

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO 76304

AT WELLINGTON

Before: A R Mackey (Chairman)
Counsel for the Appellant: J Petris
Appearing for the Department of Labour: No Appearance
Date of Hearing: 19 February 2009
Date of Decision: 18 March 2009

DECISION

[1] This is an appeal against the decision of a refugee status officer of the Refugee Status Branch (RSB) of the Department of Labour (DOL) declining the grant of refugee status to the appellant, a national of Sri Lanka of Tamil ethnicity and Roman Catholic religious beliefs.

INTRODUCTION

[2] The appellant is a 72-year-old widow. Her husband died after a prolonged illness in February 1998. She has five adult children. In order of age they are MM (in Norway with her husband), SS (a New Zealand citizen), HH (in Norway), TT (a daughter living in AA, eastern Sri Lanka) and JJ (a son who was granted refugee status in New Zealand in late December 2008). SS acted as a support person for the appellant during the hearing which was conducted using the assistance of a Tamil interpreter.

[3] The appellant visited her son, SS, in New Zealand for three months in mid-1998. She returned to this country on a valid visa, with her son, JJ, and his wife in May 2008. Together with JJ and his wife she applied for refugee status at the RSB on 10 June 2008. She and her son, JJ, were interviewed by the RSB on 11

and 12 August 2008. Their claims were determined in decisions dated late December 2008. The appellant's application was declined but the application made by her son, JJ, was allowed. The appellant then appealed to this Authority. A privacy waiver was given by JJ and his wife in respect of their claim for refugee status. Accordingly, a copy of the RSB decision in JJ's claim was also before the Authority.

[4] The appellant lodged her appeal to this Authority on 22 December 2008. The appellant now claims that should she return to Sri Lanka she will be at a real risk of being persecuted by the Karuna group for reasons of the profile she and her family have with that group in their home district of AA.

[5] The essential issue to be determined is whether her prediction of being persecuted is well-founded.

[6] The Authority took into account the appellant's age and general frailty and, for this reason, agreed that the most constructive evidence for this appellant could be achieved by having her son, SS, a New Zealand citizen, remain in the hearing as a support person. Both the appellant and SS gave their evidence under affirmation.

[7] The Authority explained that its jurisdiction related solely to the issue of whether the appellant is a refugee and not to other immigration (family or humanitarian) issues.

DOCUMENTS RECEIVED

[8] In addition to the RSB file, the Authority was provided with a number of recent articles relating to risks to Tamils in Sri Lanka. These were sourced from the website of *The New Zealand Herald* www.nzherald.co.nz, *The Guardian Weekly* published 23 January 2009, *The Economist* and the website "Tamil Net" dated 5 February 2009. All of this additional material has been taken into account by the Authority.

THE APPELLANT'S CASE

[9] What follows is a summary of the evidence given by the appellant and her son, SS, at the hearing. It is assessed against the relevant country information, along with the appellant's credibility, later in this decision.

[10] As noted, the appellant has only one of her five adult children still remaining in Sri Lanka. A daughter, MM, and son, HH, both live in Norway. MM went to join her husband in that country in 1990 and HH obtained refugee status there in the mid-1990s. The appellant has visited them twice in 2000 and 2003 respectively. She made her visits to see her family and grandchildren. She stated she encountered no risks in going back and forth.

[11] Her son, SS, has been in New Zealand since 1996. He married a New Zealand citizen and he himself has had citizenship since the late 1990s. Her youngest son, JJ, as noted, obtained refugee status in December 2008 in a decision by the RSB. The appellant's RSB claim was considered at the same time as that of the son, JJ.

[12] JJ was found to have a well-founded fear of being persecuted on return to Sri Lanka by either the Karuna group or the Sri Lankan Army (SLA) who were considered to be working alongside the Karuna group in operations against the Liberation Tigers of Tamil Eelam (LTTE). JJ claimed that he had been detained and threatened by members of the Karuna group and accused of supporting the LTTE while he was working for the Tamil Rehabilitation Organisation (TRO).

[13] The appellant and her family originally came from the Jaffna region of Sri Lanka. In 1993, for security reasons, the appellant moved to the south east to live in the same AA region as her daughter, TT. The daughter, TT, had moved to that district to be with her husband who worked in AA.

