SRI LANKAN TAMILS' SEARCH FOR ASYLUM:
AN UPDATE

by

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During the past few years, the tragic ethnic conflict between the minority Tamil and majority Sinhalese communities on the island of Sri Lanka has continued and even grown, despite repeated efforts at mediation. Some observers noted increased tensions and the likelihood of further violence in early 1987 as certain religious holidays approached, including the anniversary of the Buddha's birth. Fears of such violence were realized in early February with a press report of a massacre of 34 Tamil workers in the eastern city of Batticaloa, some of the 200 allegedly killed in three days of fighting between government forces and Tamil militants.

Negotiations brought hope for a time, but no real end to the fighting. The numbers of displaced people and refugees, mostly Tamils, have grown; the climate of fear, hate, and distrust has spread. The figure now stands at 300,000 of those thought to have fled the island within the past five years. Another round of talks is now underway, but what will be its outcome? Real peace this time, or, as usual in the past, more war, with its grim cycle of attack and reprisal, death and destruction, flight from home, family, and friends?

To add to the tragedy of the continuing conflict in Sri Lanka, other countries, particularly in Europe, have begun to close their doors to the fleeing refugees. In the early weeks of 1987, Tamils are in the headlines of British and Swiss newspapers, as those countries seek to deport Tamils to Sri Lanka. Canada has shown particular compassion in admitting a few thousand asylum-seekers from Sri Lanka, including two boatloads of Tamils who
dramatically arrived off its shores in mid-1986, but regulations implemented in February 1987 impose restrictions on Canada's heretofore generous policy. India, alone, has accommodated large numbers of refugees from Sri Lanka, though special circumstances of proximity and ethnic ties meant little choice in the matter. Washington's close ties with the Jayewardene government have not helped the case of Tamils seeking asylum in the United States, despite a substantial body of evidence that the Colombo government is unable to protect civilians adequately, in general, and possibly even unwilling to protect Tamil civilians adequately, in particular.

The United Nations High Commissioner for Refugees (UNHCR), which has the international mandate to protect refugees, has shown great concern over this issue, yet its actions have appeared muted at times by the serious political problems that have developed in Europe concerning Tamil asylum seekers. During the past few years its guidance to governments against refoulement of Tamils to Sri Lanka has strengthened to its present stage: it now speaks quite forthrightly against returning Tamils to Sri Lanka against their will, whether refugees or not. UNHCR has also taken the initiative to establish a working group with European governments confronted with growing numbers of Sri Lankans seeking asylum, although, while some progress has been made, no significant developments have yet been reported on this front.

This paper focuses on the present situation of Sri Lankan Tamils in Sri Lanka, India, and in the West. It takes a fresh look at Sri Lankan refugees in south India based on a U.S. Committee for Refugees fact-finding mission to Madras in late 1986. It provides background to help with understanding the issues involved in the conflict and discusses developments during the past 18 months, updating information presented in an earlier USCR Issue Paper: Time for Decision: Sri Lankan Tamils in the West (June 1985). Finally it offers policy recommendations directed at relieving the suffering of displaced people
and refugees, victims of Sri Lanka's conflict.

**Background to the Conflict**

Of Sri Lanka's total population of approximately 16 million, the majority are Sinhalese (74 percent). They are mostly Buddhist and have their own language, Sinhala. Centuries ago, they came to Sri Lanka from India, and today are concentrated in the southern and western parts of the island.

The Tamils form the next largest community, comprising about 18 percent of the population. Most Tamils are Hindus and have Tamil as their mother tongue. They also came to the island from India, in two groups. The larger group, known as Ceylon or Jaffna Tamils, came more than a thousand years ago; the rest, referred to as Indian, or "plantation," Tamils, were brought to work as plantation labor by the British colonists in the 19th century. Apart from the cities and larger towns, most Ceylon Tamils live in the northern and eastern regions of the country, while the Indian Tamils live on agricultural estates in the south-central highlands of Sri Lanka. After the British granted independence to Sri Lanka, the citizenship status of the Indian Tamils became the subject of repatriation discussions which continue today between India and Sri Lanka. The two Tamil communities have little in common in terms of their history, their relationships with the Sinhalese, and their caste and social distinctions. It is within the Ceylon Tamil community that the greatest civil unrest and displacements have occurred, and they are the focus of this paper.

Other smaller communities include the Muslims, Malays, and burghers; except for the Muslims, however, they have largely been able to remain apart from the ethnic strife between the Tamils and the Sinhalese.

