks to see if a returnee was on their 'watch list' or left the country illegally. The returnees are then referred to the State Intelligence Service (SIS) and the police Criminal Investigation Department (CID). CID check with the returnees' local police station and this can take some time.

An international agency told us that from their experience of operating a voluntary repatriation programme, returnees were gathered in the transit area and remained with DIE officials for around 2 - 2½ hours who interviewed heads of family only. Returnees were then passed to SIS who interviewed them for around 2 hours and sometimes interviewed children of all ages as well. They added that persons aged 20 - 45 were interviewed in more detail.

A representative of a local non government organisation (NGO) in Colombo said that returnees are checked against the 'black list' or 'watch list', but added that none of the cases that they had been involved with had been detained or arrested, and the longest time they had been delayed for process was one and a half hours. Indeed, they stated that some of their returnees were not questioned at all, even those holding an emergency passport.

A Colombo based independent organisation said they did not know directly first hand, but they were aware that there were periods where CID and TID (Terrorist Investigation Department) monitored those coming back to Sri Lanka. They had not spoken to anyone detained at the airport but they knew that SIS was there to monitor those who leave and return especially during the UN Human Rights Council meetings in Geneva.

A spokesman for CID said all deportees are spoken to by his officers who record their details. In some cases they are referred to his department by the airlines or DIE as being in possession of forged documentation or because they are wanted. If a deportee\* was wanted they would refer them to the relevant agency, if they were not wanted then they would be allowed to proceed.

(\*NB. The Sri Lankan Authorities refer to anyone returned, refused entry, removed or indeed deported by another country as a 'deportee')

A spokesman for DIE said that under their new Readmission Case Management System (RCMS) returnees would be identified and records established on their database before their arrival. If they were not in possession of a valid passport they would be issued with a Temporary Travel Document (TTD) by the Sri Lankan High Commission in London. He



added that all returnees were referred to SIS and CID regardless of whether they had a valid passport.

#### What would happen to a Tamil on arrival at Colombo Airport?

A spokesperson for the Swiss Embassy stated that there is no difference to the way a Tamil is treated, and that the same procedures apply for all ethnic groups. They have returned mainly Tamils, and occasionally Muslims. They said that the authorities appeared more interested in the illegal smuggling of these persons, but added that they had received no complaints from their returnees, not even that the authorities had taken any money from them.

A caseworker in Sri Lanka stated that the arrivals process does not distinguish between ethnicities, but added that the larger number of returnees were Tamils who were dealt with exactly the same as the others.

A spokesperson for the Australian High Commission stated that procedures for Tamils are the same as for Sinhalese. They added that Tamils come under more scrutiny from SIS who seek more details about their activities abroad and about how they left the country.

An international agency said that they conducted background searches beforehand in order to expedite procedures, but added that Tamils may take a little longer to process and the interviews are a bit more intensive. Those who left Sri Lanka between 2006 - 2009 faced a bit more scrutiny, although they found that the process was not intimidating at all.

A local NGO in Colombo opined that Tamils may be looked at twice, but that does not mean that they would be harassed or detained; although this was probably due to pressure by the international community. They added that if they held a passport they would be cleared quickly, but if they travelled on an emergency passport they may face more questions.

A Colombo based independent organisation said that from what they had heard if the authorities have concerns about anyone, or identified any with ties with the Liberation Tigers of Tamil Eelam (LTTE), they are taken aside, questioned, given no access from outside and are detained and released after a couple of hours. They added that there is hearsay that people are held and tortured, but they did not have that information.

A spokesman for CID said they would be dealt with exactly the same as the others, that they do not treat any group differently, and that all face the same procedures. He did add that there were language barriers in that many Tamil returnees did not speak English or Sinhala. In those cases a Tamil speaking officer would be sought.

A spokesman for DIE said that returnees were not treated by race, they were all Sri Lankan. He added that all deportees were referred to SIS and CID.

#### What checks are undertaken?

A spokesperson for the Swiss Embassy said that on arrival all of their returned failed asylum seekers are interviewed by DIE, cross-checked by the police and looked into by the SIS. Often the voluntary returnees just walk through without being interviewed.

A caseworker in Sri Lanka said that Immigration check their travel documents, and then they refer the returnees to the SIS, who take statements from them, and then the police CID, who conducted checks with their local police station. In some special cases the returnees were referred to the police TID. They added that all returnees are dealt with the same, although there have been medical concerns regarding returnees from West Africa having malaria, who are made to undergo a medical examination on arrival. Also some voluntary returnees from certain countries had not been referred for further checks, although this may have been down to the individual immigration officer and the fact that they were travelling on their original passports.

A spokesperson for the Australian High Commission referred to previous responses (see above).

An international agency stated that returnees were asked basic questions as to when they left the country, if they had any links to the LTTE, and what they did abroad. They added that if returnees were considered to be withholding information that may cause agitation amongst interviewing officers.

A local NGO in Colombo explained that DIE interviewed each returnee dependent on what sort of travel document they were holding. It was added that one of their clients alleged to having had to pay a bribe of £50 to an officer.

A Colombo based independent organisation said checks are conducted to see if returnees have links with the LTTE.

A spokesman for CID said that they checked returnees on their databases to see if they were wanted or suspected of any offence, adding that these people left for a reason.

A spokesman for DIE said that if a person presented a Sri Lankan passport or temporary travel document they would check their details against their border control and passport databases, and also against their prosecution lists for Court Orders. He added that their system had not yet been linked up to the Interpol database.

#### In what circumstances may the authorities detain a returnee, and if so, where?

A spokesperson for the Swiss Embassy said that returnees may be detained if there is an outstanding lawsuit against them, if they are on the 'black list', or if there is a strong indication that they are involved in human smuggling. They added that they thought membership of the LTTE was no longer an issue. Those detained are usually taken to Negombo (the nearest large city to the airport) and presented at Court. Also, those with a criminal record may face further questioning.

A caseworker in Sri Lanka stated that they were only aware of two cases where a returnee was detained in the past 12 months. Both were due to their criminal records and had outstanding warrants. One was from West Africa and the other from Indonesia.

A spokesperson for the Australian High Commission said that those with outstanding arrest warrants and those involved in people smuggling were liable to arrest.

An international agency said that they were aware of two arrests on arrival. The first was detained in 2010 and was alleged to have links to a high level paramilitary leader. He remains in detention, has had legal counsel made available, but there is not much information about his status. The second travelled on a forged document and is currently on bail pending a criminal prosecution.

Representatives from a local NGO in Colombo said that none of the voluntary returnees they had met on arrival had been detained, but gave the opinion that a returnee may face further scrutiny if they had trouble explaining who they were, where they were going to and also how they left the country.

A Colombo based independent organisation said those identified as having links to or sympathies with the LTTE could face further scrutiny. They opined that there was paranoia in the regime and that they are clearing up the remnants of the LTTE.

A spokesman for CID stated that if a returnee is in possession of a forged passport then they will be arrested, and similarly if they are imposters. His department will then follow the correct legal procedures.

A spokesman for DIE said that if having checked on their databases it was established that a person had presented a false passport they would hand them to CID to prosecute them. If the person turned out to be Indian or Bangladeshi or another nationality, they would hand them back to the airline and contact the relevant Embassy or High Commission in Colombo. In some cases it had been known that the Court orders persons to be sent to India.

#### What profile of Tamil is detained and/or interrogated on arrival at Colombo Airport?

A spokesperson for the Swiss Embassy said that the interviews of returnees can go on for two hours. They did not consider that detention and pointed out that an asylum interview at the Swiss Embassy takes three hours.

A caseworker in Sri Lanka said that in their experience only those where there was mistaken identity, outstanding charges or on the 'wanted list'.

A spokesperson for the Australian High Commission stated that it depended on circumstances but recalled the case of a deportee who was interviewed because he left Sri Lanka illegally.

An international agency stated that everyone is subject to questioning, and that the questions posed by officials are standardised. They thought that the more recent departures and the age group of the returnees were relevant; however, they added that they did not see a distinction from countries of origin.

A local NGO in Colombo stated that they did not know of any being detained. They opined that maybe Tamils from deep inside the former war zone may face further scrutiny, or asked how they have left the country. They added that from their experience no single women had been questioned further.

A Colombo based independent organisation opined that those with links to the LTTE, those critical of the government, those who were providing meals to cadres, neighbours, or links

with someone who was involved. Even those who have been rehabilitated in the north and east are still questioned as to who they are seeing and speaking to.

A spokesman for CID denied that Tamils were detained or interrogated on arrival.

A spokesman for DIE stated that they did not detain persons at the airport and that all persons are dealt with exactly the same.

Are additional questioning/interrogations carried out elsewhere? If so, under what circumstances?

A spokesperson for the Swiss Embassy said they were not aware of any.

A caseworker in Sri Lanka stated that they had no experience of this, but recalled the case of a returnee on a UK charter flight who had been arrested on return as the subject of an outstanding warrant for the murder of two policemen. He was taken to prison in Kalmunai.

A spokesperson for the Australian High Commission said that there had been a case of one returnee being a deserter from the Sri Lankan Air Force who was taken to the Air Force headquarters. Also a recent enforced returnee was taken to the CID headquarters in Colombo prior to being released a few hours later.

An international agency said that returnees are dealt with at the airport and that if they are overly suspicious, CID get involved. They were only aware of the two cases being detained (as mentioned above) in more than 2½ years, and out of more than 4,000 returnees.

A local NGO in Colombo said they had not heard of any yet.

A Colombo based independent organisation said they did not know where they were detained, but in country they were detained at secret locations.

A spokesman for CID said that generally they did not arrest returnees and so could not take them into Colombo. All of their interviews are carried out at their airport office, and under Sri Lankan law they have to present a suspect to the nearest Court within 24 hours.

A spokesman for DIE said that persons detained awaiting removal are handed to Aviation Services Limited who provide the facilities to hold them until their departure.

Are other groups detained and interrogated, and if so, under what circumstances?

A spokesperson for the Swiss Embassy said that additional questions may be asked of persons returning from the north and previously LTTE held areas, or if they had strong connections or links to the LTTE. They added that when a returnee had left Sri Lanka played a part. If they had for example left in the mid-1990s, they may be interviewed and even made to register in their home district.