[14] The appellant's son, JJ, had also moved south from Jaffna in the mid-1990s. However, before that he went to Colombo where he was employed for several years. In 2001, JJ was married and also went to live in AA near, or with his sister, TT, his mother and also members of his wife's family.

[15] JJ was initially self-employed in that district but later joined the TRO. He worked as a field officer particularly at the time when the tsunami struck the eastern coastal area in late 2004. He also worked as a part-time employee at a local hospital.

[16] In June 2005, TT's husband received anonymous telephone calls demanding money from him from members of the Karuna group. He and TT were told that unless they paid LKR 1 million to the group they would be bombed. TT and her husband did not report the matter because of their fear of the Karuna group, however, in 2005, a grenade was exploded outside their house and their three daughters narrowly escaped serious injury. All of the family however found that, despite the risks, they had no option but to continue living in AA. The family was worried about the appellant's safety and, because of her age, they considered it was difficult for her to flee to a safe place. About the same time, the Karuna group, suspecting that some of the TRO staff members belonged to the LTTE, arrested some of the TRO members and killed some TRO workers.

[17] In November 2006, 12 members of the Karuna group came to the home of JJ and his wife. They stated that they believed the TRO was supporting the LTTE. JJ acknowledged that he worked for the TRO but not for the LTTE. He was then taken to a Karuna group camp where he was threatened by having a gun pointed to his head. Fortunately, TT's husband knew the officer in charge (OIC) of the special task force camp where JJ had been taken and was able to get JJ released.

[18] After this, JJ was asked to work with the Karuna group. He stated that he did not want to become involved as, if he worked for the LTTE, the Karuna group would kill him and vice versa if he worked for the Karuna group. He therefore told them that he would just concentrate on his business of helping the poor people. He and his family, however, decided that they should leave the area in late 2006. Similar advice was given, through TT's husband, to JJ by the OIC of the Sri Lankan army camp in the area.

[19] In late November 2006, JJ, his wife and the appellant travelled to Colombo where they stayed in an hotel while they applied for visitors' visas at the Indian High Commission. JJ himself obtained a visa and departed from Sri Lanka to Chennai, India in December 2006.

[20] The appellant did not travel with her son at that time and returned to AA. She was, however, extremely frightened by all the incidents that had taken place.

[21] In early 2007, JJ was joined in India by his wife and they registered as refugees at a police station in the Bellore district.

[22] Between May and July 2007, enquiries continued to be made about the TRO by the Karuna group and also the SLA visited JJ's wife's family home in the AA district, asking for the whereabouts of JJ. On 24 July 2007, the Indian High Commission ultimately issued a visitor's visa to the appellant. She departed from Sri Lanka in mid-2007 and went to stay with JJ and his wife for two weeks until she returned to stay with her daughter, TT, in AA. She remained there until November 2007 when again, using a further visitor's visa from the Indian High Commission, she legally departed Sri Lanka and travelled to India. At that time, JJ and SS started to make arrangements for the appellant, along with JJ and his wife, to travel to New Zealand. Ultimately, on 20 March 2008, Immigration New Zealand issued visitors' visas to all three. Approximately one month before that, the appellant had registered as a refugee at the same police station in India as JJ and his wife had approximately a year earlier.

[23] On 12 May 2008, the appellant, together with JJ and his wife, legally departed India and returned to Sri Lanka. They explained that they took this risk of returning to Sri Lanka because they were told by the Indian police that they had to do so because of their "refugee" situation in India. They spent only one night in Sri Lanka however, staying in an hotel in Colombo before they caught another plane which took them to Singapore from where they transited to Auckland.

[24] It was explained that they had not applied immediately for refugee status because they did not know how to go about doing so and accordingly there was a delay of almost one month before they lodged their refugee status applications.

CURRENT SITUATION

[25] The appellant and SS reported that since they had received the decline of the refugee status application for the appellant, they had been in contact with TT in Sri Lanka to see what they could do and if it was possible for the appellant to return to Sri Lanka. The appellant explained that her son-in-law (TT's husband) is a teacher employed in the AA area.

[26] She said her current fears still arose from the Karuna group who had demanded money from the family and bombed the front of their house in 2005. She considered that her own problems continued because of the difficulties that JJ had encountered with the Karuna group.