The conflict between the two communities is rooted in something of a
paradox: both see themselves—with respect to the other—as a vulnerable minority. The Tamils on the island are clearly a minority, numerically. Yet, close to 50 million Tamils live nearby in India, and it is this reality of a large Tamil population to the north which gives the Sinhalese their belief that, in reality, they are the minority.

Furthermore, the Tamils, during the colonial period, made gains through education and won jobs in government, the professions, and business at a greater rate than other groups, including the majority Sinhalese. This created resentment against the Tamils which impelled some among the Sinhalese, after independence in 1948, to promote their own community to gain and even exceed socio-economic parity with the Tamils. These efforts, in turn, sowed fear and uncertainty among Tamils, who saw their community become a target, in danger of losing the achievements it had worked so hard to secure.

Over the years, language, more than any other issue, has been a symbol for Tamils, representing their relative standing in Sri Lankan society. The status of the Tamil language has fluctuated, at times being recognized as "official," at others as "national." Under the current constitution, Tamil is recognized as a national language which enshrines its usage in broad sectors of society; however, its position a step below Sinhala, the only official language, contributes to continuing Tamil resentment. In addition to language, Tamils feel discriminated against by government policies and actions concerning education and land settlement.

Tensions between the two communities have in the past broken out into civil clashes and strife, sometimes serious, but none equal in scale and intensity to the widespread rioting that occurred in July 1983. This event marked a watershed in Tamil-Sinhalese relations, raising the question of whether the two communities would ever be able to live together in peace and trust. These riots also, tragically, put Sri Lanka on the world map, making
people in many countries aware that deep ethnic conflict divides the people of that beautiful island. Less well known is the fact that many innocent people—Tamils and Sinhalese alike—have become victims of that strife.

As relations have deteriorated since 1983, extremists on both sides have strengthened their positions. Various groups of militant Tamils, mostly with youthful members, seek a separate state called Eelam, made up of the Tamil areas in the north and east of the island; they are not beyond using violence, including extraordinary violence against Sinhalese civilians, to further their goals. On the Sinhalese side, the most uncompromising factions are conservative community leaders who keep President Jayewardene from making any compromises with the Tamils and who, perhaps, facilitate the incidents of over-reaction by the military to Tamil militants' attacks. So far, repeated attempts at negotiations have not been able to break down these firmly held political positions.

**Developments in Sri Lanka since 1985**

Repeated violence between 1985 and 1987 has heightened the tension between the two communities, leading the country, inexorably it seems, to open civil war. Clashes between the government's security forces and the Tamil militants have increased in number, intensity, and geographical area; according to most press reports, more than 2,000 people have died each year.¹ Previously, incidents were largely limited to the northern area, the Jaffna peninsula and environs, but now they take place with regularity in the eastern districts around the port cities of Trincomalee and Batticaloa. Consistent with this trend has been a further expansion of the conflict to include places and targets outside Tamil-majority areas.

Trains and trucks traveling elsewhere in the country, for instance, have
become targets for bomb attacks, as have government installations. The most dramatic indication of a widening conflict was the bombing of a Sri Lankan jumbo jet at Colombo airport in early May 1986, which claimed the lives of foreigners for the first time. A few days later, a large bomb blast heavily damaged the country's telecommunications center in central Colombo, causing many deaths and injuries. The government, blaming both incidents on Tamil militants, was shaken by these events which showed the long reach of the insurgents, as well as their willingness to use terror to achieve their goals. Yet these incidents followed, by several weeks, intense military activity in the Jaffna peninsula—including the first instance of aerial bombardment by the Sri Lankan air force. Negotiations and ceasefires in 1985 and early 1986 had allowed both sides to arm and train their forces, reflected in the more intense, heavier scale of subsequent fighting.

By June, the Indian government had succeeded in getting the two sides to lay down their arms and meet in direct talks in Bhutan, but these discussions broke down in August after numerous ceasefire violations and amid revelations that a wide gap separated the two sides. Negotiations between the government and the militants follow a cycle: talks take place for a period during which relative calm prevails between the two sides, but once talk is exhausted, the fighting starts up again and continues until someone's good offices—usually New Delhi's, or the parties' directly involved—decide it is time to start talking once again. One of the reasons for this ongoing, unchanging cycle is that both sides apparently believe that they can wait out the other without having to give in on their basic position.

