

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

10 November 2017

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Sri Lanka: entry and exit procedures at international airports, including security screening and documents required for citizens to enter and leave the country; treatment of returnees upon arrival at international airports, including failed asylum seekers and people who exited the country illegally; factors affecting the treatment, including ethnicity and religion (2015-November 2017)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Entry and exit procedures at international airports

According to Airport & Aviation Services (Sri Lanka) Ltd., a "government owned company with statutory powers to manage and develop civil airports in Sri Lanka" (n.d.a), there are three international airports servicing Sri Lanka: Bandaranaike International Airport (BIA) [1], Mattala Rajapaksa International Airport (MRIA) [2], and Ratmalana International Airport in Colombo [3] (Airport & Aviation Services [Sri Lanka] Ltd. n.d.b).

According to a 2017 Country Information Report on Sri Lanka by the Australian Department of Foreign Affairs and Trade (DFAT), "Sri Lanka's Constitution entitles any citizen to 'the freedom to return to Sri Lanka'" (Australia 24 Jan. 2017, 33). A report on a fact finding mission conducted by the United Kingdom Home Office from July 11 to July 23 2016 on the treatment of people associated with the Liberation Tigers of Tamil Eelam (LTTE) states that, according to an interview with an official from Rights Now, a non-governmental organization that deals with human rights litigation and advocacy, passports are presented upon entry to an immigration official for a physical check, and then scanned "on an electronic system" (UK 31 Mar. 2017, 9). Citing the International Organization for Migration (IOM), the report further explains that by law, Sri Lankan nationals are able to enter the country without a passport, so long as they can prove Sri Lankan nationality, such as by providing a National Identity Card or birth certificate (UK 31 Mar. 2017, 68). The same report also cites a source at Bandaranaike Airport as indicating that those travelling to Sri Lanka are required to at least have an "Emergency Travel Document or ID, the most important thing is to establish whether they are of Sri Lankan nationality" (UK 31 Mar. 2017, 98).

Article 34 of the *Immigrants and Emigrants Act of 1949*, amended in 2006, provides the following: "No person to whom this Part [of the law] applies shall leave Sri Lanka from any place other than an approved port of departure" (Sri Lanka 1949). Article 35 (a) provides the following: "No person to whom this Part applies shall - if he is a citizen of Sri Lanka, leave Sri Lanka unless he has in his possession a Sri Lanka passport" (Sri Lanka 1949).

According to the US Department of State's *Country Reports on Human Rights Practices for 2015*, the Sri Lankan government did not "forcibly exile any citizens abroad," but did allow those citizens "under threat from the government to leave the country through self-exile, unless they were charged with criminal or civil violations" (US 13 Apr. 2016, 22). The Sri Lanka Bureau of Foreign Employment indicates that, if a citizen leaves Sri Lanka for the purpose of foreign employment, they must register with the Sri Lanka Bureau of

Foreign Employment prior to departure and pay a registration fee that is valid for two years with the same employer (Sri Lanka n.d).

1.1 Security screening at airports

According to Airport & Aviation Services (Sri Lanka) Ltd., departing passengers are processed as follows:

A first identification of passengers shall be carried out by Airport Security Department (ASD) staff at the entrance to the passenger terminal building on production of valid airline ticket documentation.

A second identification shall be carried out by ASD staff at the entrance to the check-in counter area on production of valid airline ticket documentation.

A third identification shall be carried out by Sri Lankan Airlines handling agent staff at the check-in counters on production of valid travel documentation (i.e. airline tickets together with passport and any necessary visas).

A fourth identification shall be carried out by Department of Immigration and Emigration staff and agents of the Directorate of Internal Intelligence for the purposes of establishing the bona fides of passengers.

A fifth identification shall be carried out by ASD staff at the pre-boarding passenger and cabin baggage screening checkpoint on production of a valid boarding card.

