

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin



EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

Requested by LT EMN NCP on 8th January 2018

Miscellaneous

Responses from [Austria](#), [Belgium](#), [Bulgaria](#), [Croatia](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Hungary](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Malta](#), [Netherlands](#), [Poland](#), [Slovak Republic](#), [Slovenia](#), [Sweden](#), [United Kingdom](#) (22 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin


Background information:

In connection with the number of applicants for international protection from Sri Lanka in the Republic of Lithuania, the Migration department would like to address EU Member States and Norway with a query on the experience with Sri Lankan in granting international protection and the situation upon return. In particular, Migration department would like to know if other countries had experience with returning former members of Liberation Tigers of Tamil Eelam (LTTE) or persons related to the militant organization (e.g. relatives of the members of LTTE) and what is their situation upon return (possible persecution, detention, unlawful conduct or discrimination by the government and/or society). Please note that this AHQ is not for wider dissemination. The information provided by your Member State will only be used for internal needs of the Migration department and consideration for future policies, but not disseminated further.

Questions

1. Does your MS grant international protection (refugee status or subsidiary protection) to Sri Lankan LTTE members and their family members?
2. How does your MS assess the current situation in Sri Lanka for LTTE members (does the membership of LTTE results in an increased threat of persecution / violence for the person)?
3. Does your MS implement returns of Sri Lankan nationals to their country of origin?
4. Please share if your MS has any up-to-date information (COI) on Sri Lankan (both Tamils and Sinhalese) „stop“ and „watch“ lists? Are persons on these lists allowed to leave and / or return legally?
5. Please share if your MS has any up-to-date information (COI) on actions taking place against returning / returned Sri Lankan citizens in their country of origin (e.g. imposing fines for illegal departure)? If yes: a) Do these actions take place for all Sri Lankan citizens (Sinhalese and Tamils) or solely against Tamils? b) If actions are taken only against Tamils – do these actions take place against all Tamils or only for Tamils with assumed ties with LTTE?
6. How does your country assess detention and prison conditions in Sri Lanka?



Responses

	Country	Wider Dissemination	Response
	Austria	Yes	1. Austria examines every application for international protection individually with regard to the question whether criteria for granting international protection are met or not. In 2017 14 Sri Lankan nationals had been granted




EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>asylum. Additionally two persons had been granted subsidiary protection and one person has received a residence permit for humanitarian reasons.</p> <p>2. Since the inauguration of president Sirisena on the 9th of January 2015, there is no more direct state-led suppression existing in the regions most affected by the civil war, in the north and east of the country. However there are reports from NGOs on systematic discrimination of Tamils in the areas of state employment, higher education and access to justice and also on violations of human rights. For example targeted arrests and torture of alleged LTTE members and persons with connections to the LTTE (e.g. family members,...) by security forces, especially in the areas in the north and east. Under the Prevention of Terrorism Act (PTA) people are being arrested and detained in police stations, army camps and informal detention centers because of alleged involvement in terrorist activities. This happens sometimes without any charges and disproportionately concerns Tamils. Lawsuits against allegations of torture can be filed with the Supreme Court according to article 11 of the constitution on fundamental rights. Accusations of torture against officials are being investigated and criminal procedures occur. In June 2016 president Sirisena instructed the police and the security forces to conform to the guidelines of the commission on human rights of Sri Lanka which provides for the protection of the people detained under the PTA law and for other immediate actions for the termination of practices which encourage abuse. Since the end of 2016, no new cases under the PTA law are being dealt with. On the 3rd of May 2017, the PTA was replaced by a new anti-terrorism law (Counter Terrorism Act - CTA) which falls behind the obligations of the government to the Human Rights Council of the United Nations. While some regulations prevent cases of abuse there still does not exist any protection against unlawful arrests. However, the detention period without any charges has been reduced from 18 to 12 months.</p> <p>3. Due to the marginal numbers there are no conclusive statistics.</p> <p>4. Austria does not possess “stop” and “watch” lists due to the small number of asylum procedures of Sri Lankan nationals.</p> <p>5. The prime minister has pledged impunity to people returning to Sri Lanka. However, there are interrogations by security authorities upon return. With a valid Sri Lankan passport, entry formalities will usually be executed in a timely fashion, without these kinds of documents, returnees will have to undergo an identity check. No use of violence on the part of the security authorities has been reported. However, UN-special rapporteur Juan Mendez has urged UN member states to not send Tamil refugees back to Sri Lanka with reference to his report about his visit to Sri Lanka in 2016. He pointed out that torture and abuse during arrests and interrogations, contrary to the statements of the Sri Lankan government, still occur.</p>
--	--	--	--



EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>6. The detention conditions do not comply with the international standards. Obsolete infrastructure, overcrowding and a lack of sanitary facilities are being criticized. A “model prison” in Hambantota, which was inaugurated in October 2017, is supposed to meet international standards for the first time. Medical care is provided by either internal prison clinics, or, when necessary, the transfer to a public hospital. --- Source: Ministry of the Interior</p>
	Belgium	Yes	<p>1. Every case is assessed on its merits. LTTE members can be granted refugee status if their statements are credible and they can establish a well-founded fear for persecution in case of return to Sri Lanka. Specific profiles can also be excluded. Being a family member of an LTTE member does not automatically lead to granting refugee status, but will be one element of the assessment of the asylum application. An important element in the assessment of the asylum application is also how long ago the asylum applicant left Sri Lanka.</p> <p>2. Every case is assessed on its merits. There is an increased risk for high ranked members, but also normal and former members can have a risk on persecution depending on the individual circumstances.</p> <p>3. Returns to Sri Lanka take place but the numbers are low (2016: 1 person; 2017 : 1 person).</p> <p>4. We do not have such information.</p> <p>5. N/A</p> <p>6. Detention conditions in Sri Lanka are not optimal.</p>
	Bulgaria	Yes	<p>1. N/A</p> <p>2. N/A</p> <p>3. Republic of Bulgaria executing coercive administrative measures "Return to the country of origin, a transit country or a third country" imposed to citizens of Sri Lanka.</p> <p>4. N/A</p> <p>5. N/A</p>

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			6. N/A
	Croatia	Yes	<p>1. There were no cases where international protection was granted to Sri Lanka nationals.</p> <p>2. There is no relevant data because all procedures were discontinued due to application withdrawal. One Sri Lankan national is still in procedure but COI is not relevant in current phase.</p> <p>3. NO.</p> <p>4. There is no relevant data on this subject.</p> <p>5. N/A</p> <p>6. N/A</p>
	Czech Republic	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Estonia	Yes	<p>1. Estonia has granted international protection (also in some cases subsidiary protection) to Sri Lankan nationals who have claimed to be former LTTE members or associates based on the individual cases of the applicants.</p> <p>2. Estonia assesses every international protection application individually and makes a decision based on individual circumstances, assessing and comparing the sayings of the applicant with available and up to date country of origin information. Being a former member or associate of LTTE does not automatically result in granting international or subsidiary protection.</p> <p>3. So far Estonia has not implemented returns of Sri Lankan nationals to their country of origin.</p> <p>4. Estonia has no up-to-date information on Sri Lankan “stop” and “watch” lists since the last applications for international protection from Sri Lankan nationals were in 2015.</p> <p>5. Estonia has no up to date information regarding returning Sri Lankan nationals to their country of origin.</p>


EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			6. Estonia has had no new applicants from Sri Lanka and thus no up to date COI since February 2016.
	Finland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	France	Yes	<p>1. Sri Lankan nationals' applications have significantly decreased since the end of the 2009 military conflict between Sri Lankan armed forces and Liberation Tigers of Tamil Eelam (LTTE) organization. 2274 applications have been registered in 2016 by OFPRA, including 1,082 first applications (see 2016 OFPRA activity report). In the first ten months of 2017, 1690 applications have been registered, of which 985 were first applications (provisional data, Eurostat source). The French Office for the protection of refugees and Stateless persons (OFPRA) does not keep statistics by ground, but generally speaking, most of claimants continue to refer to support, real or imputed, to the Tamil cause, and more particularly to Tamil separatism. Sometimes, applicants refer to recent activism within Tamil parties like TNA, or more rarely, to belonging to opposition media, generally pro-Tamil, and human rights organizations. Without prejudice to the application of the exclusion clauses (cf. An Institutional History of the Liberation Tigers of Tamil Eelam (LTTE): Joanne Richards, http://repository.graduateinstitute.ch/record/292651/files/CCDP-Working-Paper-10-LTTE-1.pdf; Human Rights Watch, Trapped and Mistreated, LTTE Abuses against Civilians in the Vanni https://www.hrw.org/report/2008/12/15/trapped-and-mistreated/lte-abuses-against-civilians-vanni; UNIVERSITY TEACHERS FOR HUMAN RIGHTS (JAFFNA)* SRI LANKA. UTHR (J), Let Them Speak: Truth about Sri Lanka's Victims of War http://www.uthr.org/SpecialReports/Special%20rep34/Special_Report_34%20Full.pdf), OFPRA and the National court of the right of asylum, ruling on appeal, recognized the benefit of international protection to 608 Sri Lanka nationals in 2016, of which 551 were granted refugee status and 57 subsidiary protection (see OFPRA activity report 2016).</p> <p>2. The reference case-law is the Grand chamber judgment of the National court of the right of asylum, taken on December 8th, 2016: CNDA, 8th December 2016, Mrs K., N°140278366. (...) in the light of these findings on the political and security evolution in Sri Lanka and whether each individual situation requires a case-by-case assessment of the value of the evidence presented and the credibility of the claimant's statements, the above-mentioned sources agree that are likely to draw the authorities' attention, the Tamils which, in their view, rightly or wrongly, constitute a marked and present personal risk of actively working for Tamil separatism; thus, the authorities' action toward these nationals of Tamil origins essentially aims at identifying former LTTE officials or Tamils who are wanted or prosecuted, as well as activists in the diaspora who are publicly working in favor of separatism, the resurgence of the LTTE movement or the resumption of the armed conflict; that these people are</p>


EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>likely wanted and run, therefore, an increased risk of persecution or serious harm, especially for those who remained in one of the countries, such as France, known to be important centers of fundraising for Tigers; that the fact of being a veteran, including having completed a rehabilitation program, or being related or having a notorious proximity to a former senior LTTE official, with a Tamil appearing on the wanted people lists, or currently carrying out separatist activities monitored by the authorities, is likely to cause similar risks; that, on the other hand, neither residence in conflict-ridden areas or places controlled by LTTE, nor the mere past and former collaboration with the LTTE in these areas, nor the participation to demonstrations within the diaspora can be assimilate to, according to the authorities, to an activity in favor of separatism; that, it results from the same available sources on geopolitical information that Colombo airport immigration officers check if Sri Lankan returnees left the country regularly pursuant the provisions of the Immigrants and Emigrants Act; that any person who returns to Sri Lanka without an official travel document and whose departure had not been registered, is questioned by the Chief Immigration Officers (CID), who verifies that he/she does not present a security risk; that in this context, the systematic search for scars is not reported as a modality of these controls nor a particular factor of risk; that these same sources agree that the arrests at the airport are in net decrease, eight cases of arrested and brutalized persons have being reported during the year 2015 and only a few cases of arrest have been reported in 2016; that in particular the Swiss State Secretariat for Migration (SEM) signals, in its aforementioned report of 5th July 2016, that none of the returnees directly contacted by the SEM indicated having being questioned or threatened by the police at airport or during the days following their return;</p> <p>3. Will be provided later.</p> <p>4. Will be provided later.</p> <p>5. Will be provided later.</p> <p>6. OFPRA considers situations on a case-by-case basis, based on COI sources, for example: • United Nations in Sri Lanka, Full Statement by Ben Emmerson, UN Special Rapporteur on human rights and counter-terrorism, at the conclusion of his official visit, 14/07/2017, 6 p. • Amnesty International, Sri Lanka: "Only justice can heal our wounds": Listening to the demands of families of the disappeared in Sri Lanka, 01/04/2017, 45 p. • Centre for Policy Alternatives (CPA), Victim - Centred Transitional Justice in Sri Lanka: What Does It Really Mean?, 01/02/2017, 29 p. • University of Oxford, Invisible People: Suspected LTTE Members in the Special Refugee Camps of Tamil Nadu, 01/02/2017, 20 p • Comité contre la torture (Nations Unies), Observations finales concernant le cinquième rapport périodique du Sri Lanka, 27/01/2017, 14 p. • Human Rights Commission of Sri</p>
--	--	--	--




EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			Lanka, Report of the human rights commission to the committee against torture. Review of the 5th periodic report of Sri Lanka, 01/10/2016, 17 p.
	<p>Germany</p>	<p>Yes</p>	<p>1. At the height of its power (2000-2001), the LTTE controlled and administrated large areas of the territory which now belongs to Sri Lanka's Northern and Eastern provinces. Everyone who lived in these or neighbouring regions thus inevitably came into daily contact with the LTTE and its civil administration. As a general principle, there are thus no grounds to indicate any substantial probability that Tamils who did not support the LTTE cause or who lent it only minimal support will still be sought and persecuted by security forces on returning to their native country today, a substantial period having elapsed since the end of the civil war. Where, on the other hand, an applicant is able to submit plausible evidence that they were particularly active for the LTTE in their native country or that the Sri Lankan authorities specifically suspect them of such activities, a case of persecution warranting refugee protection or of relevance to asylum considerations can still not be ruled out. The form of participation in the LTTE's struggle is to be investigated in each instance, however - also with regard to any possible grounds for exclusion, such as the perpetration of severe human rights violations. Family members of former LTTE members do not generally have any reason to fear persecution in the form of collective punishment.</p> <p>2. See above.</p> <p>3. Returns to Sri Lanka take place.</p> <p>4. No special findings.</p> <p>5. In view of the general political situation, a risk of persecution in Sri Lanka which may constitute grounds for granting asylum cannot be fundamentally ruled out. There is no systematic persecution of Tamils in Sri Lanka solely on account of their ethnicity. While discrimination does still occur at all levels, it has diminished markedly in comparison to the civil war era. Persecution cannot be ruled out, however, where a Tamil asylum applicant plausibly claims that they are suspected of having cooperated with the LTTE or that they continue to represent separatist political convictions.</p> <p>6. Prison conditions are bad and fall short of the minimum required standards. The government has promised improvements. Periods of custody awaiting trial are disproportionately long, but generally remain in compliance with the statutory provisions.</p>



EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

	<p>Hungary</p>	<p>Yes</p>	<p>1. In 2016, 221 asylum applications were submitted by Sri Lanka's citizens; interestingly, in 2017 and 2018 none of this has been lodged. The vast majority of Sri Lankan asylum seekers left for an unknown location shortly after the application was filed, so no personal interview was made and the authority terminated the proceedings. According to the Asylum Registration System, so far, a total of 21 Sri Lankan applicants have been granted refugee status, and one has been granted subsidiary protection. The Immigration and Asylum Office admitted one Sri Lankan citizen as refugee in consequence the decision of the Administration and Labour Court of Budapest on 12 July 2013. Previously, in his decision on 2 May 2013, the Asylum Unit of Budapest and Pest Country Regional Directorate, the Asylum Office denied the international protection and appointed that the applicant can be sent back to Sri Lanka. The Administration and Labour Court of Budapest argued that - based on the country of origin information - it is well founded that persons related to the Liberation Tigers of Tamil Eelam (LTTE) would be in danger of persecution in Sri Lanka and changed the asylum decision and accepted the third country national as refugee in its decision. Nowadays, following the juridical changes, the Court does not have right to grant international or national protection for asylum-seekers by changing asylum office decisions. On 10 March 2014 the Immigration and Asylum Office (formerly known as Office of Immigration and Nationality) made an integration contract with the Sri Lankan citizen, and set down monthly support with the validity period from 1 March 2014 till 29 February 2016. Following the suspension of integration support and several data modifications, the Immigration and Asylum Office terminated the integration support from 1 December 2014.</p> <p>2. In 2016, 221 asylum applications were submitted by Sri Lanka's citizens; interestingly, in 2017 and 2018 none of this has been lodged. The vast majority of Sri Lankan asylum seekers left for an unknown location shortly after the application was filed, so no personal interview was made and the authority terminated the proceedings. According to the Asylum Registration System, so far, a total of 21 Sri Lankan applicants have been granted refugee status, and one has been granted subsidiary protection. The Immigration and Asylum Office admitted one Sri Lankan citizen as refugee in consequence the decision of the Administration and Labour Court of Budapest on 12 July 2013. Previously, in his decision on 2 May 2013, the Asylum Unit of Budapest and Pest Country Regional Directorate, the Asylum Office denied the international protection and appointed that the applicant can be sent back to Sri Lanka. The Administration and Labour Court of Budapest argued that - based on the country of origin information - it is well founded that persons related to the Liberation Tigers of Tamil Eelam (LTTE) would be in danger of persecution in Sri Lanka and changed the asylum decision and accepted the third country national as refugee in its decision. Nowadays, following the juridical changes, the Court does not have right to grant international or national protection for asylum-seekers by changing asylum office decisions. On 10 March 2014 the Immigration and Asylum Office (formerly known as Office of Immigration and Nationality) made an integration contract with the Sri Lankan citizen, and set down monthly support with the validity period from 1</p>
---	-----------------------	------------	--

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>March 2014 till 29 February 2016. Following the suspension of integration support and several data modifications, the Immigration and Asylum Office terminated the integration support from 1 December 2014.</p> <p>3. Hungary does not have any relevant experience due to the low number of Sri Lankan cases. nr. of returns in 2016: 0 nr. of returns in 2017: 0</p> <p>4. -</p> <p>5. -</p> <p>6. -</p>
	Ireland	No	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	Italy	Yes	<p>1. Yes</p> <p>2. Information is not currently available.</p> <p>3. Yes. In 2017, 12 Sri Lanka citizens have been subjected to return to their country of origin.</p> <p>4. Information is not currently available.</p> <p>5. Information is not currently available.</p> <p>6. Information is not currently available.</p>
	Latvia	Yes	<p>1. After looking through all the asylum applications from last 9 years, we found 11 applications from Sri Lankan nationals – 1 in 2011, 1 in 2013, 3 in 2015, 1 in 2016, 5 in 2017. For most of these applicants, the basis of the asylum claim was real or imputed LTTE membership, however all of these cases had credibility issues and none of them was granted international protection. Therefore, in the last 9 years, Latvia has not granted international protection to Sri Lankan nationals due to connection with LTTE.</p>

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>2. In our view, LTTE membership may result in an increased threat of persecution or violence, however not in all cases. For example, some former LTTE members are still going through rehabilitation, they are monitored and they have a duty to report to the authorities. Although there are restrictions on movement, as well as an obligation to report, we would not recognise it as a form of persecution in itself.</p> <p>3. Yes. Latvia carries out return of citizens of Sri Lanka to their home countries. In 2015 – 5 citizens of Sri Lanka were removed to their home country, in 2017 – 1 citizen of Sri Lanka.</p> <p>4. Latvia has not received any asylum applications from Sri Lankan nationals for more than a year now, therefore we do not have up-to-date COI on Sri Lanka.</p> <p>5. See answer provided on Q4</p> <p>6. In our view, mistreatment and torture in prisons and other detention facilities may be an issue, although the authorities have demonstrated their willingness to fight against it.</p>
	<p>Lithuania</p>	<p>No</p>	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	<p>Luxembourg</p>	<p>Yes</p>	<p>1. Luxembourg treats every international protection application on a case-by-case basis, analyzing the facts described by the applicant as well as the evidence provided and taking into consideration the general situation of the country of origin. Luxembourg has granted international protection (refugee status) to Sri Lanka nationals in 2014 (2) and 2015 (3). In 2016 and 2017 (November 2017) there was no international protection granted to Sri Lanka nationals.</p> <p>2. In Luxembourg the Administrative courts have been very clear that the simple fact of being member of a persecuted group or the possibility of being persecuted are not sufficient grounds for receiving international protection (See in this respect decision of the Administrative Court no. 35755C of 7 July 2015). The focus of the Sri Lankan government’s concern has changed since the civil war ended in May 2009. The LTTE in Sri Lanka itself is a spent force and there have been no terrorist incidents since the end of the civil war (UK Home Office, Country Policy and Information Note: Sri Lanka: Tamil separatism, June 2017, p. 6). The new focus of the government is to identify Tamil activists in the Diaspora who are working for Tamil separatism and to destabilize</p>




EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>the unitary Sri Lankan state Its focus is on preventing both (a) the resurgence of the LTTE or any similar Tamil separatist organization and (b) the revival of the civil war within Sri Lanka.</p> <p>3. No. Luxembourg has not carried out any voluntary or forced returns to Sri Lanka between 2014 and 2016.</p> <p>4. The Department of Foreign Affairs and Trade (DFAT) Country Information Report Sri Lanka, 24 January 2017 (UK), observed: ““Stop” lists include names of those individuals that have an extant court order, arrest warrant or order to impound their Sri Lankan passport. “Watch” lists include names of those individuals that the Sri Lankan security services consider to be of interest, including due to separatist or criminal activities. Those on a watch list are not likely to be detained, although there have been some media reports claiming that individuals, mostly Tamils, travelling from the United Kingdom have been detained on arrival at the airport. DFAT has not been able to verify these reports but notes that those on a watch list are likely to be monitored.’ (UK Home Office, Country Policy and Information Note: Sri Lanka: Tamil separatism, June 2017, p. 59) Returnees who have a previous connection with the LTTE are able to return to their communities without suffering ill-treatment. Civil society groups on the ground did not report recent issues of ill-treatment. The police interest, if any, is not in any previous involvement with the LTTE, but on whether the person has committed any criminal act. This is because many had left the country using forged identities and the police were therefore seeking to establish the true identity of the returning person and whether they are wanted for any criminal acts in addition to leaving the country with false documents (UK Home Office, Country Policy and Information Note: Sri Lanka: Tamil separatism, June 2017, p. 7)</p> <p>5. Normally the person is detained because of illegal departure and s/he is fined under Immigration Law violations. (UK Home Office, Country Policy and Information Note: Sri Lanka: Tamil separatism, June 2017, p. 60). See answer to question 4. ‘Most Sri Lankan returnees, including those from Australia, are questioned (usually at the airport) upon return and, where an illegal departure from Sri Lanka is suspected, they can be charged under the I&E [Immigrants and Emigrants Act 1949] Act. DFAT understands that in most cases, these individuals have been arrested by the police at Colombo’s Bandaranaike International Airport. As part of this process, most returnees will have their fingerprints taken and be photographed. At the earliest available opportunity after investigations are completed, the individual would be transported by police to the closest Magistrate’s Court, after which custody and responsibility for the individual shifts to the courts or prison services. The Magistrate then makes a determination as to the next steps for each individual. (UK Home Office, Country Policy and Information Note: Sri Lanka: Tamil separatism, June 2017, p. 60)</p> <p>6. UN Human Rights Council (formerly UN Commission on Human Rights), Summary of stakeholders' submissions on Sri Lanka; Report of the Office of the United Nations High Commissioner for Human Rights, 8</p>
--	--	--	--

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>août 2017, p. 3 - 4 “ The Special Rapporteur on torture noted that conditions of detention amounted to cruel, inhuman or degrading treatment owing to severe overcrowding, insufficient ventilation, excessive heat and humidity, and the denial of adequate access to health care, education, vocational training and recreational activities. The Committee against Torture urged Sri Lanka to reduce overcrowding in prisons by making more use of alternatives to incarceration. It recommended that Sri Lanka improve detention conditions, strengthen reintegration and rehabilitation activities, improve medical facilities in prisons and ensure the swift transfer of patients to the national hospital in cases of emergencies and serious illnesses.” US Department of State, Country Report on Human Rights Practices 2016 - Sri Lanka, 03 mars 2017 http://www.ecoi.net/local_link/337166/466926_en.html, consulté en janvier 2018 “Prison conditions were poor due to old infrastructure, overcrowding, and shortage of sanitary and other basic facilities. A few of the larger prisons had their own hospitals, but only a medical unit staffed the majority. Authorities transferred prisoners requiring medical care in smaller prisons to the closest local hospital for treatment. In September 2015, the government appointed a task force to analyze the legal and judicial causes of prison overcrowding. The International Committee of the Red Cross provided technical and logistical support to the task force, advised on international best practices for prison systems, and helped formulate strategies for prison reform. Physical Conditions: Gross overcrowding was a problem; the commissioner of prisons estimated that on average the prison population exceeded the system’s capacity by 50 percent. Authorities sometimes held juveniles and adults together. Authorities often held pretrial detainees and convicted prisoners together. In many prisons, inmates reportedly slept on concrete floors, and prisons often lacked natural light or sufficient ventilation. The commissioner of prisons reported 74 total deaths of prisoners in custody as of November 29. The majority of deaths were due to natural causes; there were also three suicides. Administration: There were no ombudspersons to handle prisoner complaints, however superintendents of prisons can accept complaints and prisoners may submit anonymous complaints into complaint boxes at the prisons. The HRCSL, the International Committee of the Red Cross (ICRC), magistrates, and independent monitors appointed by the Ministry of Prison Reforms may all accept complaints from prisoners. The law mandates that magistrates visit prisons once a month to monitor conditions and hold private interviews with prisoners, but this rarely occurred because the backlog of cases in courts made it difficult for magistrates to schedule such visits. The HRCSL reported it received some credible allegations of mistreatment reported by prisoners, but the Ministry of Prison Reforms reported it did not receive any complaints. Independent Monitoring: The Prison Welfare Society was the primary domestic organization conducting visits to prisoners and has a mandate in regulations to examine the conditions of detention for prisoners and negotiate their complaints with the individual prison superintendents and the commissioners of prison. Improvements: The Prison Department sought to address overcrowding by moving several prisons out of urban areas into more spacious, rural locations. For example, the Department moved Jaffna Prison outside of the city.”</p>
--	--	--	--