On the Tamil side, there are essentially two views of the separatist goal—a moderate position and an extremist one. The position of the extremists, increasingly strengthened since 1985, has been fairly constant and firm: they will accept nothing less than an independent state. Though there is general
consensus among the militants about their ultimate goal, other differences divide them into separate groups. Shortly before the large bomb blasts in Colombo in May, fighting had ended between two of the key militant groups for the lead position in any subsequent negotiations with the government. In the outcome of the fighting, which produced scores of deaths, the group known as Tamil Tigers (Liberation Tigers for Tamil Eelam [LTTE]) emerged as the clear winner. Yet despite the strong and unequivocal position the militants have staked out, many observers doubt that a majority of Tamils support the extremist position. Most Tamils appear willing to stop short of a separate state, but do seek a quasi-autonomous provincial government in the Tamil areas.

The Jayewardene government has vacillated more in its position: at times, indicating that it would seek a military solution and destroy the Tamil opposition; at others, sounding more conciliatory and suggesting that some compromise might be reached in devolving greater autonomy on the Tamil-majority areas. In the last national elections in 1977, Jayewardene ran on a platform that promised semi-autonomous administration in Tamil areas. This attracted many Tamil voters, and helped him win the election. His failure to deliver on his promise, however, was one factor that contributed to the 1983 riots. Now, four years and thousands of lives later, some observers note the grim irony in Jayewardene's position: he appears to have realized that a combination of negotiations and military pressure will not end the Tamil problem and that he needs to move closer to granting the concessions he had promised earlier. Whether or not he can now accomplish this remains in question.

The Indian government tried again to mediate talks between the two sides at a regional meeting of government heads held in the southern Indian city of Bangalore in November 1986. For a time, it appeared as though these meetings would produce a breakthrough, but the initiative ended without any real
change. In early 1987, there were a few hopeful signs: talks were going on directly between the two sides; an exchange of prisoners took place; and diplomats in Colombo reported indications that the government might be prepared to grant semi-autonomy to the northern province, provided the militants give up their demands for the eastern province.2

Unrest Spawns Displacement, Human Rights Violations

The civil unrest related to communal violence in Sri Lanka has resulted in substantial numbers of displaced people of all communities. A recent government figure puts the total at 120,000 spread over 10 of the country's districts.3 About 40 percent (49,000) are housed in government-run welfare centers or camps for the displaced. Of these, 70 percent are Tamil, 25 percent Sinhalese, and the rest mostly Muslims. Of the 71,000 who live outside the camps with friends or relatives, comparatively fewer are Tamil (62 percent), and more are Sinhalese (37 percent).4

The ongoing violence and tension between the communities is reflected in continuing concerns of human rights groups such as Amnesty International (AI), following numerous reports from Sri Lanka of various human rights abuses. According to Amnesty's annual report for 1986, it received information that government security forces had killed many Tamil civilians in the north and east of the country and that many others had disappeared following their seizure by government authorities. In addition to the regular armed forces, responsibility for some of the extra-judicial killings has been attributed to Homeguards, an armed, local auxiliary force of non-Tamil civilians formed in the second half of 1985.

The government's legal mandate for action against suspected subversives or terrorists is the Prevention of Terrorism Act (PTA), first introduced in 1979 as a temporary measure, but extended indefinitely in 1982. In addition, since
1983, a state of emergency has been in effect which grants broad powers to the police in preventive detention and arrest. Under PTA, suspects can be held incommunicado without charge or trial for a maximum of 18 months, but AI has reports of several dozen who have been held longer. Credible reports also exist of the use of torture against political detainees and suspects, resulting in some deaths.

In September 1986, AI issued a lengthy report detailing information about 272 people who have disappeared in Sri Lanka since 1984 and whose fate is unknown. Efforts by AI and UN human rights officials to secure clarification about these disappearances from the Sri Lankan government have resulted in responses in only a few cases.

Generally, it appears that Tamils returning to Sri Lanka are not detained. However, there have been exceptions. Some Sri Lankan Tamils who sought political asylum in France and Sweden were forcibly returned in 1985 and were detained without charge for several days upon their arrival in Colombo--this despite government claims it does not take legal action or discriminate against those returning to Sri Lanka when their applications for asylum have been refused. Others who returned were also detained for short periods of time, but in each of these cases they had either traveled on forged passports or were suspected of narcotics offenses. Tamil leaders and human rights organizations in Sri Lanka would likely point to such examples to illustrate their belief that no guarantees of safety exist for returnees, although they do concede that no evidence exists to show that returned refugees or asylum-seekers from Europe are routinely questioned or tortured.