[27] When the appellant and SS tried to contact TT and her husband, they were told that TT's husband was not prepared to assist the appellant because he considered that JJ had caused problems for TT and himself. He therefore wished to avoid all contact with the appellant and other members of her family.

[28] The appellant considered that the Karuna group had not been wiped out and were still functional. Indeed, she considered that they had control of the area in which she and her family had lived in AA after the LTTE (Vanni) gave up control to the Karuna group. The Karuna group worked in close relationship with the Sri Lankan army (SLA), although the SLA did not come out of their camp, leaving the day to day control of the district to the Karuna group.

[29] The appellant and SS considered that because of the problems with other members of the family, in particular JJ, the Karuna group may well kill the appellant if she were to return to the district. This would be done just to teach the family a lesson. SS considered that the Karuna group would act with impunity. He also reported that a recent detention of TT's husband by the Karuna group had possibly occurred because JJ had left and they wished to frighten family members.

[30] The appellant and SS were, however, unable to give details of the control of the AA area by the Karuna group. They stated that no-one would give evidence as they consider they are at risk. In the current situation where the war between the SLA and the LTTE was raging in the north, the emphasis of information is placed on that area. However, they considered that as soon as the LTTE were wiped out in the north, the SLA would then move to the east and look to wipe out

the remaining pockets of LTTE resistance, particularly in the forests surrounding the appellant's home district.

[31] In relation to her ability to move around in Sri Lanka, both in her home district and to and from Colombo, the appellant stated that this could be done but there were many checkpoints. She had a passport and an identity card. That identity card, however, had been issued in 1973 when she lived in Jaffna. The fact that she was originally from Jaffna could also cause problems for her at a checkpoint.

[32] She had no relatives or contacts in the Jaffna area as they had all gone overseas or left the district and the family house had been sold many years ago.

[33] She personally had never been stopped, questioned or had problems with the Karuna group. However, after JJ had gone to India, the Karuna group came to her house and harassed her, asking where JJ had gone. They threatened her but did not subject her to any physical harm. Until she went to India in June 2007, she had moved around her local district and stayed in different houses. After returning from India in mid-August 2008, she returned to AA and remained there with her daughter and family until she departed in November 2007. During that time, TT and her son-in-law also were encountering problems with the Karuna group.

[34] She agreed that she had been registered as a "refugee" with the Indian authorities and evidence of this was shown on the file at p85. During the time that she and her family had been in India, there was no threat to them that they would be sent back to Sri Lanka and they were allowed to stay without the necessity of obtaining a visa. She explained that she had come to New Zealand because JJ and SS were both here. She and JJ had only transited through the airport at Colombo because it was essential for their travelling arrangements on to New Zealand.

[35] She had had no problems with the SLA; her fears only emanated from the Karuna group.

[36] In the AA area where they lived, the majority of people were Muslim with about 40% of the population Tamil. There was no problem in practising their religion of Roman Catholicism in AA.

THE APPELLANT'S SUBMISSIONS

[37] Mr Petris submitted that the appellant would have difficulty in returning on her own to her former home district of AA, particularly given her age and the increased security problems in Sri Lanka. While the appellant has an identity card, it would indicate that she is from the Jaffna area and this could heighten risks to her.

[38] He referred the Authority to the Hotham Report of 2006 relating to the operations of the Karuna group in the eastern area of Sri Lanka where the appellant has been living for many years.

[39] The appellant's risks of being persecuted on return, he submitted, were very real and regard should be had to the basis upon which her son, JJ, had been recognised as a refugee very recently. The Karuna group would wish to harm or make an example of all the family and the appellant would therefore face risks on this account. These were risks that were immediate for the appellant on return. It was submitted that, in the future, a risk to her could also arise from the SLA's activities as they moved to "mop up" areas of residual LTTE support in the east, and particularly in the district near to where the appellant would be returning.

THE ISSUES

[40] The Inclusion Clause in Article 1A(2) of the Refugee Convention provides that a refugee is a person who:

"... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

[41] In terms of *Refugee Appeal No 70074/96* (17 September 1996), the principal issues are:

- (a) Objectively, on the facts as found, is there a real chance of the appellant being persecuted if returned to the country of nationality?
- (b) If the answer is yes, is there a Convention reason for that persecution?