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

	<p>Malta</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Applications lodged by Sri Lankan nationals comprise a very limited part of the Maltese caseload. Indeed, between 2009 and 2017 the Office of the Refugee Commissioner received only 2 applications for international protection by Sri Lankan nationals. In both cases, the applicants did not claim protection for issues related to membership of the LTTE. Both applications were rejected after it was established that the applicants did not meet the criteria to be granted international protection. 2. The Office of the Refugee Commissioner is unable to answer this question due to the limited caseload of applications lodged by Sri Lankan nationals (vide answer provided for Question 1). 3. MT does not have much experience with effecting returns to Sri Lanka. This nationality is not encountered often. During the last 20 years we only had one (1) repatriation. 4. This information is not available. We do not encounter this nationality frequently. 5. The Office of the Refugee Commissioner is unable to answer this question due to the limited caseload of applications lodged by Sri Lankan nationals (vide answer provided for Question 1). 6. The Office of the Refugee Commissioner is unable to answer this question due to the limited caseload of applications lodged by Sri Lankan nationals (vide answer provided for Question 1).
	<p>Netherlands</p>	<p>No</p>	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	<p>Poland</p>	<p>No</p>	<ol style="list-style-type: none"> 2. Examination of applications for international protection submitted by people of Tamil nationality, with origin in Sri Lanka and claiming membership in the LTTE or cooperation with this organization (possibly assigning by the authorities such action to them), takes place in each individual case. First of all, the credibility of the testimonies and statements of the applicant in relation to the documentation attached by him (if he provides one) is assessed first. 4. In the case of people (Tamil nationality, with origin in Sri Lanka and claiming membership in the LTTE or cooperation with this organization), when their testimonies about previous persecution in Sri Lanka and the risk of their re-emergence are consistent, logical, and therefore credible, according to the current situation in Sri Lanka, they are considered to meet the criteria for granting international protection. However, the general, political and human rights situation prevailing in that country is not currently recognized as the basis for



EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>international protection. In Poland there are only few cases for granting international protection, initiated at the request of persons whose country of origin is Sri Lanka. In 2017, 4 decisions were issued in such cases, 2 on granting refugee status, 1 on negative status, 1 on discontinuation of proceedings.</p> <p>6. Cooperation with the Sri Lankan side on the transfer of foreigners to Sri Lanka is carried out on the basis of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons staying illegally which was signed on 4 June 2004. An exchange of information with the Sri Lankan party is carried out through the Sri Lanka Embassy in Warsaw. The readmission documentation (readmission application with a set of photographs and any documents or copies thereof that testify to the Sri Lankan citizenship of the foreigner) is sent electronically to the diplomatic mission. A diplomatic mission conducts consular interviews with a motion previously requested by the Management Board for Foreigners of Border Guard Headquarters. In April 2017 it obtained access to the Readmission Case Management System (RCMS). On August 4, 2015 (after arrangements from the second round of the Executive Protocol negotiation to the aforementioned agreement) an official request was sent to the Sri Lankan Party and to the Embassy to grant access to the system to the representatives of the Polish Party. The earlier attempts by the Management Board for Foreigners of Border Guard Headquarters to access the system remained unanswered. On October 1, 2015, the request for granting access to the above mentioned system was conducted again. Unfortunately, from the very beginning the access of the Polish side to the RCMS system is difficult due to problems in communication between the central authorities in Colombo and the Sri Lankan Embassy in Warsaw. From April 2017, through the aforementioned system, a request for identification of a foreigner was sent from the Management Board for Foreigners of Border Guard Headquarters to the Sri Lankan party, however, it was "received" after about 1.5 months, which caused a direct and immediate paper request to the Sri Lanka Embassy in Warsaw. In 2016-2017, the Management for Foreigners of Border Guard Headquarters sent 4 applications to the Sri Lankan Party for identifying the foreigner and confirming the identity. The Sri Lankan party agreed to accept 1 person under the agreement. However, the transfer of the foreigner has not yet been carried out due to the appeal proceedings against him against the decision on the obligation for return. In 2016-2017, no Sri Lankan citizen was transferred under the agreement to the country of origin.</p> <p>8. No special findings.</p> <p>10. No special findings.</p> <p>12. Poland does not possess special data and information regarding detention and prison conditions in Sri Lanka. In Poland's opinion conditions in prisons in Sri Lanka are bad and there are problem with violence. It should be</p>
--	--	--	---


EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>noted that Government in Sri Lanka has declared that they would try to improve conditions in their prisons, but there are still many problems connected to human rights.</p>
	<p>Slovak Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. According to publicly available statistics from 1992 to 31.11.2017 no Sri Lankan citizen was granted asylum or subsidiary protection in the Slovak Republic (Ministry of Interior of the SR, Asylum and migration statistics, available at: https://www.minv.sk/?statistiky-20). 2. COI requests concerning Sri Lanka are very rare in Slovakia. There was only one COI request last year (in March 2017). Migration Office of the SR assessed the situation for LTTE members according to publicly available COI compiled by governmental/non-governmental institutions at the time of processing relevant March 2017 COI request (e.g.: Amnesty International Report 2016/17, ACCORD Sri Lanka COI Compilation as of December 2016, etc.). For the most current information media reports were used. Bureau of Border and Alien Police of the Police Force Presidium does not assess this situation. 3. During the previous year 3 Sri Lankan citizens were returned, however the returns were carried out via the external border with Ukraine. 4. Migration Office of the SR does not have any up-to-date information (COI) on Sri Lankan (both Tamils and Sinhalese) „stop“ and „watch“ lists. In addition, Bureau of Border and Alien Police considers these information as sensitive and therefore it is not in their competence to share them. Whether the person is allowed to leave the country depends on the operational needs of the authority which issued the decision on the need to monitor the person or discontinuation of it as well as on whether s/he is leaving the territory through the external or internal border. 5. SR does not have any up-to-date information concerning actions taking place against returning/returned Sri Lankan citizens in their country of origin. Migration Office of the SR assessed return conditions last time in March 2017 COI request using e.g.: ACCORD Sri Lanka COI Compilation as of December 2016; Refugee Documentation Centre of Ireland information on the treatment of LTTE fighters upon their return to Sri Lanka as of October 2016; or information on post-deportation risks for failed asylum seekers published by FMR in February 2017, etc.

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>6. SR does not make special research on this issue. Migration Office of the SR only assesses detention and prison conditions according to most current publicly available COI processed by governmental/non-governmental institutions.</p>
	<p>Slovenia</p>	<p>Yes</p>	<p>1. In the last 5 years, we have not received any requests from Sri Lanka claiming membership in the LTTE, and consequently we have not granted the status of refugee or subsidiary protection in this connection.</p> <p>2. Since we did not have such requests, we have not specifically dealt with this issue. But in the case we would have Sri Lankan applicant claiming to be a member of the LTTE, his case would be judged individually. In our opinion, the membership of the LTTE exposes the applicant, but that does not mean that due to membership in the LTTE, he will automatically get status. All circumstances of the individual case must be assessed.</p> <p>3. /</p> <p>4. /</p> <p>5. /</p> <p>6. /</p>
	<p>Sweden</p>	<p>Yes</p>	<p>1. During last year Sweden had very few applicants for international protection from Sri Lanka. No one were granted international protection last year and 22 applications were rejected. The reasons for an application are not registered and we have had no reason to inquire into the questions asked by you or adopt any official position on the matters concerned.</p> <p>2. See question 1.</p> <p>3. Yes, Sweden does implement returns to Sri Lanka of Sri Lankan nationals whose asylum applications have been rejected. So far in 2018 one Sri Lankan national has returned voluntarily, none forced returns. In the years 2015-2017 five voluntary returns and nine forced returns.</p> <p>4. No information available</p>

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>5. No information available</p> <p>6. No information available</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>1. All asylum and human rights applications from Sri Lankan nationals are carefully considered on their individual merits in accordance with our international obligations. Individuals who can demonstrate they face a real risk of persecution or serious harm in Sri Lanka are normally granted protection.</p> <p>2. All asylum and human rights applications from Sri Lankan nationals are carefully considered on their individual merits in accordance with our international obligations. Individuals who can demonstrate they face a real risk of persecution or serious harm in Sri Lanka are normally granted protection.</p> <p>3. All asylum and human rights applications from Sri Lankan nationals are carefully considered on their individual merits in accordance with our international obligations. Individuals who can demonstrate they face a real risk of persecution or serious harm in Sri Lanka are normally granted protection.</p> <p>4. The assessment of a protection claim is made against the background of the latest caselaw and available country of origin information, which is obtained from a range of reliable sources, including reputable media outlets; local, national and international organisations, including human rights organisations; and information from the Foreign and Commonwealth Office. The following Home Office publications provide information on Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam: UK Home Office Country Policy and Information Note Sri Lanka: Tamil separatism, June 2017 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes</p> <p>5. The assessment of a protection claim is made against the background of the latest caselaw and available country of origin information, which is obtained from a range of reliable sources, including reputable media outlets; local, national and international organisations, including human rights organisations; and information from the Foreign and Commonwealth Office. The following Home Office publications provide information on Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam: UK Home Office Country Policy and Information Note Sri Lanka: Tamil separatism, June 2017 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes</p> <p>6. The assessment of a protection claim is made against the background of the latest caselaw and available country of origin information, which is obtained from a range of reliable sources, including reputable media outlets; local,</p>