**Tamils in Asylum--The Role of UNHCR**

The position of UNHCR on Tamil asylum seekers, as presented in a June 1986 UNHCR communication to USCR, is quite clear and firm; it states that, "it now
appears very unlikely that any Tamil asylum seeker can forcibly [be] returned [to Sri Lanka] without serious risk." Earlier, the UNHCR had adopted a less firm public policy contributing, USCR felt, to a patchwork of uncertainty and ambivalence on the issue, making it easier for governments to ignore or circumvent refugee protection sanctions. The UNHCR also sought to emphasize in its communication that bonafide refugee status should not be viewed as the sole grounds for deciding against the return of Tamils to Sri Lanka. If Tamil asylum seekers do not satisfy a nation's requirements for refugee status, yet do have a genuine fear of returning because of the prevailing danger in Sri Lanka, this fear should be accepted as sufficient grounds for a decision opposing return.

Since 1985, the UNHCR has also taken the initiative to convene a working group on Tamil asylum-seekers in Europe including representatives of European governments affected and the UNHCR. By early 1987, this group, meeting on an occasional basis, has achieved some progress but no significant breakthroughs. Some consensus has been reached, for instance, that governments view returning Tamils to Sri Lanka as risky, an act that should be avoided, if possible. If governments are going to carry through with deportation—as both the Swiss and British threatened to do in February-March 1987—then the UNHCR wants certain guarantees observed in cases of those returned. These include return to safe areas such as the south, return in dignity on an individual basis with accompaniment by a nongovernmental agency, and monitoring by foreign embassies in Colombo of returnees after their return.

Tamil Asylum Seekers in India

There are currently between 125,000 to 130,000 Tamil refugees from Sri Lanka living in the Tamil Nadu state of south India, according to official
data gathered during a USCR visit to India in late 1986. They are being cared for by the federal and state governments and private voluntary organizations; since early 1985, the governments have spent a total of $8 million on the refugees. This refugee problem creates an additional and separate obstacle to Sri Lanka's efforts to repatriate hundreds of thousands of Indian (plantation) Tamils to India as part of longstanding negotiations between New Delhi and Colombo.

Most refugees in India came following the disturbances beginning in 1983. A number of the earliest were middle and upper class Tamils who were able to bring some of their savings and assets with them. They have used these as well as ties with relatives and friends, including some abroad who send money, to sustain themselves in Tamil Nadu.

In February 1985, a new influx of Tamils arrived in Tamil Nadu. They were mostly fishermen and some farmers from the northern districts of Sri Lanka, forced out following government security-related regulations that severely restricted free movement and made it impossible to carry on their livelihoods. They are poorer than the 1983 refugees, and following their arrival, the Tamil Nadu state government responded by setting up government facilities to look after them. Three major camps were established and a Commissioner was appointed to manage relief efforts for the refugees. In addition, scores of other smaller refugee camps--numbering 134 at latest count--have been established. These are under the control of the chief local official, the District Collector, and receive financial and material support from the Commissioner's office in Madras.

The refugees in the camps receive cash allotments (about $16.00 for a family of six) twice a month, and rice and kerosene at subsidized rates. In addition, some groups such as the Tigers donate clothes or arrange monthly visits by a doctor. Despite the care the refugees receive, they do face
problems. Families are sometimes split up among several refugee camps. Idleness brings on depression and other psycho-social problems for a number of refugees. The men and youth face pressures to join the militant militias. Finally, some local people, who are often poor themselves, harbor resentment toward the refugees, especially those who are of higher social or economic status.

The number in the camps is about 30,000. Outside are about 70,000 middle class refugees who have their own resources to support themselves. The balance—about 25,000—are in a more precarious position. They are poor, with few resources, though some are receiving some aid (clothing, soap, etc.) from such groups as the Organization for Eelam Refugees Rehabilitation (OFERR), a private, voluntary organization formed by Sri Lankan Tamil refugees in Madras.

In addition to those outside the camps, there are thought to be some inside the more remote camps who are also suffering. Some camps have limited facilities, while others have inadequate water supply. Despite the difficulties of these camp refugees, their circumstances are not thought to be desperate, yet. However, their situation is likely to become even more constrained—as will that of the poor outside the camps—in the months ahead, unless attention is given to their plight. USCR did not visit the camps; the "sense" described here comes from interviews with refugees and care providers in Madras.