A caseworker in Sri Lanka said they did not know of any.

A spokesperson for the Australian High Commission said they were not aware of any.

An international agency said they did not know of any.

A local NGO in Colombo said they had only experience of returnees who had come through their programme and could not comment.

A Colombo based independent organisation stated that during the UNHRC in Geneva people are questioned on both leaving and entering the country.

A spokesman for CID said that if a person was suspected of terrorism by SIS, they would be handed to the Terrorist Investigations Department (TID).

A spokesman for DIE stated that anyone suspected of committing immigration offences are investigated.

**Would any of the following factors affect the way an individual is treated at the airport and if so, how? If an individual:**

**- has a previous record as a suspected or actual LTTE member**

A spokesperson for the Swiss Embassy said that they had not come across any but thought high profile cases and those suspected of war crimes may come under scrutiny.

A caseworker in Sri Lanka stated that they had experienced several returnees from West Africa being identified as ex LTTE having gone through the governments rehabilitation programme. None were detained.

An international agency said that it depended on the profile. Those from the political wing would be under more scrutiny, and anyone who fought with the LTTE would be of interest to the authorities. They thought that people with any interest to anyone in the LTTE, or links to the LTTE would be of interest, but would not necessarily determine detention, adding that a person could be a chef or a photographer.

A spokesperson for the Australian High Commission confirmed that that being a suspected or actual member of the LTTE would be a factor and the individual would face further scrutiny.

A Colombo based independent organisation agreed this would be a factor.

A spokesman for CID stated that most of the LTTE suspects were rehabilitated, very few leaders are around and his department are not expecting to arrest LTTE cadres. If they did suspect someone of LTTE activities they would be referred to TID.

A spokesman for DIE said that his department only establish nationality.

**- has been identified as having relatives in the LTTE**

A spokesperson for the Swiss Embassy said they were not aware of any.

A caseworker in Sri Lanka thought this was immaterial.

A spokesperson for the Australian High Commission stated that any LTTE connections would cause the authorities to investigate further.

An international agency said that they assumed that they would be asked about relatives.

A Colombo based independent organisation agreed this would be a factor.

A spokesman for CID said this was not a factor as his department possessed a good database to confirm people's records. He again said that most LTTE cadres were rehabilitated, adding that they can complete their checks within 1-2 hours.

- has spent time in IDP camps

A spokesperson for the Swiss Embassy said this was not a problem.

A caseworker in Sri Lanka said they did not think so. Many of their returnees from West Africa had spent time in Menik Farm and had no problems on arrival.

A spokesperson for the Australian High Commission said it would not necessarily be a factor just because they had lived under an LTTE regime. They added that being an IDP alone was not a cause for detention.

An international agency stated that those in Menik Farm in 2009 may attract attention and be asked how they got out of the camp. Those recent refugees with a profiled age would probably be asked how they got out of Sri Lanka. They added that the authorities are encouraged to show an interest in an attempt to discourage irregular migration.

A Colombo based independent organisation agreed this would be a factor.

A spokesman for CID did not think this was a factor.

- has spent time/has been released from rehabilitation camps for LTTE cadre/those with LTTE connections

A spokesperson for the Swiss Embassy said this was a difficult and the most problematic group. The way they were dealt with depended on the area they lived, their involvement, their ability to resurrect and the information available to the authorities.

A caseworker in Sri Lanka reiterated that they had experienced several ex LTTE returnees from West Africa being identified on arrivals as having gone through the rehabilitation camps and none were detained.

A spokesperson for the Australian High Commission said that being in a rehabilitation camp indicated that an individual was at some level a LTTE operative, adding that it may have just been a basic role.

An international agency said they had not encountered surrenderees who had gone abroad to claim and then come back. They thought there would undoubtedly be some but that it was too soon, although they speculated that they would receive a high level of scrutiny. They went on to describe that those rehabilitated often had a reporting requirement to civil officers, army camps or the local police, and that anything adverse regarding them would have come

to notice. Even when they have left the district they still face higher scrutiny than other returnees.

A Colombo based independent organisation agreed this would be a factor.

A spokesman for CID said that they recently identified 2 former LTTE cadres when they were returned from Guinea. Military intelligence checks confirmed that they had been rehabilitated, and they were duly released.

- has a previous criminal record and/or an outstanding arrest warrant

A spokesperson for the Swiss Embassy said that this would be a factor and those with outstanding arrest warrants would be arrested, taken to Negombo and presented to the Courts.

A caseworker in Sri Lanka referred to previous answers above.

A spokesperson for the Australian High Commission confirmed this would be a factor to merit further investigation.

An international agency said they were aware of the case they had mentioned previously.

A Colombo based independent organisation agreed this would be a factor.

A spokesman for CID said that his department would follow the correct legal procedures.

A spokesman for DIE stated that if their system contains persons who have a Court Order against them, or if they have escaped from prison. It does not contain a list of LTTE suspects.

- has jumped bail/escaped from custody

A spokesperson for the Swiss Embassy said that this would be a factor and they would be arrested, taken to Negombo and presented to the Courts.

A caseworker in Sri Lanka referred to previous answers above.

A spokesperson for the Australian High Commission said that this would be a factor to merit further investigation.

An international agency said they were not aware of any returnees in that category. They added that they do come across persons who have been recognised as refugees who sometimes mention this in their background, but apart from that 'no'.

A Colombo based independent organisation agreed this would be a factor.

A spokesman for CID said that they would check their records to see if these persons had been rehabilitated.

- has signed a confession or a similar document

A spokesperson for the Swiss Embassy said they had no knowledge of any cases like this.

A caseworker in Sri Lanka said they had no knowledge of reports of cases like this.

A spokesperson for the Australian High Commission offered no comment.

An international agency said they had no information regarding this.

A Colombo based independent organisation agreed this would be a factor and added that the signing of Sinhala statements was still going on and that they were pursuing cases through the Courts.

A spokesman for CID was not aware of such cases.

- has been asked by the security forces to become an informer/identify suspected LTTE members

A spokesperson for the Swiss Embassy said that some of their asylum applicants had mentioned this but it was considered not much of an issue.

A caseworker in Sri Lanka said they had no knowledge of reports of cases like this.

A spokesperson for the Australian High Commission said they had no knowledge of reports of cases like this.

An international agency said they had no information regarding this.

A Colombo based independent organisation agreed this would be a factor.

A spokesman for CID was not aware of such cases.

- has visible scarring

A spokesperson for the Swiss Embassy said that some time ago this was mentioned to staff at the Embassy during their asylum interviews but this had stopped now. (NB. The Swiss government have since announced that they will no longer accept in-country asylum applications for Sri Lanka)

A caseworker in Sri Lanka said they had no reports of cases like this. One of their returnees from West Africa had a prosthetic leg which did not create problems.

A spokesperson for the Australian High Commission said this would have no relevance.

An international agency said that they had noticed that persons with a limp, or a scar on their arm or hand might be questioned a bit more, often quite intensive questions; however, they were not aware that any specific scars were sought.

A Colombo based independent organisation said there was an assumption that they would be questioned as to how they had got a scar or injury. They had not heard of scarring by the Sri Lankan authorities.



A spokesman for CID said that they may be asked to explain scars, and if identified as ex-LTTE and not rehabilitated then they may be referred to TID. He was not aware of scarring by government officials being used as a means of identifying suspects.

A spokesman for DIE said that visible scars were not a factor.

- has returned from London or another centre of LTTE fundraising

A spokesperson for the Swiss Embassy said they had no evidence of this being a factor, adding that Switzerland could be considered an even bigger centre.

A caseworker in Sri Lanka said this would make no difference.

A spokesperson for the Australian High Commission said they were not aware of any such cases.

An international agency said they dealt with returnees from several countries and in their experience the procedures were the same for all. They added that the authorities are often aware of their presence at the airport though and were therefore friendly.

A Colombo based independent organisation said it depended on profile, but if they were suspected of having links then yes. They added though that they didn't think anyone coming from London would be questioned.

A spokesman for CID said it was not only London; no returnees from any European countries, including Norway or Toronto are targeted.

- has taken part in demonstrations against the Sri Lankan government in the UK or elsewhere

A spokesperson for the Swiss Embassy said they had no evidence of this being a factor.

A caseworker in Sri Lanka said they there were reports after the Oxford Union cancellation in the UK but not since.

A spokesperson for the Australian High Commission said they were not aware of any such cases.

An international agency said they were not aware of any such cases.

A Colombo based independent organisation said that they were aware that the government had taken photographs of protesters and put them on the MoD or President's websites.

A spokesman for CID said that the government did not maintain such records.

has illegally departed from Sri Lanka

A spokesperson for the Swiss Embassy said that the authorities would want to know who the agent was who arranged for their departure.

A caseworker in Sri Lanka said they thought this was not relevant.

A spokesperson for the Australian High Commission stated that illegally departing from Sri Lanka was a criminal offence under the Immigration Act. They added however that current practice was not to prosecute offenders.

An international agency said they were not aware of any such cases.

A Colombo based independent organisation said that profile played a part, for example their name, and those without an embark stamp in the passport would be questioned. They thought that Sinhalese would be treated better.

A spokesman for CID said it was not really a factor, adding that although it is an offence there is rarely enough evidence or the documentation to support a case to go to Court. He further added that the Court requires original documents and that photocopies of documents are no good.

A spokesman for DIE said that if they had evidence that a person had illegally departed Sri Lanka they would hand them over to CID.

- has made an asylum claim abroad

A spokesperson for the Swiss Embassy said that this was not an issue.

A caseworker in Sri Lanka said this would not be a factor.

A spokesperson for the Australian High Commission said they did not notify the Sri Lankan authorities that someone had made a claim for asylum and that it was down to the individual concerned whether they told them. They added that they were not aware of any issues.

An international agency said that the authorities knew that all of the persons they dealt with had sought refuge abroad and were processed accordingly.

A Colombo based independent organisation agreed this would be a factor.

A spokesman for CID said it was not a factor as it was not an offence in Sri Lanka.