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>national and international organisations, including human rights organisations; and information from the Foreign and Commonwealth Office. The following Home Office publications provide information on Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam: UK Home Office Country Policy and Information Note Sri Lanka: Tamil separatism, June 2017 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes</p> <p>7. Those who are found not to need protection are refused and usually have a right of appeal to the independent courts. Once their appeals rights are exhausted they are required to leave the UK. If they do not, we will enforce their removal. The most current data on returns can be located on the Home Office GOV.UK website (Immigration statistics July to September 2017 volumes 4 & 5) https://www.gov.uk/government/statistics/immigration-statistics-july-to-september-2017-data-tables</p> <p>8. Those who are found not to need protection are refused and usually have a right of appeal to the independent courts. Once their appeals rights are exhausted they are required to leave the UK. If they do not, we will enforce their removal. The most current data on returns can be located on the Home Office GOV.UK website (Immigration statistics July to September 2017 volumes 4 & 5) https://www.gov.uk/government/statistics/immigration-statistics-july-to-september-2017-data-tables</p> <p>9. Those who are found not to need protection are refused and usually have a right of appeal to the independent courts. Once their appeals rights are exhausted they are required to leave the UK. If they do not, we will enforce their removal. The most current data on returns can be located on the Home Office GOV.UK website (Immigration statistics July to September 2017 volumes 4 & 5) https://www.gov.uk/government/statistics/immigration-statistics-july-to-september-2017-data-tables</p> <p>10. Information on ‘stop’ and ‘watch’ lists can be found in paragraphs 1.2.4 and 1.2.15 of the following Home Office publication: UK Home Office Report of a Home Office Fact-Finding Mission Sri Lanka: treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE), Conducted 11-23 July 2016 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes 1.2.4 Another human rights defender was arrested under the PTA [Prevention of Terrorism Act] and detained for 2 days in 2014, when he was on a factfinding mission regarding the arrest of a family member who had disappeared in the North. Subsequently he was released but the police obtained a court order compelling him to obtain the permission of the Magistrate’s Court every time he was leaving the country. Then his name was placed on the stop list at the airport both at the arrival and the departure, so he was automatically stopped at the counter and referred to a desk of the Terrorist Investigation Department of the Police at the airport.</p>
--	--	--	--

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>However, he is able to travel freely now. 1.2.15 Some people may feel the need to obtain a passport illegally if they need to falsify their age to obtain employment; if they are on a watch/stop list; or if they have previously been deported from a country they wish to return to; or for political reasons.</p> <p>11. Information on ‘stop’ and ‘watch’ lists can be found in paragraphs 1.2.4 and 1.2.15 of the following Home Office publication: UK Home Office Report of a Home Office Fact-Finding Mission Sri Lanka: treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE), Conducted 11-23 July 2016 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes 1.2.4 Another human rights defender was arrested under the PTA [Prevention of Terrorism Act] and detained for 2 days in 2014, when he was on a factfinding mission regarding the arrest of a family member who had disappeared in the North. Subsequently he was released but the police obtained a court order compelling him to obtain the permission of the Magistrate’s Court every time he was leaving the country. Then his name was placed on the stop list at the airport both at the arrival and the departure, so he was automatically stopped at the counter and referred to a desk of the Terrorist Investigation Department of the Police at the airport. However, he is able to travel freely now. 1.2.15 Some people may feel the need to obtain a passport illegally if they need to falsify their age to obtain employment; if they are on a watch/stop list; or if they have previously been deported from a country they wish to return to; or for political reasons.</p> <p>12. Information on ‘stop’ and ‘watch’ lists can be found in paragraphs 1.2.4 and 1.2.15 of the following Home Office publication: UK Home Office Report of a Home Office Fact-Finding Mission Sri Lanka: treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE), Conducted 11-23 July 2016 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes 1.2.4 Another human rights defender was arrested under the PTA [Prevention of Terrorism Act] and detained for 2 days in 2014, when he was on a factfinding mission regarding the arrest of a family member who had disappeared in the North. Subsequently he was released but the police obtained a court order compelling him to obtain the permission of the Magistrate’s Court every time he was leaving the country. Then his name was placed on the stop list at the airport both at the arrival and the departure, so he was automatically stopped at the counter and referred to a desk of the Terrorist Investigation Department of the Police at the airport. However, he is able to travel freely now. 1.2.15 Some people may feel the need to obtain a passport illegally if they need to falsify their age to obtain employment; if they are on a watch/stop list; or if they have previously been deported from a country they wish to return to; or for political reasons.</p> <p>13. The following Home Office publications provide information on Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam: UK Home Office Country Policy and</p>
--	--	--	---

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			<p>Information Note Sri Lanka: Tamil separatism, June 2017 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes UK Home Office Report of a Home Office Fact-Finding Mission Sri Lanka: treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE), Conducted 11-23 July 2016 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes</p> <p>14. The following Home Office publications provide information on Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam: UK Home Office Country Policy and Information Note Sri Lanka: Tamil separatism, June 2017 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes UK Home Office Report of a Home Office Fact-Finding Mission Sri Lanka: treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE), Conducted 11-23 July 2016 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes</p> <p>15. The following Home Office publications provide information on Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam: UK Home Office Country Policy and Information Note Sri Lanka: Tamil separatism, June 2017 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes UK Home Office Report of a Home Office Fact-Finding Mission Sri Lanka: treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE), Conducted 11-23 July 2016 https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes</p> <p>16. The assessment of a protection claim is made against the background of the latest caselaw and available country of origin information, which is obtained from a range of reliable sources, including reputable media outlets; local, national and international organisations, including human rights organisations; and information from the Foreign and Commonwealth Office.</p> <p>17. The assessment of a protection claim is made against the background of the latest caselaw and available country of origin information, which is obtained from a range of reliable sources, including reputable media outlets; local, national and international organisations, including human rights organisations; and information from the Foreign and Commonwealth Office.</p> <p>18. The assessment of a protection claim is made against the background of the latest caselaw and available country of origin information, which is obtained from a range of reliable sources, including reputable media</p>
--	--	--	---

EMN Ad-Hoc Query on Experience with granting international protection and returning Sri Lankan nationals to their country of origin

			outlets; local, national and international organisations, including human rights organisations; and information from the Foreign and Commonwealth Office.
--	--	--	---