In general, although at least the majority of the refugees are being looked after, the resources to provide for them are limited, and additional resources, especially in kind, would be welcomed from abroad, according to care providers interviewed. Aid, they say, should be channeled through private agencies currently established and working in Tamil Nadu. These include Protestant and Roman Catholic churches, Hindu missions, nonsectarian service organizations such as Roundtable, educational and theological
institutions, and several Sri Lankan Tamil voluntary organizations. The church-related Inter-Church Service Agency (ICSA) has played a leading role in assisting the refugees since their arrival.

From USCR's visit, it seems evident the Indian government wishes to keep the issue on a bilateral plane for the time being--at least, this is the indication given to UNHCR officials recently who offered help. India views Sri Lanka's Tamil problem as essentially an issue which should be solved by Sri Lankans. At most, it should be viewed as a regional problem at which stage India enters the picture, but concern, India feels, should not spread beyond and involve nations farther afield--in particular, the superpowers. Also, according to some experts, India's reticence to "internationalize" the ethnic problem in Sri Lanka and its various repercussions stems from its concern about what outsiders might learn concerning support in India for the Tamil militants based in Madras. Though the extent of such support is unknown, there is at least tacit support in allowing the Tamil insurgent groups to camp on and operate from Indian soil.

Hope was raised at the South Asia Association for Regional Cooperation (SAARC) summit held in Bangalore in mid-November that a political settlement might be reached in talks between Prime Minister Gandhi and President Jayewardene but, in the end, agreement was illusory. Some in refugee circles in Madras, however, while following the course of the political discussions, feel a need to look toward longer term solutions. These include giving the refugees the resources--including jobs and education--to live as normally as possible until they can return home. A conference was scheduled for late November in Bangalore to bring national leaders in the refugee and voluntary agency community together to address the plight of Tamil refugees along these lines. Current efforts are directed toward assisting middle class refugees with such resources as loans to start small, home-based cottage industries,
especially among single women who are heads of household.

Closing the Door to West Germany

Of the European countries, West Germany was, up until recently, the most "visible" country with respect to fleeing Tamils because so many were coming through Berlin to the West. In 1986, West Germany was estimated to have 30,000 Tamil asylum seekers, 60 percent of the total for all of Europe. Through much of 1984 and 1985, Tamils fleeing Sri Lanka and India used Soviet and some Eastern European (mainly East German) airlines to reach East Berlin, where the lax immigration procedures allowed them to slip easily to the West. As these airlines sought the business of the Tamils, they facilitated their clients' travel requirements (i.e., visas, etc.). But once arriving in East Germany, the refugees made straight for the Berlin subway which took them quickly to the West. Thus, an unusual situation developed where communist regimes were actively assisting refugees to escape intolerable circumstances at home and to gain personal security and protection in the West. Ironically, it was a Western government, the Federal Republic of Germany, that brought an end to the Tamils' flight from danger to safety.

The flow began to ease in late 1985, when the West Germans were able to get the East Germans to require transit visas of Sri Lankans prior to flying into East Germany, in return for a higher interest-free credit for the East German government. Other steps the West Germans took included levying a $1,000 fine on airlines that brought passengers to West Germany without valid visas. Also, such airlines are now obliged to take back passengers without visas. They also extended from two years to five the period during which asylum seekers cannot work, imposed to discourage those with economic motives for seeking asylum.

The problem of asylum seekers became a political issue in the 1987 FRG
elections, particularly as housing allocated to refugees in urban areas filled up, and some small rural communities felt overburdened by the refugee influx. One example was a village of 300 which had been asked to absorb 200 refugees. One news article stressed the "deplorable" conditions for refugees in West Germany. According to this source, some refugees are locked up in old hospitals and barracks, and, it alleged, may exist in limbo for many years through an extended appeals process. It also reported acute depression and suicide among the refugees.

According to some accounts, the Tamils are the least welcome of the new refugees flowing into Germany and the West. Members of a culturally alien group, their appearance in Europe has been rather sudden and in sizable numbers at a time when governments seek to limit immigration. Alleged links of some Tamils in Europe to drug trafficking, arms, and cash networks supporting the Tamil militants, who are also cast as "terrorists," suggest to many European citizens that the Tamils are best taken care of by the police and border authorities, not immigration or asylum officials. Thus, genuine refugees are being made victims of drug and arms racketeers.