Final passenger identification shall be carried out by Sri Lanka Airlines handling agent staff or the staff of the relevant aircraft operator at the departure gate as part of the passenger / hold baggage reconciliation process on production of a valid boarding card and passport or other identity document containing a visual image of the holder. (Airport & Aviation Services [Sri Lanka] Ltd. n.d.c)

Citing their interview with the official from Rights Now, the UK Home Office report states that "the NGO believes that [a 'stop list'] is connected to the electronic passport checking system" and that former LTTE members "may be on a watch list" (UK 31 Mar. 2017, 9-10). In the same report, a Home Office interview with a source at Bandaranaike International Airport indicates that the airport "maintains a list of persons-of-interest by law enforcement agencies that have violated Sri Lankan law" and transfers Sri Lankans nationals to law enforcement without detaining anyone themselves (UK 31 Mar. 2017, 98). According to the 2017 Country Information Report by the Australian Department of Foreign Affairs and Trade (DFAT), citing "expert testimony provided to a hearing of the UK's Upper Tribunal on Immigration and Asylum,"

'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 (Australia 24 Jan. 2017, 15).

2. Treatment of returnees upon arrival

According to the Australian DFAT Country Report, under Sections 34 and 45(1) (b) of the *Immigrants and Emigrants Act of 1949* "it is an offence to depart other than via an approved port of departure, such as a seaport or airport. Penalties for leaving Sri Lanka illegally can include imprisonment of up to five years and a fine of up to 200,000 Sri Lankan rupees [C\$1,631]" (Australia 24 Jan. 2017, 33). The *Immigrants and Emigrants Act of 1949*, amended in 2006, is attached to this response.

A country information report by the Swiss Refugee Council, a politically non-partisan independent umbrella organization of recognised refugee relief organisations (Swiss Refugee Council n.d.), based on information from local contacts in Sri Lanka indicates that [translation] "any person returning with a temporary travel document [4] will always be detained, interrogated and thoroughly checked by Sri Lankan authorities" (Swiss Refugee Council 16 June 2015, 15). The report explains that, according to representatives from a diplomatic mission and from an unnamed international organisation in Sri Lanka, a temporary document suggests to authorities that the subject departed from the country illegally (Swiss Refugee Council 16 June 2015, 15).

The UK Home Office Fact Finding Mission Report, states that according to a peacebuilding and human rights organization, "anyone returning from abroad after failing to obtain asylum would be questioned harshly," but that, without providing further detail, the situation has improved for returnees as the Sri Lankan government "know[s] that [other] countries are monitoring the situation" (UK 31 Mar. 2017, 47-48). In the same report, the Jaffna Press Club, an organisation which protects and promotes media freedom in Jaffna, is cited as stating that there have been cases of persons formerly involved in demonstrations being arrested at

the airport or their homes upon their return to Sri Lanka, without providing further detail, (UK 31 Mar. 2017, 21). The report further states that, according to Catholic Bishop Emanuel, a Tamil community leader, the Sri Lankan military will "keep a watch on [the houses and family] remaining in Sri Lanka" of people associated with the LTTE who have "committed a serious crime" (UK 31 Mar. 2017, 32-33).

The Australian DFAT Country Report states that

[u]pon arrival in Sri Lanka, involuntary returnees, including those on charter flights from Australia, are processed by different agencies, including the Department of Immigration and Emigration, the State Intelligence Service and the Criminal Investigation Department. These agencies check travel documents and identity information against the immigration databases, intelligence databases and the records of outstanding criminal matters. Officers of the Australian Department of Immigration and Border Protection (DIBP) based in Colombo may meet charter flights carrying involuntary returnees. DIBP has observed that processing returnees at the airport can take several hours, primarily due to the administrative processes, interview lengths, and staffing constraints at the airport. Returnees are also processed *en masse*, and individuals cannot exit the airport until all returnees have been processed. Individuals who return to Sri Lanka voluntarily and are eligible for an Australian Government Assisted Voluntary Return package are usually met by the International Organization for Migration.