A spokesman for DIE stated that it was not up to his department to consider this.

- lacks an ID card or other documentation

A spokesperson for the Swiss Embassy said they that their returnees, if they were not in possession of their own passport, held Emergency Travel Certificates issued by the Sri Lankan government which provided evidence of nationality and identity.

A caseworker in Sri Lanka said this was not a problem because National Identity Cards and birth certificates were never discussed on arrival.

A spokesperson for the Australian High Commission said it was a factor but added that all returnees were in possession of a passport or emergency travel document.

An international agency stated that the lack of an identity card only became an issue when the returnee reached their destination. Their organisation worked with partners to obtain documentation, which took around two months through an implementing partner.

A Colombo based independent organisation said that now DIE do not ask for ID cards, indeed Sri Lankans do not even complete landing cards on arrival. However, if their profile is raised then it may be a factor, although it varies from person to person.

A spokesman for CID said that they would be in possession of an emergency passport and that was enough.

A spokesman for DIE referred to previous responses.

## 2. Monitoring of Returnees

### Does your organisation monitor returning failed asylum seekers (FAS)?

A spokesperson for the Swiss Embassy said they did not monitor their returnees, adding that there was no need as they can address the Embassy at any time.

A caseworker in Sri Lanka said that they did monitor reintegrated returnees through their support programmes. They added that they meet returnees and discuss reintegration and sustainability.

A spokesperson for the Australian High Commission said they viewed the arrival process, either personally or through the International Organization for Migration (IOM), but did not have a formal monitoring capacity at the airport. Their role ceased once returnees had gone through the arrival process. Returnees were though provided with post arrival assistance on a case by case basis and the High Commission received pre-departure reports on cases with potential issues. There was no monitoring of human rights, only follow-up pastoral care by IOM, who provided a feedback function through reporting. It was also added that they do investigate any allegations of mistreatment.

An international agency said that they did monitor returnees and had compiled a report which was to be released once cleared by the Sri Lankan government.

A local NGO in Colombo said that they connected their returnees to caseworkers who officially kept in touch with them for one year. They added however that some just did not keep in touch and disappeared, and also that they did not offer legal support to returnees.

A Colombo based independent organisation said they did not meet, monitor or support returnees.

### Does your organisation meet returning FAS at Colombo Airport?

A spokesperson for the Swiss Embassy said that they do not meet their returnees unless it is specifically requested by the authorities in Switzerland. This was not a regular occurrence.

A caseworker in Sri Lanka confirmed that they do meet returning FAS at the airport.

A spokesperson for the Australian High Commission referred to their previous answer above.

An international agency confirmed that they did meet returnees at the airport.

A local NGO in Colombo said that returnees decided themselves in advance as to whether they required a meet and greet service.

Do you provide assistance to FAS after their arrival? If so, what and for how long?

A spokesperson for the Swiss Embassy said that their voluntary returnees are able to apply for a payment of up to 4 - 5,000 Swiss Francs (£2,600 - £3,300) per person. Payments are assessed both in Switzerland and in Sri Lanka and are tailored to individual needs. Medical assistance is also made available. They added that enforced returnees only receive travel money before departing Switzerland.

A caseworker in Sri Lanka stated that they provided post arrival assistance to returnees from several countries, including Australia and EU countries. They have staff in Colombo and Jaffna who work with returnees and the length of assistance depends on the donor country and the type of reintegration programme. For example the West African project is up to 18 months whereas the EU standard project last 6 months. They added however that with some of their community based projects they are still in touch with returnees from 5 years ago.

A spokesperson for the Australian High Commission again referred to their previous answer above, adding that they are running a project with IOM which would provide assistance to returnees for up to 6 months, but had not done any yet.

An international agency said all they offered was a reintegration grant and transportation allowance, and opened bank accounts for returnees.

A local NGO in Colombo said they provide assistance for up to one year. Often returnees require assistance with obtaining documents, but mostly they require business development, access to business services, or to continue studies. They pointed out that having decided what assistance they required before arriving in Sri Lanka, 75% of them changed their minds once they were back.

How accessible to FAS is your organisation or other organisations such as NGOs, United Nations and western embassies?

A spokesperson for the Swiss Embassy said that their returnees are free to come and see them at the Embassy. It was added that it is rare for the Embassy to be informed of removals in advance from Switzerland because the process for returning people has become so smooth.

A caseworker in Sri Lanka said that their organisation were very accessible. The door to their offices was always open, returnees are given phone numbers, there is a network of support workers and other returnees they can turn to, various forums they can attend and they even carry out Skype chats with clients. They have received no criticism from returnees regarding their accessibility.

A spokesperson for the Australian High Commission said that they provide returnees with a mobile phone number and contact details for the Australian High Commission, plus returnees

could always approach them through the front gate. As part of their project IOM set up contact arrangements, which also acted as intelligence gathering and enabled them to conduct surveys regarding community perceptions to migration.

An international agency said that they did protection monitoring, and that returnees visited their officers in each of their districts, as well as their officers undertaking household visits . These questions then generated their reports. They added that security was not their focus now.

A local NGO in Colombo said that they had not had any major complaints regarding their accessibility. They have had to rethink their network and amended and adjusted their programme to suit the returnees. They added that many of their returnees have become friends, phone regularly, pop into the office to talk and have even invited their staff to weddings.

Are FAS and other returnees who experience problems on return able to report these difficulties to human rights groups or other organisations?

A spokesperson for the Swiss Embassy said that the Federal Office for Migration sometimes use the International Organization for Migration (IOM) to liaise with returnees.

A caseworker in Sri Lanka said that returnees often talk to lawyers in Sri Lanka, although in many cases that was to try and get back to the country from where they had been returned. Also, they had access to the Human Rights Commission. They added that they had not recently encountered any returnees with problems.

A spokesperson for the Australian High Commission said that they were only aware of complaints made directly to them, but assumed returnees did have access to human rights groups, adding that a recent case of theirs had gone to Amnesty International.

An international agency said they were able to go to their offices.

A local NGO in Colombo said that in their experience of dealing with returnees none had complained of problems, only one family had a brief problem at a major check point when they could not initially locate their identity documents.

### 3. Treatment of Returnees

Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or mistreatment?

A spokesperson for the Swiss Embassy said they had no information regarding the mistreatment of returnees on return to Sri Lanka.

A caseworker in Sri Lanka stated that they had not received any such reports, adding that the Lessons Learnt and Reconciliation Commission report referred to some difficulties within communities.

A spokesperson for the Australian High Commission stated that they were aware of one returnee from the UK making an allegation, one from the Netherlands making a complaint, and one from Canada where a Court ordered his return.

An international agency said they only dealt with voluntary returns, but knew that often once the person had returned to their homes they were visited by CID at least once or twice. Also, some were requested to visit civil offices.

A local NGO in Colombo referred again to the allegation by one of their returnees of having to pay a bribe, and said they were aware of two persons being questioned further at the airport. They added that they had no information about any Tamils being mistreated and had received no complaints of mistreatment.

A Colombo based independent organisation said that they had seen reports from sources.

Are you aware of FAS or other returnees being detained on or after arrival?

A spokesperson for the Swiss Embassy said they were not aware of any returnees being detained on or after arrival.

A caseworker in Sri Lanka referred to replies given previously.

A spokesperson for the Australian High Commission said that three of their returnees had been arrested on return at the airport. The first was a deserter from the Sri Lankan Air Force who had been handed over to the Air Force and released after 3 days. The second had an outstanding arrest warrant against him for financial matters. He was taken to Negombo Prison and released after 2 days. The third was a people smuggler who had been the skipper of a boat which went to Australia. He was arrested and taken to Negombo Prison where he made allegations that he had been mistreated. This was fully investigated by the AHC and found to be without foundation. It was added that they had been made aware of two returnees who had featured in maritime captures by the Sri Lankan authorities, who were merely 'trying again'.

An international agency referred to previous answers, adding that none further had been detained on arrival. They were aware of a search operation in Trincomalee where one or two were arrested but subsequently released.

A local NGO in Colombo said they were not aware of any returnees being detained on or after arrival.

A Colombo based independent organisation said that had heard of cases through other sources since 2009, but were not aware of cases in 2012.

Are you aware of FAS or other returnees being stopped at check-points in Colombo or elsewhere?

A spokesperson for the Swiss Embassy said that from persons they had spoken to there was no problem with check-points any more.

A caseworker in Sri Lanka had no reports of returnees being stopped at check-points.

A spokesperson for the Australian High Commission said that there were not many check points now.

An international agency said that the only check point was at Omanthai where returnees would show the letter from their organisation which was okay even if they did not have an National Identity Card (NIC). They have had no issues.

A local NGO in Colombo referred again to a family, who had been initially unable to locate their NICs at a check point, but duly located them and were allowed to proceed.

A Colombo based independent organisation said that questions were asked of persons passing through checkpoints, especially at Omanthai, like what are you doing here, who do you have here. They added that it was part of information gathering along with surveillance, household registration and home visits by the authorities.

Are you aware of specific substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards? If so, do you have details?

A spokesperson for the Swiss Embassy said they were not aware of any substantiated cases of ill treatment of returnees.

A caseworker in Sri Lanka stated they did not know of any such cases.

A spokesperson for the Australian High Commission said that they were not aware of any such cases.

An international agency said they had heard of none at the airport, and were only aware of one or two returnees being visited afterwards by police who were verifying their addresses.

A local NGO in Colombo stated that they had not heard of any major stories.

A Colombo based independent organisation said they were not aware of such cases.

If FAS or other returnees are detained and/or ill treated, do they have a particular profile?

A spokesperson for the Swiss Embassy said they were not aware of any substantiated cases of ill treatment of returnees.

A caseworker in Sri Lanka stated they did not know of any such cases.

A spokesperson for the Australian High Commission said that they were not aware of any such cases.

An international agency said they had not heard of any such cases.

A local NGO in Colombo said they had not heard of any such cases.

A Colombo based independent organisation said they were not aware of such cases.

Several allege being taken to the 4th floor of CID premises in Colombo - is anything known of this?

A spokesperson for the Swiss Embassy said they had no knowledge of anyone being taken to CID in Colombo, adding that the International Committee of the Red Cross had visited the establishment.