ASSESSMENT OF THE APPELLANT'S CASE

CREDIBILITY

[42] Prior to determining the issues set out above, it is necessary to make an assessment of the appellant's credibility. The Authority found the appellant and her son, SS, to be credible witnesses; their evidence was consistent with the information provided by the appellant to the RSB and by evidence given by her other son, JJ. Accordingly, the appellant's credibility is accepted fully. It is therefore necessary to assess prospectively the well-foundedness of risks to her in the round, based on her accepted current profile, her past experiences in Sri Lanka and the relevant objective country information.

WELL-FOUNDED FEAR OF BEING PERSECUTED

[43] The Authority has, for many years, interpreted the "being persecuted" element of the refugee definition as the sustained or systemic violation of basic human rights demonstrative of a failure of state protection. In other words, core norms of international human rights law are relied on to define the forms of serious harm which are within the scope of "being persecuted". This is sometimes known as the human rights understanding of "being persecuted" and is fully explained in *Refugee Appeal No 74665/03* [2005] NZAR 60; [2005] INLR 68 at [36] to [125].

[44] The appellant would be returning to Sri Lanka initially to Colombo airport and then to her home district of AA, which is located south of Batticaloa. This area is well away from the northern districts around Jaffna, Killinochi, Elephant's Pass and Mullaitivu, where the Sri Lankan army has recently inflicted many defeats against the small residue of the LTTE who are still fighting to retain their presence. Accordingly, virtually all of the country information supplied by the appellant, or accessed by the Authority, on recent activities and problems in Sri Lanka is not of direct relevance to this appellant's case. That material, almost without exception, relates to the activities of the SLA and the war going on with the residue of the LTTE in the north.

[45] Mr Petris also referred the Authority to the Hotham Report (2006) and the activities of the Karuna group. Some relevant background on that group therefore follows.

THE KARUNA GROUP

[46] The UNHCR position paper on “The international protection needs of asylum-seekers from Sri Lanka”, December 2006, available at RefWorld and on the UNHCR website at unhcr.org/home/rsdcoi sets out, under the heading “Armed conflict and security situation”, at [5]:

“In 2004, there was a major internal uprising within the ranks of the LTTE forces in the East. The uprising, led by “Colonel” Karuna, seriously weakened the LTTE and exacerbated the overall situation of violence and human rights abuses. Accusations made by the main LTTE faction against the Karuna faction that it collaborated with government forces became a major impediment to the peace talks.”

[47] The Australian “Hotham Mission field trip to Sri Lanka, October 2006, Security, protection and humanitarian concerns and implications for Sri Lanka asylum seekers in Australia” (http://203.56.94.10/asp/Sri_Lanka_Report.pdf) sets out, at [3.3] “Security, human rights and humanitarian situations since ceasefire agreement (2002 – 2006)”:

“Since the Ceasefire Agreement was signed in 2002 and before the recent re-emergence of full-scale conflict, a silent war has been waged in Sri Lanka. The Ceasefire has been in place for four years yet peace has not been forthcoming. In March 2003, less than a year after the Ceasefire Accord had been signed 120 LTTE cadres and civilians died in faction fighting when the eastern military LTTE leader Colonel Karuna split from the northern Vanni LTTE.”

[48] The Hotham Report also notes the co-operation between the government of the government of Sri Lanka (GoSL) and the Karuna faction, stating under the section [4.1] “Security concerns – Other parties involved in the conflict”:

“The escalating conflict is further complicated in that fighting is occurring both between the GoSL and LTTE in the north and east, but also between the LTTE and Karuna faction in the east. A number of groups stated that Karuna is important to the GoSL because at the time of the split Karuna took an inside perspective on all LTTE secrets, numbers of cadres and skills developed by the LTTE. As a result Karuna are widely believed to be supported by the GoSL. A number of Tamil refugees we met from the Batticaloa area indicated they had fled fighting between the two groups.

SLMM [Sri Lankan Monitoring Mission] indicated that the Government is not attempting to stop Karuna, which seems to be growing in size, particularly as it weakens the LTTE. This was noted by the Government’s allowance for the militia to open an office in Colombo, which closed the same day following protests. An office in Batticaloa remains open. There were also reports of the Government arming Karuna. SLMM were concerned at these developments, particularly of the high level of abductions, child recruitment and death threats being conducted by Karuna, including to SLMM staff with a bomb being found in their parking lot earlier this year.”