For returnees travelling on temporary travel documents, police undertake an investigative process to confirm identity, which would address whether someone was trying to conceal their identity due to a criminal or terrorist background or trying to avoid court orders or arrest warrants. This often involves interviewing the returning passenger, contacting the person's claimed home suburb or town police, contacting the person's claimed neighbours and family and checking criminal and court records. DFAT assesses that returnees are treated according to these standard procedures, regardless of their ethnicity and religion. DFAT further assesses that detainees are not subject to mistreatment during processing at the airport. (Australia 24 Jan. 2017, 33-34)

The Special Broadcasting Service (SBS), an Australian public broadcasting service, reported that in 2017, at an official visit to Australia, Sri Lankan Prime Minister Ranil Wickremesinghe stated that any Sri Lankans who fled to Australia would be welcomed back without being prosecuted, despite committing the crime of illegal departure (SBS 15 Feb. 2017). An interview by the UK Home Office with the International Organization for Migration stated that

the police were looking for the thousands of Sri Lankans who left the country using forged identities – it is those criminals who were being looked for, because there is a need to know the true identity of the returning person. There may have been other crimes committed, in addition to leaving the country with false documents, which might need investigation and the police need to settle their books – they need to know if cases can be closed or are still pending. Some people may still be wanted for murder. (UK 31 Mar. 2017, 67-68)

DFAT states that some Tamil diaspora groups have continued to hold public demonstrations in their countries of residence in support of an independent Tamil state and that "[h]igh-profile leaders of pro-LTTE diaspora groups may come to the attention of Sri Lankan authorities" (Australia 24 Jan. 2017, 18). The same source further states that "[i]n general, DFAT assesses that Sri Lankan authorities may monitor any member of the Tamil diaspora returning to Sri Lanka, depending on their risk profile" (24 Jan. 2017, 18). A 2016 UK Home Office Guidance paper on Tamil separatism, cites a 7 July 2014 letter from the British High Commission in Colombo who had consulted with various diplomatic missions, an international non-governmental organization and Sri Lankan ministries, as stating that they were not aware of any returnees being arrested on arrival due to association with proscribed Tamil diaspora organisations, but did note that, according to a [Sri Lanka] Department of Immigration and Emigration (DIE) representative, returnees may be questioned upon arrival about their involvement with any Tamil diaspora groups (UK Aug. 2016, 36-37).

Information on the treatment of religious minorities at a point of entry could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Incidents of Arrest or Detention

Sources report incidents of arrests and detention of ethnic Tamils during entry and exit, as well as post-entry, including the following:

- People for Equality and Relief in Lanka (PEARL), a "non-profit organization led by human rights activists concerned about the situation in Sri Lanka" (PEARL n.d.), reported one case of abduction and murder of a Tamil who was arrested and disappeared shortly after returning from Saudi Arabia in 2015 (20 Apr. 2017, 25-26).

- In 2015, Tamil Guardian [5] reports that two Tamil men were arrested at Colombo airport, returning from the UAE and Qatar, and that according to their respective parents, they had "briefly been in the LTTE," but had left the group "long ago" (5 Feb. 2015).
- In April 2015, the Tamil Guardian reported that the Tamil National Alliance MP, P Ariyanenthiran stated that it is unsafe for Tamils to return to Sri Lanka, mentioning 15 Tamils returning from foreign countries who were arrested at Katunayake airport, including "returnees, who returned having had their asylum claims rejected, following seeking political asylum in foreign countries" (27 Apr. 2015). The same source further states that "many who have returned from Kuwait, Oman, Saudi Arabia, Italy, Australia and France have been arrested by the Terrorist Investigation Department at the airport" (Tamil Guardian 27 Apr. 2015). This number was updated to 16 in May, quoting TNA Parliamentarian Pon Selvarasa (Tamil Guardian 3 May 2015).
- In June 2015, the Tamil Guardian reported that a Tamil man, a former LTTE member, returning from the Middle East was detained by the CID for "further rehabilitation" (30 June 2015).
- In August 2015, Journalists for Democracy in Sri Lanka (JDS) [6] reported that two people were detained while trying to exit the country, two others were detained following deportation from Turkey, and both groups were charged with possessing forged documents, while Mr. Ariyanenthiran reported the total number of people detained by the CID and Terrorist Investigation Division to be 19 (JDS 20 Aug. 2015).
- In 2016, a Tamil youth was detained by CID after being deported from Oman (Tamil Guardian 24 Jan. 2016).
- Tamil journalist Sasikaran Punniyamurthi was reportedly arrested by the CID after being in exile for four years (JDS 22 Jan. 2016).
- *Ceylon News* reports that a two Tamil men, and, were detained by the Terrorism Investigation Department after returning from abroad on 10 April 2016 and 12 April 2016, respectively (19 Apr. 2016). One was reportedly arrested and the other was released after he was "interrogated for several hours" (*Ceylon News* 19 Apr. 2016).
- *The Guardian* reports that a British citizen of Tamil descent was "detained and tortured" in Jaffna prison after travelling to Sri Lanka to get married, his family believe that his previous involvement with the LTTE as the reason for his arrest (11 June 2016).
- In March 2017, citing the Tamil daily newspaper *Virakesair*, the Tamil Guardian reports that a Tamil father, who had lived in France for 25 years, and his 24 year old daughter were arrested on arrival in Colombo, for unknown reasons (9 Mar. 2017).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Bandaranaike International Airport, located in Katunayake, operates as the primary international airport, and is also located at Katunayake (Airport & Aviation Services [Sri Lanka] Ltd. n.d.d).