United Kingdom Institutes Visa Restrictions

In February 1987, the Tamil asylum issue received headline treatment in the British press, as the government sought to deport 58 Tamils who had arrived by air a few days earlier. They followed 100 Tamils who had arrived in late December and who were reluctantly admitted to asylum procedures by the authorities. Fearing a flood of new Tamil asylum-seekers who, without documents, are using circuitous routes to get to Britain, such as through Malaysia and Bangladesh, the government has toughened its stance. At this writing, deportation of the 58 has been stopped by a court injunction calling for judicial review of the cases. Yet, according to press reports, the
prospects for the Tamils are not good, as public opinion appears to favor the
government's position for deportation.

The British government tightened its regulations governing entry of Tamils in May 1985 following the arrival of 1,300 asylum seekers. London issued a regulation requiring Sri Lankans to get an entry permit from the U.K. High Commissioner in Colombo, marking the first time citizens of another Commonwealth country were required visas to enter Britain. This step was successful in stopping the legal flow of Tamils to Britain.

While the government stiffened its stance concerning entry, in June 1986 it relaxed its policy on Tamil asylum seekers already in Britain by granting them the right to stay, under the government's "exceptional leave to remain" policy. This policy--applicable in cases that warrant compassionate consideration, but fall short of fulfilling the Convention definition of refugee--provides temporary protection from deportation, but little long-term security, as it requires annual renewal of residency permits. The trend in Britain appears to be toward the exceptional leave policy and away from refugee status. Observers note a further unsettling pattern, that political and foreign policy considerations appear to play a deciding role in which nationalities will benefit from asylum.

In France, Few Granted Asylum

Estimates of the number of Tamil asylum seekers in France vary widely—from 12,000 to 25,000. One of the difficulties in settling on a more precise figure is the movement of asylum-seekers; new ones are continually arriving, as they have done since 1977, while others, turned down by the Appeals Board, leave for somewhere else. Of the nearly 20,000 Tamils who have sought asylum in France since 1977—the year of Sri Lanka's first state emergency—
approximately 10 percent have been approved. In 1984, only three percent of the 3,000 Sri Lankans who applied were granted asylum, far fewer than the percentages for Iranians (73 percent), Afghans (96 percent) and Turks (85 percent).

Many Tamils work at unskilled jobs. They can get some assistance from the government, provided they are registered with OFPRA (Office for the Protection of Refugees and Stateless Persons), but cash allotments are not enough to cover rents in Paris, where most live. Voluntary agencies and church-based charities are also involved in assisting Tamils in France.

A key problem for the Tamils is the French language, which few know. Their lack of facility in French, needed to fill out application forms, can adversely affect their chances for asylum. In addition to language difficulty, little understanding of who Tamils are, as well as press accounts of a Tamil heroin ring in Paris, are thought to account for the relatively few Tamils who have gained asylum. Tamil asylum-seekers often live isolated lives in France, in part because of language, but also because of cultural and religious differences which govern social status and customs surrounding eating and food. These differences constitute barriers which may prolong Tamil asylees' assimilation into French society.

Restrictions in Other European Countries

Community differences and tensions involving Tamils have also surfaced in other European countries, including Switzerland, where 2,000 Tamils sought asylum in 1985. After Turks, Tamils comprise the largest number of asylum-seekers in Switzerland and, as in France, comparatively few (12 percent) are granted asylum status.

In April 1987, a referendum on asylum is scheduled for Switzerland, to be
followed, officials expect, by a review and possible reform of asylum laws. Until then, the deportation of Tamils whose asylum claims have been rejected is not expected to take place. This caseload includes 30 who were identified for deportation in late 1986, attracting media attention. Protests by Amnesty International and intervention by the UNHCR succeeded in getting the issue referred to a task force which will review the cases individually. The establishment of the task force should serve to cool what had become a hot issue in Switzerland.

These developments followed what was a difficult year for Tamils in Switzerland. In 1986, they gained considerable visibility, and rather unfairly, even notoriety. According to a refugee newsletter, Tamils in Berne were labeled as heroin dealers in a campaign by a sensationalist tabloid. In an investigation, a few Tamils were detained for questioning about heroin trafficking, but none were arrested. In March, a law was passed legalizing the expulsion of Tamils back to Sri Lanka and, for several months, the government acknowledged it was expelling individuals and small groups daily.