A caseworker in Sri Lanka stated they did not know of any such cases, adding that the CID premises are notorious, but they did not know anything further.

A spokesperson for the Australian High Commission said that they were aware of an unsubstantiated allegation that a maritime people smuggler had been beaten up at CID headquarters.

An international agency said that their returnees did not generally go through CID.

A local NGO in Colombo stated that they did not know of any such cases. They added that they had expected to hear such claims but no-one has ever alleged to having visited such offices.

A Colombo based independent organisation said they knew of cases from others, adding that this was not limited to those coming back to the country, persons in-country are taken there.

Some allege being taken to Vavuniya and Batticaloa army camps - what is known about them and would detainees be taken there?

A spokesperson for the Swiss Embassy said they had not heard of any returnees being taken to any army camps.

A caseworker in Sri Lanka stated they did not know of any such cases.

A spokesperson for the Australian High Commission said that they were not aware of any such cases, although they were aware of some returnees facilitated from India were taken to Boosa detention camp, adding that International Committee of Red Cross had subsequently been given access to the camp.

An international agency said they were not aware of any such cases.

A local NGO in Colombo said they did not know of any such cases.

A Colombo based independent organisation said they were only aware of camps in Vavuniya, Batticaloa, Jaffna and the Vanni being used for the rehabilitation of those with links to the LTTE.

4. Voluntary and Enforced Returns of Failed Asylum Seekers

Do you enforce the return of FAS to Sri Lanka and if so, could you provide an estimated figure for 2011 and 2012?



A spokesperson for the Swiss Embassy said that in 2012 up to 31 August there had been 7 enforced returns, only one of whom was escorted. There had been similar figures for 2011.

A spokesperson for the Australian High Commission said that they had only recently carried out their first enforced Tamil return. Prior to that, since October 2008 they have returned 88 FAS, of which 73 were voluntary. The 15 non-voluntary comprised of Muslim or Sinhalese returnees. In the coming months the Australian government are looking to screen out Sri Lankan boat arrivals at the first stage and fast track them through an off-shore processing centre in Nauru, Papua New Guinea.

If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?

A spokesperson for the Swiss Embassy said that they do field trips but do not liaise with any of their returnees, adding that they always have the option to come to the Embassy.

A spokesperson for the Australian High Commission referred to previous answers given above.

Do you return FAS voluntarily to Sri Lanka and if so could you provide an estimated figure for 2011 and 2012?

A spokesperson for the Swiss Embassy said that they had 80 voluntary returnees during 2011 and for 2012 up to 31 August they had 54 voluntary returnees. They added that they had also this year recorded 82 uncontrolled departures of Sri Lankans, these were FAS who left of their own volition.

A spokesperson for the Australian High Commission said that they were currently looking at the possibility of just 10-12, but added that this was a reflection of the Australian Court system. (NB. Following the meeting the Australians operating two charter flights of voluntary returnees in the last week of September 2012 following the opening of the off-shore processing site in Papua New Guinea)

## 5. Government Perception of Returning Sri Lankans

How do the authorities perceive Sri Lankans who apply for asylum in the UK and then return either forcibly or voluntarily to Sri Lanka?

A spokesperson for the Swiss Embassy said that they thought the Sri Lankan government would be thrilled so many are now returning, especially because of the skills that they bring. They added that they are aware that there are plans to link some of the returnees to work in the hotel trade.

A caseworker in Sri Lanka said they did not know government perceptions, only that they adopted the same interview process.

A spokesperson for the Australian High Commission said that it depended on who you spoke to. In their engagements with the government of Sri Lanka regarding returns from Australia they had agreed to treat all returnees well and to take them back. They often showed an interest in who had claimed asylum.

An international agency thought the authorities put on an empathetic front, claiming “our people are coming back” but then queried why they all had to return in one go.

A local NGO in Colombo thought the authorities may have doubts about them, but added that the country relied on migrant labour. They often had concerns about returnees such as how they had left Sri Lanka, their location before leaving, and their mode of communication with networks and agents.

A Colombo based independent organisation stated that the authorities are likely to ask “Why are you applying for asylum?” and “What are your political links?” They added that they did question them and had the option to monitor, visit their homes, carry out surveillance, and get them to register at police stations.

A spokesman for CID gave the opinion that an overstayer in the UK is not committing an offence in Sri Lanka. He added that they’ll have earned more money whilst there, and that even Sinhalese are heading to Italy for jobs, for a better future and lifestyle.

A spokesman for DIE thought that there was no longer a reason for Sri Lankans to claim asylum as there was no war and they could live here without hindrance.

#### How do the authorities perceive Sri Lankan FAS returning from other countries in Western Europe?

A spokesperson for the Swiss Embassy said the perceptions were the same as from the UK, adding that many were actually returning from India with the assistance of UNHCR.

A caseworker in Sri Lanka said they did not know government perceptions.

A spokesperson for the Australian High Commission said their perceptions were no different to returnees from anywhere else, and that there was no evidence of deferential treatment based on where they came from.

An international agency said they were not involved in such cases.

A local NGO in Colombo told us that the authorities viewed them as being better off.

A Colombo based independent organisation said that it was not Europe per se, but any returnees coming large diaspora groups such as London, Geneva, Toronto faced questions. Those linked to large active groups could face secret surveillance.

A spokesman for CID said he thought that other areas of the world did not pay as much as European countries.

A spokesman for DIE said there was no difference in the way they were treated.

#### Do the authorities take any special interest in Sri Lankan citizens who have been studying abroad, especially in the UK?

A spokesperson for the Swiss Embassy said that they were not aware and thought authorities based their questions on individual profiles rather than general ones.

A caseworker in Sri Lanka stated they did not know.

A spokesperson for the Australian High Commission said that they were not aware of any such cases.

An international agency said they did not know.

A local NGO in Colombo said they were not sure but thought that the authorities showed a greater interest in why they did not work, and considered them to be a burden on the state.

A Colombo based independent organisation said they were not aware of such cases, but again it depended on profile.

A spokesman for CID said they are treated as normal.

A spokesman for DIE stated they did not.

Are you aware of any cases of Sri Lankans studying abroad being arrested during a visit to Sri Lanka, and if so, what was their profile?

A spokesperson for the Swiss Embassy said they were not aware of any such cases.

A caseworker in Sri Lanka stated they did not know of any such cases.

A spokesperson for the Australian High Commission said that they were not aware of any such cases.

An international agency said they did not know of any such cases.

A local NGO in Colombo did not know of any cases like this but said they were aware of two cases where students came back to Sri Lanka, then returned to the UK and were refused entry on arrival.

A Colombo based independent organisation said they were not aware of such cases.

A spokesman for CID was not aware of any such cases.

A spokesman for DIE said he was not aware of any such cases and questioned why they would be arrested.

██████████

██████████

Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

12 December 2012

Dear colleague,

**Re: UKBA Charter Flight of Returnees – 06/07 December 2012**

A flight chartered by the UK Border Agency (UKBA) specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom, left London on 6 December 2012.

Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the re-documentation of the returnees, the necessary authorisations for the aircraft and the smooth arrival and processing of the returnees on arrival in Sri Lanka. The experience gained during previous UKBA charter flights allowed all parties to review procedures ahead of the flight's arrival.

Prior to the arrival of the aircraft, two officials from the British High Commission (BHC) had liaised with officers from the Department of Immigration & Emigration (DIE), the police Criminal Investigation Department (CID), the State Intelligence Service (SIS), the Airport Duty Manager and Sri Lankan Airlines to discuss reception procedures.

Flight ZT2513 arrived at Bandaranaike International Airport, Colombo at approximately 0900hrs on 07 December with 29 enforced returnees. The ethnic split of the returnees was 17 Tamil, 5 Sinhala and 7 Muslim. The gender split was 24 Males and 5 Females. The returnees were in possession of either their own national passport or a Temporary Travel Document (TTD) issued by the Sri Lankan Department of Immigration and Emigration (DIE). Prior arrangements were made for one returnee arriving in a wheelchair to ensure that the facilities were available to allow the person to embark from the aircraft, they would be processed quickly and that relatives were present to receive them.

A Chief Immigration Officer, 2 Immigration officers and an airport security officer travelled to the stand where the aircraft was parked and boarded the aircraft to meet the UK officials onboard. At 0920hrs the Immigration officers returned to the terminal building with the returnees and UKBA officials in a convoy of buses.

At 0930hrs all returnees were seated in an area adjacent to medical services area on the ground floor of the terminal building, in a section specially cordoned off, waiting to be processed. They were allowed to use toilet facilities under the supervision of airport security staff, and had access to water. This area was considered to be more suitable by the Sri Lankan border authorities as it was considered quieter for the interviewing process. We were told that this area was to be used as the permanent interviewing area for all future charters.

The two BHC officials, the Immigration Liaison Officer and Migration Support Officer, addressed the returnees and explained what procedures the returnees were about to go through and offered them words of reassurance about the process. The returnees were advised to bear with the Sri Lankan authorities whilst they went through their procedures as the sooner these were completed; the sooner the returnees would be able to leave the airport. It was also explained that they would be reunited with their baggage and personal belongings and that the BHC officials would remain at the airport until the last one of them had been cleared. The returnees were also advised that there may be media present when they left the airport, after the Customs area, adding they were not aware of any in attendance at present. None of the returnees appeared ill or distressed in any way. The returnee in the wheelchair was given priority and was processed speedily by all officials involved in the arrival process.

All interviews were conducted in the one area and there was no requirement for the returnees to be escorted from DIE interviews to SIS and CID offices as had happened previously. The interview process was noticeably quicker. On completion of the SIS/CID interviews the returnees returned to the main seating area. Once handed their passports/travel documents which had been endorsed with an arrival stamp by DIE, they were allowed to proceed.

Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50. This would enable the returnee to have the means to travel to their onward address within Sri Lanka and would also cover overnight accommodation where required. Each returnee provided contact details to the IOM, and they in turn provided each returnee with their contact details.