[2] MRIA is intended to be a second international airport (Airport & Aviation Services [Sri Lanka] Ltd. n.d.e). Airlines operating out of MRIA include Fly Dubai, SriLankan Airlines, and Sriwijaya Air (Airport & Aviation Services [Sri Lanka] Ltd. n.d.f).

[3] Ratmalana Airport (Colombo) "was the traditional Domestic Airport Hub," functions as a Super Aviation Training hub and "the shining showpiece for worldwide Commercial Corporate Jet Operators" (Airport & Aviation Services [Sri Lanka] Ltd. n.d.g).

[4] Specifically, an Emergency Travel Document, Laissez-Passer, or Temporary Travel Document (Swiss Refugee Council 16 June 2015, 15).

[5] Tamil Guardian is a news portal with a focus on providing context and commentary on Tamil affairs ((Tamil Guardian 9 Mar. 2017).

[6] Journalists for Democracy in Sri Lanka (JDS), established in 2009, is based in Germany and is comprised of a group of journalists, human rights workers and other activists who "had been forced to flee...Sri Lanka" (JDS 13 Feb. 2014)

References

Airport & Aviation Services (Sri Lanka) Ltd. N.d.a. "[About AASL - Airport and Aviation Services \(Sri Lanka\) Limited](#)." [Accessed 2 Oct. 2017]