Other European countries which have sizable groups of Tamil asylum-seekers are the Netherlands and Denmark. Tamils are the largest group of asylum seekers in the Netherlands, a country that in recent years has scaled down the numbers of refugees and asylees it is willing to accept. Its total for both categories in 1984 was about 1,300 (similar figures for 1985 and 1986), yet at the beginning of 1986, it had 4,500 Tamils alone. According to Le Monde, 2,000 Tamils were forced to leave Holland in March under threat of mass repatriation to Sri Lanka, with many ending up presumably elsewhere in Europe. Denmark, which received 2,000 Tamils in 1986 alone, followed the trend in other European capitals to legislate a slowing, if not a stop, to the refugee flow. Yet it showed magnanimity in November, by agreeing to grant political asylum to 37 Sri Lankans stranded in Cairo and in danger of being returned home.
Canada--A Critical Turning Point

The most dramatic story involving Tamil refugees in 1986 involved Canada, where one day in August 155 Tamils suddenly appeared in lifeboats off the coast of Newfoundland. Their discovery caused some consternation, as they were so far from home. It was later established that they had been dropped from a ship nearby and had actually started their journey in West Germany. The Canadian government acted swiftly to grant them year-long work permits while their asylum claims were studied, but in so doing caused a wave of public indignation about the refugees "queue-jumping" and "duping" the people and government of Canada.

Unfortunately, the incident of the 155 has been one factor contributing to Canada's tightening its refugee and asylum policy. On February 20, 1987, the Canadian government announced that it had cancelled its policy of granting automatic one-year residence permits to asylum applicants from a list of 17 countries--including Sri Lanka--suffering civil war or social strife. Sri Lankans wishing to enter Canada now must apply at Canadian diplomatic posts abroad. These changes were made on an interim basis by the Canadian Ministry of Employment and Immigration in anticipation of new legislation for determining refugee status. The Canadian government is currently debating the points that will go into the new act, but early indications, along with the public mood, presage a law that will reverse Canada's tradition of asylum.

Approximately 9,000 Tamils live in Canada; 4,000 are refugees or asylum-seekers who have come since the troubles of 1983. Most live in urban centers such as Toronto, and have adjusted reasonably well to life in Canadian society, eased by their familiarity with, if not knowledge of, English. Along with work permits, asylum-seekers had been allowed to attend school and to draw medical and welfare benefits while their claims were being processed. Canada
has not deported Tamils after September 1983, owing to their claims of political persecution. In addition to the 154, Tamil refugees were about half of the 500 who arrived illegally by air in July 1986. In recent months, three out of four Tamil claimants for asylum have been successful.

The United States--Refusing to Grant Asylum

Compared with other countries, the United States has received few Tamil refugees or asylum-seekers. This is because of a tough U.S. policy stance which does not recognize Tamils as refugees from Sri Lanka. U.S. immigration officials almost invariably judge that applicants are motivated by economic or other nonrefugee motives, and that other countries--at least until recently--have presented more accessible, alternate places of refuge. The consular officials at the U.S. Consulate in Madras reported in November, for instance, that they see few applicants for visas for the U.S. from Sri Lankan Tamils, compared to visa offices of European countries. They also noted that they are on the look out for forged passports and other false travel documentation, a trade that has picked up in south India, especially in the wake of actions such as the closing down of the Berlin route to the West in 1985. An additional factor affecting the United States as a place of asylum for Sri Lankan Tamils has been Washington's strong backing of the Colombo government, extending moral and material support as well as facilitating an Israeli role of intelligence planning and military assistance against the Tamil militants.

Reflecting the strict stance of the U.S. government on asylum seekers from Sri Lanka, only three cases have been granted asylum in the United States in recent years. In 1984, 52 applications were filed with INS district directors for asylum, 46 the following year, and only 15 in 1986. Of these, 52 cases were denied asylum in 1985. In 1986, 23 cases were turned down, with only one
case granted asylum. The remaining cases await action.

In addition to denying asylum, the U.S. government has also undertaken to deport people whose appeals to stay were exhausted. According to the INS, in 1985, five Sri Lankans were deported from the U.S., all to Sri Lanka. In 1986, the same number of Sri Lankans were deported, three to Sri Lanka and two elsewhere. Because of the methods INS uses to keep its statistics, it is not possible to confirm that those deported are also those denied asylum, nor that deported Sri Lankans are always Tamils. The presumption is, however, that such linkages do exist, and that most if not all of those deported were Tamils. Furthermore, as it is known that additional Tamils are seeking asylum—though with remote chances of success—the number of deportations can be expected to grow.