At 1245hrs the first returnee was allowed to proceed having completed the arrival process. All of the returnees were given the business card of the Migration Support Officer and advised to contact them at the BHC if they had any questions or concerns. BHC officials accompanied all of the returnees to the baggage reclaim to oversee them collect their bags.

All the bags were numbered with the returnees manifest number in order to ensure that each returnee collected the correct bags and this was overseen by airport security officials.

Having collected their baggage, the returnees proceeded through Customs to the exit. BHC officials watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way. Some of the returnees returned to the Duty Free area to purchase goods before proceeding out of the airport. Customs officers agreed to allow two returnees to exit from through the staff exit as opposed to the normal passenger exit as they indicated that they did not want to be interviewed by media who may be present in the arrivals area. All 29 returnees completed the airport formalities with the last proceeding through Customs just after 1400hrs. Many thanked the BHC officials for their assistance. It was noticeable to the BHC officials that since the Australian government had been operating regular charter flights of returnees to Colombo in the last few months, the border authorities had tweaked their arrival procedures to speed up the process. It also appeared that officials from all agencies had become more familiar with the process and considered it routine to receive a charter flight of returnees.

DIE and the Consular Section of the BHC had made arrangements for the removal of a British Citizen back to the UK on the chartered aircraft. The two BHC officials liaised with DIE and oversaw the handover of the person to UKBA officials. He was placed on the flight and duly removed to the UK.

  
Migration Support Officer

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## **Annex C – IGC survey, February 2012**

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Request for Information

**Sri Lanka**

**Request from the United Kingdom**

February 2012

(public)



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## Request

- Date of request:

**February 1<sup>st</sup> 2012**

- Deadline for answers:

**February 14<sup>th</sup> 2012**

### Questions:

1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?
2. If there was an increase, what do you consider to be the likely explanations?
3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?
4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?
5. Could you provide figures for decisions (grants + recognition rate - Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?
6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?
7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?
8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?
9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?

## Australia

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

The information cannot be disclosed.

**2. If there was an increase, what do you consider to be the likely explanations?**

The information cannot be disclosed.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

The information cannot be disclosed.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

DIAC issued a Country Guidance Note (CGN) on Sri Lanka in November 2010. The CGN provides an overview of main claims of Sri Lankan PV applicants. The claims outlined in the CGN were drawn from a sample of decision records from 2010. The CGN does not equate to a policy on how to deal with the caseload, but endeavours to assist decision makers to assess, under their delegated authority, asylum claims on a case-by-case basis. The CGN can be found at: <http://www.immi.gov.au/media/publications/country-guidance-notes.htm>

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

The information cannot be disclosed.

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

The information cannot be disclosed.

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

The information cannot be disclosed.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

The information cannot be disclosed.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

In September 2010 Amnesty International<sup>126</sup> and the Asian Human Rights Commission<sup>127</sup> issued media releases alleging three failed asylum seekers from Sri Lanka returned from Australia in 2009 had been tortured following their detention in August 2010 by the Sri Lankan police Criminal Investigation Department (CID).

According to Amnesty International, on 14 August 2010, two of the men, who were brothers, were arrested apparently on suspicion that they were again planning to seek asylum in Australia. Amnesty claimed one of the brothers was tortured by the CID for six days. On 22 August, the brothers were taken to a prison in the town of Negombo, along with another Sri Lankan man who had also been deported from Australia, and tortured in custody.

The Asian Human Rights Commission statement contains more details about the alleged mistreatment of one of the brothers.

#### Action taken by Australia

These claims were investigated by the Australian High Commission in Colombo. Australia is satisfied that it has not breached its non-refoulement obligations in relation to the three Sri Lankans named in the 2010 statements by Amnesty International and the Asian Human Rights Commission.

## Belgium

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

In 2010 the number of claims in Belgium was 140. In 2011 it was 178. That is an increase of 27 %.

**2. If there was an increase, what do you consider to be the likely explanations?**

The human rights situation in Sri Lanka remains worrisome especially in the Vanni. The profiles are mostly people who are being accused of some kind of past involvement with the LTTE and therefore fear the authorities.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

Almost all of the claimants are Tamil. We had only one Sinhalese file in 2010 and none in 2011.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

<sup>126</sup> "Sri Lanka urged to ensure safety of detained former asylum-seekers", *Amnesty International*, 3 September 2010.

<sup>127</sup> "Criminal Investigation Department officers illegally arrested, detained and tortured a man and denied him the right to medical treatment", *Asian Human Rights Commission*, 9 September 2010; "Criminal Investigation Department officers torture a man then attempt to kill him", *Asian Human Rights Commission*, 17 September 2010.

The main categories of claims are: involvement with the LTTE, single women and head of a single female household.

The Belgian policy is based on the current UNHCR Eligibility guidelines. In conformity with the UNHCR Eligibility guidelines, we do treat the Tamils who can prove some kind of a former affiliation with the LTTE with great care. Most of these are obviously not high ranking members of the Tigers but have been forced to work for them. They have to prove this could lead to persecution by the authorities. In general we are being reasonably clement in such cases, certainly with Tamils who originate from the Vanni.

Again in line with the UNHCR recommendations we treat single women/heads of single female households with utmost care if they originate from the Vanni. Their situation is precarious, as has been outlined as well by a well-documented report of ICG.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

2010: 108 decisions

- 36 refugee status (33%)
- 0 subsidiary protection status
- 72 negative (67%)

2011: 173 decisions

- 47 refugee status (27%)
- 0 subsidiary protection status
- 126 negative (73%)

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Yes.

2010: 1;

2011 : 3 (very small caseload of irregular migrants from Sri Lanka).

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

No. Only on individual request through embassy or IOM.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Yes.

2010: 7 ; 2011: 9

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

No.

**Canada**

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

Full data for 2011 is not yet available. However, we can compare the period for which we have data for both 2010 and 2011.

From January to September 2011, Canada received 477 refugee claims from Sri Lanka\*. This is a 52% decrease from the same period in 2010 with 989 claims.

With the exception of 2008 and 2010, historical data shows that the trend for refugee claims intake is going down.

In 2011, half of the claims were made at the US border (240) while 42% (199) were made inland and 8% (38) at the airports.

\*Sri Lanka as a country of citizenship

**2. If there was an increase, what do you consider to be the likely explanations?**

N/A

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and percentage of such claims for both years?**

No increase. Approximately 1 %.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

Almost all Tamils: 67% put in a category "Tamil", 20% put under "victim of State agents or state agents and guerrilla" (approximately 10% each). We do not have a policy to deal with Sri Lanka claims. Each claim is decided on its merits through either a hearing or in some cases an expedited process.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

In 2010: 672 decisions

- 513 positive (76%)

In 2011: 492 decisions

- 281 positive (57%)

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Canada returned 148 failed asylum seekers to Sri Lanka in the calendar years 2010 and 2011.

2010	2010/Jan	14
	2010/Feb	6
	2010/Mar	7
	2010/Apr	3
	2010/May	4
	2010/Jun	5
	2010/Jul	5

	2010/Aug	3
	2010/Sep	3
	2010/Oct	9
	2010/Nov	9
	2010/Dec	8
Total 2010		76
2011	2011/Jan	5
	2011/Feb	7
	2011/Mar	6
	2011/Apr	3
	2011/May	4
	2011/Jun	10
	2011/Jul	5
	2011/Aug	9
	2011/Sep	7
	2011/Oct	4
	2011/Nov	9
2011/Dec	3	
Total 2011		72

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

Canada Border Services Agency (CBSA) does not have any mechanism to monitor conditions after return.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Failed refugee claimants are given the opportunity to purchase their own tickets for return to Sri Lanka unless an escort is necessary because of criminality or behavioural issues. These individuals are considered to have complied with their removal orders voluntarily. In 2010, 27 individuals purchased their own tickets and in 2011, 16 did so.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

We are not aware of any difficulties or reports of such.

## Denmark

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

During 2010 Denmark received 29 asylum seekers from Sri Lanka out of a total of 5,115 (gross figures) – 0,57%. In 2011 the number was approximately 22 applicants out of a total of 3,811 (gross figures) – 0,58%. Thus, the number decreased by 24%. (Source: the Danish Immigration Service.)

**2. If there was an increase, what do you consider to be the likely explanations?**

N/A

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

No rise regarding claims deriving from Sinhalese. We are however not able to provide percentage of the Sinhalese claims due to Danish legislation that forbids registering persons on their ethnicity, religion etc.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

The dominant asylum category is the fear of persecution by the Sri Lankan authorities due to suspicion of being a member or having activities or other form of affiliation with the LTTE. Another category of claims - however on a smaller scale - is the general, unstable security situation in northern Sri Lanka.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

For **2010** all figures are also available on IGCs website:

Top 20 First Instance Asylum Decisions taken on All Countries of Origin by Denmark for 2010 (ranked by Total Decisions):

Country of Origin	Total Decisions	Geneva convention Status	Human. Status / Other Status to remain	Rejections	Non-Status Decisions	Geneva %	Human /Other %	Reject %	Non- Status %
9:Sri Lanka	59	3	2	54	-	5.1%	3.4%	91.5%	-

[https://secure.igc.ch/web/jcms/c\\_30302/asylum](https://secure.igc.ch/web/jcms/c_30302/asylum)

Preliminary figures for **2011** (final figures will be available in April 2011):

Country of Origin	Total Decisions	Geneva convention Status	Human. Status / Other Status to remain	Rejections	Non-Status Decisions	Geneva %	Human /Other %	Reject %	Non- Status %
9:Sri Lanka	46	3	6	37	-			-	

Source: the Danish Immigration Service

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**



In 2011, 9 Sri Lankan failed asylum seekers were returned forcefully. In 2010, no Sri Lankan failed asylum seekers were returned. Since the numbers are insignificant we do not break them down by month.

On 18 August 1998 Denmark and Sri Lanka signed a readmission agreement. The agreement implies that the Sri Lankan authorities prior to a return issue travel documents, including cases in which the Sri Lankan national does not actively contribute to fill in the application form.

The cooperation with the Sri Lankan authorities is running smoothly. In cases in which ID is in place and the Sri Lankan national is actively contributing, the travel document can be issued on the same day. In cases in which the Sri Lankan national does not actively contribute, the processing time may be from 4 to 12 months.