[49] At the section [4.2] “Regional concerns”, there is reference to “The East”. The Report states:

“Unlike much of the north, which is primarily Tamil, the Eastern districts in many places are an equal mix of Tamil, Sinhalese and Muslim. The LTTE control a

number of areas in the Trincomalee, Ampara and Batticaloa districts, with the Karuna faction also operating in the area. The major concerns for these areas relate to the ongoing conflict over what the GoSL describes as cleared and uncleared areas, the high level of ethnic tension and violence, and the growing incidents of abduction, extrajudicial killings and other targeting human rights abuses.”

[50] Under the same section, in reference to the area surrounding the appellant’s home, that is, the Batticaloa and Ampara districts, the report sets out:

“Fighting has been fierce in the areas close to the small pockets of LTTE controlled areas, connected to the northern controlled areas only via the sea and jungles. With much political dialogue occurring about whether to ‘merge’ or ‘demerge’ the north and eastern uncleared areas, the armed forces have escalated their attack on the LTTE in these areas, particular following the GoSL’s success in reclaiming land in the Trincomalee area. This has been further complicated with fighting occurring between both the security forces and the LTTE and between the LTTE and Karuna. Karuna is strong in the areas between Batticaloa and Ampara, with an office still open in Batticaloa.

Many groups talked of the presence of the LTTE throughout Government controlled areas, particularly in relation to child recruitment. Others talked of the use white vans for abductions and ransom money, with Karuna cadres infiltrating even the LTTE controlled areas. One refugee women from Batticaloa talked of hiding her children due to the high risk of forced recruitment by both the LTTE and Karuna. Another Tamil refugee from Batticaloa told of how after her 2 sons had been killed in the conflict she was harassed and threatened by the army when she tried to get a copy of the death certificate.”

[51] The recommendations from the Hotham Report endorses an earlier UNHCR Report of 2004. At p53 of the Hotham report, it states:

“Hotham Mission thus strongly endorses the recommendations drafted by UNHCR Colombo in October 2006 in relation to Sri Lankan refused asylum seekers and the determination process:

- 1) Any asylum seeker with a fear of persecution from either the LTTE or GoSL should be reconsidered under the 1951 Convention.
- 2) That states should favourably consider under the 1951 Geneva Convention the refugee claims of Tamils from the North and East
- 3) That there should be a stay on removals of Tamils refused from the North and the East
- 4) That there are other groups for whom the situation is more complicated, and who may require complementary protection due to the current situation, and others with humanitarian considerations.”

[52] The UNHCR Report of December 2006 sets out, at [34(a)] “Tamils from the North or East”:

“(i) All asylum claims of Tamils from the North or East should be favourably considered. In relation to those individuals who are found to be targeted by the State, LTTE or other non-state agents, they should be recognized as refugees under the criteria of the 1951 Convention, unless the individual comes within the exclusion criteria of the 1951 Convention.

(ii) Where individual acts of harassment do not in and of themselves constitute persecution, taken together they may cumulatively amount to a serious violation of human rights and therefore be persecutory.

(iii) Where the individual does not fulfil the refugee criteria under the 1951 Convention, a complementary form of protection should be granted in light of the prevailing situation of armed conflict and generalized violence in the North and East.

(iv) *Internal flight alternative*

In relation to individuals who flee targeted violence and human rights abuses by the LTTE, there is no realistic internal flight alternative given the reach of the LTTE and the inability of the authorities to provide assured protection.

In relation to individuals who flee targeted violence or human right abuses by the authorities or paramilitary groups, there is no internal flight alternative given the reach of the authorities or paramilitary groups. Relocation alternatives to LTTE-controlled areas are not viable options, given that these areas are extremely difficult to access, and that there is a situation of generalized violence, forced recruitment, armed conflict and widespread serious violations of human rights.“

GENERAL RISKS IN SRI LANKA

[53] A good analysis of the current situation across Sri Lanka is conveniently set out in recent decisions of the Authority in *Refugee Appeal No 76193* (22 May 2008) between [26] and [30] and further in *Refugee Appeal No 76273* (4 September 2008) and *Refugee Appeal No 76272* (23 February 2009). These decisions record that it is of particular note that after many months of deterioration, the ceasefire between GoSL and the LTTE formally ended on 16 January 2008. Also, reference is made in those decisions to the issue of “gender based violence” set out in *Refugee Appeal No 76193* [31] and [33]. The specific risks of gender based violence, particularly to an elderly woman, have been taken into account in this determination.