**Prospects and Recommendations**

What are the prospects for some early resolution to the problem of the Sri Lankan Tamils? Violence between the government and Tamil insurgents continues to polarize the communities. Until both sides can agree to end the confrontation through negotiation, and not bloodshed, innocent people—both Tamils and Sinhalese—will be displaced by violence, and Tamils will continue to seek asylum in India, and in the West. It is within this context, that the U.S. Committee for Refugees offers the following recommendations:

1. India should invite UNHCR to establish a presence in south India and exercise its mandate on behalf of Sri Lankan Tamil refugees there. Though it appears that they are being looked after reasonably well in Tamil Nadu, as refugees they are entitled to the care and protection of the UNHCR, which can also assure the international community of the refugees' interests and welfare. While USCR believes it is incumbent upon India to take such action,
it also feels India deserves recognition by the international community for the refuge it has provided to the Tamils, as well as continued encouragement and support in performing such an important humanitarian role. Once a UNHCR presence is established, foreign donors ought to continue their assistance, especially with additional resources targeted directly at those who, it appears, are being less well cared for.

2. Western industrialized nations have allowed their reaction to Tamil asylum seekers to degenerate, causing erosion of asylum standards and of diplomatic support for UNHCR more generally. Racism appears to be a factor. This is an over-reaction which needs correction. European governments which have numbers of Tamil asylum-seekers need to adopt a consensus on the issue of asylum for Tamils, based on a humanitarian reaction to their human needs and the merits of their cases. The governments of Switzerland, the United Kingdom, and the Netherlands should abandon further efforts to deport Tamil asylum-seekers to Sri Lanka until the situation there improves.

UNHCR has taken a lead toward shaping a multilateral policy by forming a working group on Tamils. This action provides an opportunity for the UNHCR to assert its leadership on an important asylum issue at a critical time. In order to do this, at least in part, the decisions, if not the deliberations, of the working group ought to be made public. Such accountability will not only provide needed information, but will act as a spur to action. Along with the UNHCR, government representatives need to be mindful of the responsibilities they bear in facing such an issue.

3. Canada has played a leading role in providing asylum to Tamils from Sri Lanka during the last several years. This has been especially important considering the recent actions of some governments, particularly in Europe, in
abdicating their asylum roles. Therefore, Canada's recent cancellation of its non-deportation policy for asylum seekers from 17 countries, including Sri Lanka, is a giant step backwards, and has serious implications for the security of asylum seekers throughout the West.

The people of Canada, appropriately awarded the 1986 Nansen Medal for refugee protection, need to recognize the pivotal importance of Canada's stance in determining whether the industrialized democracies generally are going to be restrictive or generous in responding to the needs of people fleeing civil strife and violence in their home countries. Canadians need to prevail upon their legislators to reverse the interim changes enacted by the government. Such an action would not only protect Sri Lankans in Canada from the dangers associated with deportation, but would send an important signal to the United States and Europe, as well.

4. In the face of continuing evidence that the government of Sri Lanka is not, for whatever reasons, protecting its civilian population--particularly Tamils--against violence, the United States should reassess its position that it is not dangerous to deport unwilling Tamils to Sri Lanka. While the United States may not believe the Government of Sri Lanka has an official policy of state persecution, its failures in certain areas--failure to clarify disappearances, poor discipline of armed forces personnel, failure to provide security in Tamil areas, etc.--legitimately raise questions as to the government's real intent. The government's legitimate anger over terrorist attacks by Tamil extremists can not excuse its failure to protect all its civilian citizens. Its insensitivity in the past has contributed to the slide into chaos.

The United States should stop its policy of deporting Sri Lankan Tamils to Sri Lanka. Such a policy is indefensible, given the level of risks for those returned to Sri Lanka.
FOOTNOTES


[4] Tamil sources tend to support these figures. In August 1986, the London and Madras-based TIRU (Tamil Information and Research Unit) reported in its Situation Report that there were a total of 116,000 displaced people in Sri Lanka of which 50,000 were housed in camps. In January 1986 TIRU reported that there were 55,000 Tamils displaced in the Jaffna peninsula and of these just over a third (17,000) were in camps.