Source: The Danish National Police

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

No.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

In 2011, 6 Sri Lankan failed asylum seekers were returned on a voluntary basis. In 2010, a total of 6 Sri Lankan failed asylum seekers were returned. Since the numbers are insignificant we do not break them down by month.

Source: The Danish National Police

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

Reference is made to fact finding report [“Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka. 19 June to 3 July 2010”](#), Chapters I.1.2, I.2.4, III.1.5, III.1.6, VII.

Source: The Danish Immigration Service

## Finland

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

This information cannot be disclosed.

**2. If there was an increase, what do you consider to be the likely explanations?**

N/A

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

The Finnish Immigration Service does not have statistical data on the ethnicity of asylum seekers. One case worker estimates that the percentage of Tamils has decreased.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

Most of the applicants are Tamils who claim that the authorities suspect them of LTTE activities and/or that they are victims of infringements in IDP camps. Some Sri Lankan Muslims have also applied for asylum and claimed that they have been active in the UNP and that the Pillayan group has harassed them. There is no policy regarding different categories of claims and all applications are assessed individually.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

This information cannot be disclosed.

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Yes, Finland enforces the return of rejected (or failed) asylum seekers to Sri Lanka. In 2010 the Finnish police returned one person and in 2011 a total of seven persons to Sri Lanka. Others returned voluntarily (see question number 8).

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

Currently there is no mechanism in place to monitor the situation of returnees.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Currently, assisted voluntary return is implemented mainly in the framework of the project "Developing Assisted Voluntary Return in Finland" which was launched on 1<sup>st</sup> January 2010 as cooperation between the office of the International Organisation for Migration (IOM) in Helsinki and the Finnish Immigration Service. The project is funded by the European Return Fund and the Finnish Immigration Service.

According to the information received from the IOM, during the (project cycle) period of 1.1.2010-28.2.2011 a total of nine persons and during 1.3.-31.12.2011 one person returned voluntarily to Sri Lanka with the assistance of the project.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

According to some sources returnees have faced difficulties (such as questioning, detainment or even assault) on return to Sri Lanka.

Please refer to, for example: Immigration and Refugee Board of Canada: Sri Lanka: Information on the treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; repercussions, upon return, for not having proper government authorization to leave the country, such as a passport.

Research Directorate, Immigration and Refugee Board of Canada, Ottawa, 22 August 2011. Available at: [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=453562&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453562&l=e)

## France

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

Year	2010
Global number of applications	3 404
1st applications	2 265
Repeat applications	540
Accompanying minors	599

(\*) Provisional data (January 6, 2012).

**2. If there was an increase, what do you consider to be the likely explanations?**

The presence in France of a substantial, structured and increasing Sri Lankan community as well as the existence of organized networks between France and Sri Lanka are the main factors. A greater freedom of movement in the country, including for the Tamils, and the fact that the economic, political and social situation in the North and East of Sri Lanka remain precarious also have a major role.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

No statistical data are available at OFPRA concerning the ethnicity of the applicants.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

The Sri Lankan applications at OFPRA are essentially composed of Tamil asylum seekers. Most of them invoke hailing from the Vanni region and having connections with the LTTE movement (family relationships with combatants, being themselves former direct or indirect employees of the movement...). They state to have stayed in an IDP camp at the end of the

conflict and alternatively claim to have left the camp clandestinely or having being relocated and thus being suspected by the authorities.

All asylum seekers are systematically invited for an interview.

Asylum seekers that had strong ties with the LTTE movement (former high-ranking politicians or military, former major contributors) may be granted refugee status, if the exclusion clauses have been assessed and disregarded.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

2010

Total decisions OFPRA	2 872
Including 1A2 admissions	579
% 1A2 admissions	20,2%
Including subsidiary protection	6
% Subsidiary protection	0,2%
Rejects	2 287
Refugee status granted by the appeal court (CNDA)	1 002
Global admission rate (OFPRA + CNDA)	55,3%

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

As OFPRA is not competent on return issues (under the exclusive jurisdiction of the Ministry of the Interior), we cannot provide data on that topic.

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

As OFPRA is not competent on return issues, we cannot provide data on that topic.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

As OFPRA is not competent on return issues, we cannot provide data on that topic.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

Some applicants invoke these motives but no reliable sources were provided to support these claims.

## Germany

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

Yes. The number of asylum applications increased from 468 in 2010 to 548 in 2011, which is an increase of 17.1%. The 468 asylum applications in 2010 included 435 first-time applications and 33 subsequent applications. The 548 asylum applications in 2011 included 521 first-time applications and 27 subsequent applications.

**2. If there was an increase, what do you consider to be the likely explanations?**

There is no obvious explanation for the increase in asylum applications. There was nothing to indicate that persecution has intensified in Sri Lanka. The high acceptance rate might have been an incentive to apply for asylum in Germany. In 2010 the Federal Office for Migration and Refugees accepted 53.0% of asylum applications from Sri Lanka but only 38.6% in 2011 (see also answer to question 5). Another reason for the increase in asylum applications might be the low number of expulsions. Eight persons were deported to Sri Lanka in 2010, and ten in 2011 (see also answer to question 6). Moreover, the number of asylum applications in Germany increased from 48,589 in 2010 to 53,347 in 2011, i.e. by 9.8%. Hence, the increase for Sri Lanka is considered negligible.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

Yes. The number of asylum applications filed by Sri Lankan people from Sri Lanka increased from eleven in 2010 to twelve in 2011, which is an increase of 9.1%. All eleven asylum applications in 2010 were first-time applications. The twelve asylum applications in 2011 included ten first-time applications and two subsequent applications. It needs to be mentioned that in Germany, the vast majority of asylum applicants from Sri Lanka are members of the Tamil ethnic group.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

This information cannot be disclosed.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

	2010		2011	
	No.	Percent	No.	Percent
Decisions on asylum applications in total	609	100.0%	368	100.0%

of which				
Asylum and refugee protection	276	45.3%	125	34.0%
Subsidiary protection under European law	16	2.6%	1	0.3%
National subsidiary protection	31	5.1%	16	4.4%
Rejections	200	32.8%	182	49.5%
Other decisions	86	14.1%	44	12.0%

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

The following table gives an overview of expulsions to Sri Lanka. Please note that the figures for 2011 are not final and may be subject to change.

	2010	2011
January	-	-
February	-	-
March	-	2
April	-	-
May	-	-
June	2	-
July	1	1
August	1	2
September	5	1
October	1	-
November	-	1
December	-	1
<b>Total</b>	<b>10</b>	<b>8</b>

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

No.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

According to the available figures, eleven persons voluntarily returned from Germany to Sri Lanka in 2010 and ten persons in 2011. They all received REAG/GARP funding (REAG: Reintegration and Emigration Programme for Asylum Seekers in Germany; GARP: Government Assisted Repatriation Programme). It is not possible to provide figures for individual months.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

Information available to the Federal Office for Migration and Refugees indicates that asylum applicants do not face particular difficulties upon their return. If entering with a valid Sri Lankan passport, entry formalities are usually carried out expeditiously. However, background checks are regularly carried out if, instead of a passport, returnees present a travel document issued by a Sri Lankan mission abroad (Identity Certificate Overseas

Missions, ICOM, also called Emergency Pass), usually only on the basis of the information provided by the person concerned. These returnees are interviewed at the airport by both the Sri Lankan immigration authority (Department of Immigration and Emigration, DIE) and the criminal police (Criminal Investigation Department, CID) regarding their identity, their personal background and their destination. There are no reports indicating that returning Tamil people were subject to additional disadvantages.

## Ireland

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

In 2011 Ireland received 4 asylum applications from Sri Lankans, this was down from 9 in 2010, a fall of 56%.

**2. If there was an increase, what do you consider to be the likely explanations?**

See answer to Q.1.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

Sinhalese claims account for ~25% in both years.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

Since 2000, applications from Tamils account for ~80% of our Sri Lankan caseload. All asylum applications in Ireland are dealt with on an individual basis. As previously stated, Ireland has received a relatively small number of applications from Sri Lanka and Tamils have accounted for the majority of the caseload. The "fear of the authorities" has accounted for the majority of Tamil applications. The Office of Refugees Applications Commissioner (ORAC) does not have a guidance paper on Sri Lankan cases or a specific policy in relation to Sri Lankan applicants. All cases are assessed having regard to the general definition of "refugee" in the 1951 Geneva Convention as reflected in the Refugee Act 1996.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

This information cannot be disclosed.

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

We have not carried out any forced or voluntary returns of Sri Lankan nationals during the period in question. However, this is not due to any sort of policy of non-return, it is simply that the numbers of Sri Lankan nationals are so small that they have not been prioritised for forced removals and also because no Sri Lankans have applied for voluntary return in that period.

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

See answer to Q.6.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

See answer to Q.6.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

See answer to Q.6.

## Netherlands

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

This information cannot be disclosed.

**2. If there was an increase, what do you consider to be the likely explanations?**

This information cannot be disclosed.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

This information cannot be disclosed.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

This information cannot be disclosed.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

This information cannot be disclosed.

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

This information cannot be disclosed.



**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

This information cannot be disclosed.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

This information cannot be disclosed.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

This information cannot be disclosed.

## New Zealand

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

We experienced a 33% decrease in claims from 2010 to 2011:

- 2010 claims: 28
- 2011 claims: 19

**2. If there was an increase, what do you consider to be the likely explanations?**

N/A

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

In 2010, we received 1 Sinhalese claim, compared with 2 Sinhalese claims in 2011. While this amounts to a 100% increase, our figures are too small to be useful for trend analysis.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

Our main categories of claims, in no particular order:

- Fear of Sri Lankan authorities or Sri Lankan Army/paramilitaries
- Discrimination based on Tamil ethnicity
- General lack of security
- Fear of Karuna Group or LTTE remnants

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

Decision statistics for Sri Lankan claims are as below.