- [Airport & Aviation Services \(Sri Lanka\) Ltd. N.d.b. "Home."](#) [Accessed 2 Oct. 2017]
- Airport & Aviation Services (Sri Lanka) Ltd. N.d.c. ["Security Information for Travelers."](#) [Accessed 2 Oct. 2017]
- Airport & Aviation Services (Sri Lanka) Ltd. N.d.d. ["Message from the Honourable Deputy Minister of Civil Aviation."](#) [Accessed 20 Oct. 2017]
- Airport & Aviation Services (Sri Lanka) Ltd. N.d.e. ["Overview of Mattala Rajapaksa International Airport \(MRIA\)."](#) [Accessed 4 Oct. 2017]
- Airport & Aviation Services (Sri Lanka) Ltd. N.d.f. ["List of Airlines."](#) [Accessed 4 Oct. 2017]
- Airport & Aviation Services (Sri Lanka) Ltd. N.d.g. ["History of Colombo Airport Ratmalana."](#) [Accessed 4 Oct. 2017]
- Australia. 24 January 2017. Department of Foreign Affairs and Trade. [DFAT Country Information Report Sri Lanka](#). [Accessed 5 Oct. 2017]
- Ceylon News. 19 April 2016. ["TID Arrests Another Tamil Man on Return From Abroad - VIDEO."](#) [Accessed 31 Oct. 2017]
- The Guardian. 11 June 2016. Diane Taylor. ["British Tamil 'Tortured and Detained' During Sri Lanka Wedding Trip."](#) [Accessed 4 Oct. 2017]
- Journalists for Democracy in Sri Lanka (JDS). 22 January 2016. Athula Vithanage. ["Exiled Tamil Journalist Arrested on Arrival in Sri Lanka."](#) [Accessed 6 Oct. 2017]
- Journalists for Democracy in Sri Lanka (JDS). 20 August 2015. Indika Gamage. ["Four Tamils arrested at Colombo Airport in Midst of Election Fever."](#) [Accessed 10 Oct. 2017]
- Journalists for Democracy in Sri Lanka (JDS). N.d. ["About Us."](#) [Accessed 6 Oct. 2017]
- People for Equality and Relief in Lanka (PEARL). 20 April 2016. ["Withering Hopes: Historic Window of Opportunity for Reconciliation will Close if Sri Lanka Fails to Act on Accountability and Militarization."](#) [Accessed 5 Oct. 2017]
- People for Equality and Relief in Lanka (PEARL). N.d. ["About Us."](#) [Accessed 11 Oct. 2017]
- Special Broadcast Service (SBS). 15 February 2017. Daniela Ritorto. ["'Come Back, All is Forgiven', Sri Lankan PM Tells Asylum Seekers."](#) [Accessed 4 Oct. 2017]
- Sri Lanka. 1949 (Amended 2006). [Immigrants and Emigrants Act](#). [Accessed 3 Oct. 2017]
- Sri Lanka. N.d. Sri Lanka Bureau of Foreign Employment. [Mandatory Resgistration](#). [Accessed 10 Oct. 2017]
- Swiss Refugee Council. 16 June 2015. Adrian Schuster. ["Sri Lanka: dangers liés au renvoi des personnes d'origine tamoule."](#) [Accessed 11 Oct. 2017]
- Swiss Refugee Council. N.d. ["About us."](#) [Accessed 10 Nov. 2017]
- Tamil Guardian. 9 March 2017. ["French Tamils Arrested on Arrival at Colombo Airport."](#) [Accessed 12 Oct. 2017]
- Tamil Guardian. 24 January 2016. ["Tamil Youth Detained at Colombo Airport."](#) [Accessed 12 Oct. 2017]
- Tamil Guardian. 20 January 2016. ["Exiled Tamil Journalist Given Bail After Detention in Sri Lanka."](#) [Accessed 12 Oct. 2017]
- Tamil Guardian. 30 June 2015. ["Tamil Man Arrested and Sent to CID for 'Rehabilitation'."](#) [Accessed 12 Oct. 2017]
- Tamil Guardian. 3 May 2015. ["Sixteen Tamils from North-East Arrested by Sri Lanka Over Past 100 Days."](#) [Accessed 12 Oct. 2017]
- Tamil Guardian. 27 April 2015. ["Not Safe for Tamil Diaspora to Return to Sri Lanka says TNA MP."](#) [Accessed 10 Oct. 2017]
- Tamil Guardian. 5 February 2015. ["Two Tamils Arrested on Return to Sri Lanka."](#) [Accessed 10 Oct. 2017]
- United Kingdom (UK). 31 March 2017. 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 \(LTTE\)](#). [Accessed 3 Oct. 2017]

United Kingdom (UK). August 2016. Home Office. [Country Information and Guidance. Sri Lanka: Tamil Separatism](#). [Accessed 3 Oct. 2017]

UK Tamil News. 9 March 2015. "[Don't Return to Sri Lanka' - M P Premachandran Warns Tamil Diaspora](#)." [Accessed 11 Oct. 2017]

United States (US). 13 April 2016. Department of State. "Sri Lanka". [Country Reports on Human Rights Practices for 2015](#). [Accessed 3 Oct. 2017]

Additional Sources Consulted

Internet sites, including: Ada Derana; Amnesty International; Asylum Research Consultancy; Australian Broadcasting Corporation (ABC); *Ceylon Today*; *Daily Mirror* (Sri Lanka); *Daily News* (Sri Lanka); Danish Immigration Service; ecoi.net; Factiva; Freedom House; Freedom from Torture; Human Rights Watch; International Crisis Group; International Truth and Justice Project; *The Island* (Sri Lanka); Norway – Landinfo; Office français de protection des réfugiés et apatrides; Together Against Genocide; Sri Lanka Guardian; United Nations – OHCHR, Refworld, UNHCR.

Attachment

Sri Lanka. 1949 (amended 2006). [Immigrants and Emigrants Act](#). [Accessed 3 Oct. 2017]

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