[54] The Authority, as noted in the decision in *Refugee Appeal No 76273* at [51], has also found assistance in the past from the leading country guidance determination from the United Kingdom in *LP* (LTTE area - Tamils - Colombo - risk?) Sri Lanka CG [2007] UK AIT 00076 and the various risk elements set out in that determination.

REGISTRATION AS A “REFUGEE”

[55] The Authority notes that the appellant did register as a “refugee” whilst she was in India with her son and daughter-in-law. India is not a party to the Refugee Convention 1951 nor the 1967 Protocol thereto. Protection given in India results from domestic (constitutional) provisions only. In these circumstances, the Authority does not consider that the appellant would, because of her registration

as a “refugee” in India, fall under any of the exclusion provisions of the Refugee Convention 1951.

WELL-FOUNDED FEAR

[56] The primary basis of the appellant’s claim is that she predicts that there is a real chance of her being persecuted in Sri Lanka by the Karuna faction or parties related thereto. She also puts forward a lesser and more speculative claim that she could face risks from the Sri Lankan army, at some time in the future, when they take steps to eradicate all remnants of the LTTE from the eastern district of Sri Lanka which has been her home district for the past 15 years.

[57] The risks to the appellant on return, at this time, must firstly be assessed in relation to her home district of AA. The appellant’s evidence does not state that she has been specifically or directly targeted or threatened by the Karuna group and others who have taken a specific interest in her son or other members of her extended family. At most, she has been present or nearby when threatening behaviour has taken place. That included the explosion of the hand-grenade in front of the property where her daughter, TT, and son-in-law were living.

[58] The appellant has been able to travel in and out of her home district on several occasions over the past five to six years, travelling across Sri Lanka to the airport in Colombo and then making journeys to India, Norway and New Zealand. She has encountered no problems during any of these journeys and, in particular, has departed and re-entered legally without problems on each occasion. Indeed, she departed legally from Sri Lanka when she came to New Zealand with her son, JJ, in 2008. Thus, while JJ, and possibly her son-in-law (TT’s husband), may have some profile with the Karuna group, the appellant herself does not have a risk profile beyond that of being an elderly female relative. The past experiences of family members, which were taken into account significantly in the granting of refugee status to JJ, are simply not specifically applicable or directed to this appellant.

[59] On the totality of the evidence, the Authority is satisfied that any risk to this appellant of being persecuted on return to her home district is remote and speculative and does not rise to the level of a real chance. Whilst there may be some reluctance on the part of her daughter, TT, and her son-in-law, to provide the appellant with support and protection on her return, or indeed to travel to Colombo to pick her up, there is no evidence that there would be a flat refusal or

that the appellant would be left completely to her own devices. Her evidence was that she had lived with her daughter on numerous occasions in the past and, in fact, a major reason for travelling from Jaffna to AA many years back was to be with her daughter and family.

[60] The appellant departed from Sri Lanka legally and has travelled on valid documentation. When this factor and the totality of her profile is assessed against the depth of country information referred to above, any risk to her on arrival in Colombo is highly speculative and remote. As concluded above, the Authority does not consider the appellant has a real chance of being persecuted on return to her home district in the east of Sri Lanka. She has the ability to arrive in Colombo and travel to her home district without anything more than speculative or fanciful risk. Finally, it is noted that, in the past, she has needed to travel through checkpoints and these have not presented any difficulty to her, even noting that her identity card states that she is originally from Jaffna.

[61] The Authority finds that the appellant does not have a well-founded fear of being persecuted if she returns to Sri Lanka. It follows that the second issue, that of Convention reason, does not arise.

[62] Given this finding, it is not necessary to consider the question of risk to the appellant in any other part of Sri Lanka.

CONCLUSION

[63] The appellant is not a refugee within the meaning of Article 1A(2) of the Refugee Convention. The appeal is dismissed. Refugee status is declined.

"A R Mackey"
A R Mackey
Chairman