**First instance 2010: 31 decisions**

Refugee approval - 4 (13%)

Refugee decline - 22 (71%)

Withdrawn - 5 (16%)

**First instance 2011: 20 decisions**

Refugee approval - 3 (15%)

Refugee decline - 17 (85%)

Withdrawn - 0 (0%)

**Appeal 2010: 23 decisions**

Refugee approval - 4 (17.4%)

Refugee decline - 19 (82.6%)

**Appeal 2011: 12 decisions**

Refugee approval - 2 (16.7%)

Refugee decline - 10 (83.3%)

There were no subsidiary protection approvals at either first instance or appeal in 2010 or 2011. [Note that in accordance with New Zealand's legislation, a person who has been recognised as a refugee cannot be recognised under the subsidiary protection category.]

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Yes, we do. In 2010, there were 4 enforced returns of failed asylum seekers to Sri Lanka. In 2011, there was 1 enforced return.

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

No, we have no such mechanism.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Yes, we do. There were no voluntary returns in 2010 and 1 voluntary return in 2011.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

Other than general information that may appear from time to time in the media, we are not aware of specific reports or allegations concerning any of New Zealand's cases.

## Norway

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

We have experienced a 43,6 % decrease in claims from Sri Lanka over 2011 compared to 2010. In 2010 a total of 71 asylum claims were filed. In 2011 there were a total of 40 asylum claims.

**2. If there was an increase, what do you consider to be the likely explanations?**

N/A

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

We have not experienced a rise in Sinhalese claims. In general we have very few Sinhalese claims. Unfortunately, we cannot provide statistics on the number of claims.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

The main category of claims is from persons suspected of having links with the Liberation Tigers of Tamil Eelam (LTTE).

Our policy is that having links to LTTE does not in itself indicate that the person can be at risk in accordance with the Geneva Convention. If the person has had a very important position in LTTE we believe the person may have a need for protection.

We have also had claims pertaining to gender and sexual based violence against women. Our policy is that women who have been victims of sexual based violence have varied opportunities to receive assistance from the government. In all cases there is therefore a need to assess whether the person's individual circumstances indicate that she may be at risk on the ground of membership of a particular social group.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

In 2010, 5 people (2,69%) were granted asylum in accordance with the Geneva Convention, 26 (13,98%) received subsidiary protection, and 155 (83,33%) cases were rejected.

In 2011 no one was granted asylum in accordance with the Geneva Convention. There were 8 (10,67%) who received subsidiary protection, and 67 (89,3%) cases were rejected.

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

In 2011 Norway forcibly returned 49 rejected/failed asylum seekers to Sri Lanka. In 2010 the number of enforced returns of rejected/failed asylum seekers was 14. The table below shows the number of forced returns broken down by month.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2010	1		3	1		2		4	1	1		1	14

2011	2	3				4	2	2	1	12	14	9	49
Total	3	3	3	1	0	6	2	6	2	13	14	10	63

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

There are no mechanisms in place to monitor the situation of forced returnees post return.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Yes, we return asylum seekers voluntarily to Sri Lanka. According to our statistics, 24 people returned to Sri Lanka voluntarily in 2010 and 54 returned in 2011.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

National Police Immigration Service has not received any information of forced returnees facing difficulties or being mistreated upon arrival at Sri Lanka. However we have received information that returnees are questioned at the airport and then released.

## Sweden

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

In 2010 we received 34 applications for international protection from citizens of Sri Lanka. Of those, 9 were Sinhalese.  
In 2011 we received 24 applications. Of those, 8 were Sinhalese. Thus, there occurred a decrease in applications of about – 30 %.

**2. If there was an increase, what do you consider to be the likely explanations?**

N/A

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

There has been a slight decrease of about -20%.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

There are very few applications, but many applicants claim to have been connected with the LTTE and thus being in danger of persecution from lankese authorities. Mostly these claims

are not considered to constitute such a risk for persecution and the applications are mostly rejected.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

In 2010 there were 3 grants, one according to the Geneva Convention, one granted subsidiary protection, one on humanitarian grounds. All three were Tamils. 20 applications were rejected. The recognition rate is about 15 %.

In 2011 all applications were rejected. There were 20 decisions made, of which 5 were Sinhalese and the rest Tamil. Recognition rate 0 %.

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Yes, the Swedish police does enforce returns of rejected asylum seekers to Sri Lanka but it does not happen very often. During the year of 2011 a total of 3 persons were returned to Sri Lanka, one in August, one in October and one in November. However only one was escorted, two of them were Deportee Unaccompanied, meaning they did not resist return. In Sweden however these were police matters and therefore they are forced returns. In 2010 there was one return in January.

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

No, we have no programs and no monitoring regarding Sri Lanka.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

A total of 11 returned to Sri Lanka voluntarily in the year of 2010.

January: 1, February 0, March 3, April 0, May 0, June- Dec 1 = one person every month.

A total of 18 returned to Sri Lanka voluntarily in the year of 2011.

January: 1, February 0, March 3, April 2, May 0, June 3, July 4, August-October=0, November 4, December 1

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

No.

## Switzerland

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

For public statistics see:

[http://www.bfm.admin.ch/content/bfm/fr/home/dokumentation/zahlen\\_und\\_fakten/asylstatistik.html](http://www.bfm.admin.ch/content/bfm/fr/home/dokumentation/zahlen_und_fakten/asylstatistik.html)

**2. If there was an increase, what do you consider to be the likely explanations?**

This information cannot be disclosed.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

This information cannot be disclosed.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

This information cannot be disclosed.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

This information cannot be disclosed.

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

This information cannot be disclosed.

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

This information cannot be disclosed.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

This information cannot be disclosed.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

This information cannot be disclosed.

## United Kingdom

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

### Asylum applications

#### Asylum applications received in the United Kingdom, for main applicants, nationals of Sri Lanka (P)

Month	Total applications Jan to Dec 2010	Total applications Jan to Nov 2011	% difference same month a year ago
January	99	144	45
February	103	165	60
March	98	165	68
April	112	149	33
May	83	134	61
June	109	139	28
July	102	166	63
August	103	113	10
September	143	136	-5
October	130	125	-4
November	151	187	24
December	124	..	..
<b>Total</b>	<b>1,357</b>	<b>1,623</b>	<b>..</b>

.. Information will be available on Thursday, 23 February 2012.

P Provisional data.

#### Asylum applications and initial decisions for main applicants, nationals of Sri Lanka (P)

Quarter	Total applications	Total initial decisions	Total grants	Grants of asylum	Grants of HP	Grants of DL	Total refusals	% of total grants	% total refusals
2010 Q1	300	396	60	55	0	5	336	15	85
2010 Q2	304	384	41	33	0	8	343	11	89
2010 Q3	348	402	59	41	0	18	343	15	85
2010 Q4	405	430	68	57	0	11	362	16	84
2011 Q1	474	487	90	76	0	14	397	18	82
2011 Q2	422	414	91	84	0	7	323	22	78
2011 Q3	415	359	79	72	0	7	280	22	78

#### Total applications - % difference from same quarter a year ago

2011 Q1	58
2011 Q2	39
2011 Q3	19

.. Information for Q4 2011 will be available on Thursday, 23 February 2012.

P Provisional data.

**2. If there was an increase, what do you consider to be the likely explanations?**

There was a considerable increase in Sri Lankan claims in 2011 over 2010 but there doesn't appear to be any obvious explanation. Based on anecdotal evidence since we do not record the ethnicity or basis of claim of applicants, is that the majority of claims are Tamils fearing

the government because of perceived/actual association with LTTE. There is no clear change in the nature of these claims.

Most of the SL claims seem to come from people who were originally granted LTE (Leave to Enter) as students and could not qualify for an extension in that category as they no longer met the immigration rules. The asylum claim often appeared to have been triggered by the fact they had exhausted other means of applying for leave. These factors, particularly the impact of changes in government policy – with a tightening up on points-based claims - may have a significant impact and it would be incorrect to assume that any increase in asylum claims is necessarily related to country conditions.

Other likely explanations for the increase include:

- Freedom of movement in Sri Lanka giving people in the North/East access to ports/agents/passports for the first time in 30 years
- Lack of employment opportunities in many regions
- GoSL encourage overseas employment
- The perception in Sri Lanka that once you've reached the UK you will never have to leave
- Reduction of the 'democratic space' with a strengthening of the regime and deterioration of the situation for human rights defenders; political opponents and journalists critical of the regime. Harsh conditions faced in some areas by the nearly 300,000 civilians confined in military-controlled centres after the war and subsequently released.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

We don't keep any figures on the ethnic background of asylum applicants. Anecdotally there's nothing to suggest there has been any increase in Sinhalese claims (more likely to be a decrease); as above the vast majority are still Tamils. Anecdotally around 10-20% of total numbers of cases dealt with in some regions were Sinhalese, most claiming to be imputed in LTTE activities which have brought them to the adverse attention of the authorities.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

UK Border Agency's Operational Guidance Note (OGN) for Sri Lanka provides guidance on the most common types of claim and likely outcomes. Conclusions in each category of the OGN give an indication of whether asylum or humanitarian protection is likely to be granted but stresses that all cases are considered on their individual merits. The latest OGN for Sri Lanka was produced December 2011 and is available on the [UK Border Agency](#) website.

See also Q.2

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**



Please refer to figures provided in Q 1.

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

There is no policy to preclude removal to Sri Lanka. Each case will continue to be considered on its individual merits with a view to the UK Border Agency determining all available options and appropriate actions. We expect those whom the asylum decision making and independent appeals process have found not be in need of international protection, and who therefore have no right to remain in the UK, to leave voluntarily. We may seek to enforce the return of those who choose not to leave voluntarily.

**Removals and voluntary departures (1)(2)(3) of asylum cases, by type, nationals of Sri Lanka to Sri Lanka, January 2009 to September 2011**

Year	Number of departures		
	2009	2010 (P)	Jan to Sep 2011 (P)
<b>Asylum cases, nationals of Sri Lanka to Sri Lanka</b>	<b>207</b>	<b>242</b>	<b>284</b>
of which: enforced removals and notified voluntary departures (4)(5)	106	117	209
Assisted Voluntary Returns (6)	89	113	74
other voluntary departures (7)	12	12	1

(1) Figures include dependants.

(2) Removals and voluntary departures recorded on the system as at the dates on which the data extracts were taken.

(3) Destination as recorded on source database.

(4) Due to a reclassification of removal categories, figures include asylum removals performed by UK Border Agency Officers using in-country powers of removal and a small number of cases dealt with at juxtaposed controls.

(5) Figures include people leaving under Facilitated Return Schemes.

(6) People leaving under Assisted Voluntary Return Programmes run by Refugee Action (prior to April 2011, run by the International Organization for Migration). May include some on-entry cases and some cases where enforcement action had been initiated.

(7) People who it has been established left without informing the immigration authorities.

(P) Provisional figures. Figures will under record due to data cleansing and data matching exercises that take place after the extracts are taken.

Provided data is already published. The data on removals and voluntary departures of asylum/non-asylum seekers by country of nationality and destination are available from table rv.05 and quarterly data from table rv.05.q within the Immigration Statistics releases: July – September 2011.

<http://www.homeoffice.gov.uk/science-research/research-statistics/migration/migration-statistics1/>

Please note: It is not possible to say what stage in the asylum process the nationals of any country have reached at the time of their removal, including whether their claim has failed at that point, because those departing voluntarily can do so at any stage without notifying the UK Border Agency. For this reason we will not use the term “failed asylum seekers”. We will use the term the number of asylum cases, including dependants, removed.

Migration Statistics do not have information on the numbers of enforced removals from the UK as we are currently unable to separately identify persons departing voluntarily after enforcement action had been initiated. Our published removal category is "Enforced removals and notified voluntary departures". From this information the Migration Statistics

team are not able to separate out all types of voluntary departures from other types of removal apart from those leaving under Assisted Voluntary Return Programmes and those who it is established have left the UK without informing the immigration authorities. This is due to the further breakdown of voluntary departures data being too poor to be quality assured under National Statistics protocols.

Data for October 2011 onwards are not yet available, but quarterly data for October – December 2011 will be published as part of the regular Home Office publication scheme on 23 February 2012.

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

We do not routinely monitor the treatment of individual unsuccessful asylum seekers on return to their country of origin, who are, by definition, foreign nationals who have been found as a matter of law not to need the UK's protection. It would be inconsistent with that finding for the UK to assume an ongoing responsibility for them when they return to their own country.

For charter flight operations we currently make a small payment to enable returnees to travel to their home town or village. We also ensure that UK Government representatives are present at the airport. In addition, every returnee is provided with the contact details of the British High Commission in Colombo should they want to make contact with our Migration Delivery Officer (MDO) based there.

Those who return to their country of origin voluntarily under the Assisted Voluntary Return programme through Refugee Action are helped to re-establish their lives and make a fresh start receiving a reintegration package tailored to suit their individual and specific needs which would typically include: assistance with establishing a business; education; a job placement; or vocational training. Reintegration assistance is maintained for the first six months following return under AVR with the compliance of the returnee.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

Yes. The UK operates an Assisted Voluntary Return (AVR) Programme which is available to those who do not have a permanent right to remain in the UK and wish to return to re-establish life in their country of origin (or, where permanently admissible, to a third country). Whilst there are three separate AVR schemes only two are available to (failed) asylum seekers, these are:

a) Voluntary Assisted Return and Reintegration Programme (VARRP)

VARRP is open to asylum seekers or failed asylum seekers of any nationality (apart from UK, European Economic Area or Swiss nationals) meeting eligibility criteria relating to criminality, immigration history and status in the UK.

b) Assisted Voluntary Returns for Families and Children (AVRFC)

This programme was introduced in April 2010 to provide specific assistance for returning families and also to unaccompanied children (under-18). It is open to those who have sought asylum or are irregular migrants, and provides reintegration assistance for each individual.

The UK has maintained the option for assisted voluntary return to Sri Lanka throughout the period in question.

Please also see under Q6.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

The Foreign and Commonwealth Office (FCO) follows the human rights situation in Sri Lanka and the British High Commission in Colombo maintains an oversight of the returns process. The FCO will pass to the UK Border Agency any general information it may receive which suggests that returnees have been mistreated and will investigate any specific allegations that an individual returnee has experienced ill-treatment on return from the UK. There have been no substantiated allegations of mistreatment on return of those removed from the UK.

Difficulties on return:

- The FCO has not received any allegations of mistreatment on return since January 2011. The last allegation of mistreatment on return was made by UNHCR on 21 January 2011. The British High Commission in Colombo ascertained that a UK enforced returnee had been arrested on his arrival after presenting a Sri Lankan passport containing counterfeit endorsements.
- Since January 2008, we they were aware of six enforced returnees who have been arrested on arrival by the authorities (between November 2010 and November 2011), all for criminal matters (five were for forgery offences and one was for murder) and all have been charged and presented before the Courts.
- One of the returnees from the UK (who arrived in Colombo in February 2011) turned out to be an Indian national, was refused entry, detained, re-documented by the Indians and removed to Chennai.

## United States of America

**1. Have you experienced a rise in claims from Sri Lanka over 2011 compared to 2010? Could you provide figures for 2010 and 2011 and indicate the increase or decrease as a percentage?**

The USCIS Asylum Division received a 7.9% decrease in new affirmative asylum applications filed by Sri Lankan citizens between fiscal years 2011 and 2010, from 152 to 140 applications. However, the Asylum Division received a 19.2% increase in the number of credible fear referrals of Sri Lankan citizens, from 172 to 205 referrals. The credible fear process occurs where an individual is attempting to enter the U.S. at a port of entry or is apprehended within 14 days and 100 miles from the border without valid travel documents, is placed in expedited removal and claims asylum or states a fear of being returned to his country. If the individual is found to have a credible fear of persecution or torture, he or she

is placed in removal proceedings with the Department of Justice's Executive Office for Immigration Review, where he or she may apply for asylum as a defense to removal.

**2. If there was an increase, what do you consider to be the likely explanations?**

The Asylum Division does not know why the number of Sri Lankan affirmative asylum applications decreased while the number of credible fear referrals increased.

**3. Have you experienced a rise in Sinhalese claims over 2011 compared to 2010? Could you indicate the figures and the percentage of such claims for both years?**

The Asylum Division does not capture in our case management system whether a Sri Lankan is of Sinhalese ethnicity, however, we do capture the language spoken at the asylum interview. The most common language spoken during asylum interviews during both years was Sinhala. In fiscal year 2010, 51.4% of applicants spoke Sinhala at the asylum interview. In fiscal year 2011, 63% of applicants spoke Sinhala at the asylum interview. However, Tamil was the most common language spoken in the credible fear process during both years. During fiscal year 2010, 93.6% of individuals spoke Tamil during the credible fear interview. During fiscal year 2011, 96.1% of individuals spoke Tamil during the credible fear interview.

**4. What are the current main categories of claims from Sri Lanka in your country and what is your policy on how to deal with them?**

Political opinion was the most common ground upon which an affirmative asylum decision was made in both years. 84.3% of cases decided during that time were based on at least political opinion.<sup>128</sup> Political opinion was the most common ground upon which a credible fear determination was made in both years. 54.2% of credible fear determinations during that time were based on at least political opinion. The next most common ground was race with 42.9%.

In order to be granted asylum, an applicant must establish that he or she has suffered past persecution, or has a well-founded fear of future persecution, on account of the applicant's race, religion, nationality, membership in a particular social group, or political opinion. The United States Congress set this standard out in the statutory provisions governing asylum, and it is the standard under which all asylum applications are adjudicated, regardless of the applicant's nationality. Every claim is adjudicated on a case by case basis, and the applicant must meet each element of the asylum standard in order to establish eligibility for asylum. Regulations governing the USCIS Asylum Division specifically provide for consideration of country conditions information not only from the Department of State and other government sources, but also from other credible sources, such as international organizations, private voluntary agencies, news organizations, or academic institutions.

**5. Could you provide figures for decisions (grants + recognition rate – Geneva Convention and subsidiary protection – versus refusals) for 2010 and 2011, both in figures and expressed in percentages?**

**ASYLUM APPLICATIONS FILED  
BY NATIONALS OF SRI LANKA**

<sup>128</sup> Political opinion was either the only ground or at least one of the grounds for asylum in these decisions.

	FY 2012*	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004
<b>Applications filed</b>	<u>31</u>	<u>140</u>	<u>155</u>	<u>216</u>	<u>217</u>	<u>155</u>	<u>54</u>	<u>64</u>	<u>77</u>
<b>Applications received</b>	31	140	152	214	215	152	52	61	73
<b>Applications re-opened</b>	0	0	3	2	2	3	2	3	4
<b>Cases completed</b>	<u>19</u>	<u>146</u>	<u>180</u>	<u>251</u>	<u>187</u>	<u>151</u>	<u>60</u>	<u>78</u>	<u>87</u>
<b>Approved</b>	5	35	72	70	30	28	18	9	13
<b>Denied</b>	0	2	3	5	3	1	0	2	3
<b>Adjudicated referred**</b>	14	103	96	157	140	99	39	56	57
<b>Uninterviewed referred</b>	0	2	3	8	10	6	0	7	11
<b>Administratively closed</b>	0	4	6	11	4	17	3	4	3
<b>Approval rate</b>	26%	25%	42%	30%	17%	22%	32%	13%	18%
<b>Pending end of year</b>	59	46	47	67	99	68	64	63	70

\*FY2012 stats cover October 1, 2011 to December 31, 2011

\*\*Sum of interviewed/referred and filing deadline referrals

Source: USCIS Refugees, Asylum and Parole System, RACG2301 report

**6. Do you enforce the return of rejected (or failed) asylum seekers to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

This information cannot be disclosed.

**7. If you carry out enforced returns to Sri Lanka, do you have any mechanism in place to monitor the situation of returnees?**

This information cannot be disclosed.

**8. Do you return rejected (or failed) asylum seekers voluntarily to Sri Lanka? If so, could you provide figures for 2010 and 2011, ideally broken down by month?**

This information cannot be disclosed.

**9. Are you aware of any reports or allegations that voluntary or forced returnees have faced difficulties or been mistreated on return to Sri Lanka? If so, what was the nature of these difficulties or (alleged) mistreatment?**

This information cannot be disclosed.

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