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Sri Lanka/India: Status of Sri Lankan Tamil refugees in India, including information on identity documents, citizenship, movement, employment, property, education, government aid, camp conditions and repatriation (2008-January 2010)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Sources indicate that there are approximately 100,000 Sri Lankan Tamil refugees living in India (US 21 Jan. 2008; USCRI 29 July 2009). The U.S. Committee for Refugees and Immigrants (USCRI) *World Refugee Survey* states that approximately 73,300 Sri Lankan Tamil refugees live in more than 100 camps in the state of Tamil Nadu, while another 26,300 live outside of the camps and are registered with the local police (29 July 2009).

Status

The USCRI *Survey* states that, in some instances, India grants Sri Lankans asylum under executive policies, "based on strategic, political and humanitarian grounds" (29 July 2009). The United States (US) Department of State *Country Reports on Human Rights Practices for 2008* states that the government of India considers Sri Lankans living in settlements and camps to be refugees (25 Feb. 2009). According to USCRI, though India does not recognize the refugee status designations of the Office of the United Nations High Commissioner for Refugees (UNHCR), it "typically does not refole them either"; UNHCR's refugee certificates do not protect refugees from detention for their illegal presence within India (29 July 2009). The USCRI *Survey* also indicates that Sri Lankans are not entitled to residence permits, but that the government does issue Sri Lankans identity documents (29 July 2009).

Identity Documents

The information on identity documents for Sri Lankan Tamil refugees in the following paragraphs was obtained from 11 January 2010 correspondence with the Regional Director of Jesuit Refugee Service (JRS) South Asia. JRS is an international Catholic organization with a mandate to defend the rights of refugees and forcibly displaced people (N.d.). Sri Lankan refugees in Tamil Nadu are issued a family card that includes a family photo, names of the family members, their age, relationship, gender, date of arrival in India, location of arrival, education, as well as their address in Sri Lanka. Sri Lankan refugees also have individual identity cards that carry their name and address, which are useful when authorities verify identification outside of the camp. Additionally, some Sri Lankan refugees are able to obtain a driver's license, due to a shift in government policy (JRS 11 Jan. 2010). A December 2009 article in *The Hindu* reports that Sri Lankan refugees would be able to obtain driver's licenses if a designated camp authority approved it (25 Dec. 2009).

The JRS Regional Director stated that within one month of a child's birth, Sri Lankan refugees can obtain a birth certificate at the local *panchayat* (government) office. Death certificates can also be obtained at the local *panchayat* office. A marriage

certificate can be obtained from the authorized registrar and is essential in order for parents to obtain a Sri Lankan citizenship certificate for their child. This Sri Lankan citizenship certificate can be obtained from the Sri Lankan Embassy in Chennai, but not many children born in India to Sri Lankan parents have the citizenship certificate (JRS 11 Jan. 2010).

The website of the Deputy High Commission in Chennai corroborates that the application for the citizenship certificate of a child born to Sri Lankan parents abroad requires the parents' marriage certificate (Sri Lanka n.d.). The website also indicates that the registration of the birth, which requires the birth certificate issued by the competent authority in the country of the birth of the child, should be made at the same time as the application for the citizenship certificate (ibid.).

Lastly, the Regional Director of JRS South Asia indicated that Sri Lankan refugees can obtain a refugee certificate, which is needed to return to Sri Lanka; it is issued by the local administration through the revenue inspector of the camp in which the refugee has been living (11 Jan. 2010). *The Hindu* reports that refugee demands, communicated when officials visited Tamil Nadu camps in November 2009, include the issuance of identity documents for those who do not have them, as well as the need for "standardized refugee certificates" (3 Nov. 2009).

Citizenship

Sources indicate that the Chief Minister of Tamil Nadu requested that the central government of India give Sri Lankan refugees Indian citizenship (*The Hindu* 3 Nov. 2009; *Thaindian News* 6 Oct. 2009). According to an October 2009 *Thaindian News* article, a Tamil Nadu opposition leader denounced this request, asking "what the central government would do regarding similar claims for Indian citizenship by refugees from Bangladesh, Myanmar and Tibet if the Sri Lankan Tamils were given the concession" (6 Oct. 2009). A November 2009 article published by the South Asia Analysis Group (SAAG), authored by a retired senior professor of the Centre for South and Southeast Asian Studies at Madras University, similarly indicates that the Chief Minister's request for Sri Lankans to receive Indian citizenship would be a precedent for other refugee groups in India, including those from Tibet, Myanmar, Bangladesh and Afghanistan (SAAG 13 Nov. 2009). The retired senior professor further stated that the Chief Minister of Tamil Nadu subsequently changed this request for citizenship, instead asking that Sri Lankan refugees in India be considered permanent residents (ibid.). Further information on these requests could not be found among the sources consulted by the Research Directorate.

Movement and Employment

The USCRI *Survey* states that India's refugee policy fulfils the legal obligations outlined in the Foreigners Act and the 1948 Foreigners Order (29 July 2009). *The Foreigners Act, 1946* states that "[t]he Central Government may by order make provision... for prohibiting, regulating or restricting the entry of foreigners into India or their departure therefrom or their presence or continued presence therein" (India 23 Nov. 1946, 3), including "requiring him to reside in a particular place" (ibid., e.i.), and "imposing any restrictions on his movements" (ibid., e.ii).

According to the "2008 Summary" in the USCRI *Survey*, "... Sri Lankan refugees in Tamil Nadu can move freely in the neighbourhoods of the camps, but are under police surveillance and must return for roll calls every evening" (29 July 2009). The *Country Reports for 2008* indicates that Sri Lankan refugees have to return to their camps for periodic roll calls (US 25 Feb. 2009, Sec. 2d). A November 2009 article in *The Hindu* reports that roll call takes place every three days (4 Nov. 2009), whereas a December 2009 article in *The Hindu* reports that "the system of weekly attendance

had been dispensed with and the refugees needed to come to camp just once a month" (25 Dec. 2009).

The Regional Director of JRS South Asia indicated that Sri Lankan refugees in Tamil Nadu are denied freedom of movement, due to the ban on the Liberation Tigers of Tamil Eelam (LTTE) (11 Jan. 2010). The USCRI *Survey* states that, in addition to Sri Lankan refugee camps, India has "administrative detention camps in Tamil Nadu for suspected Sri Lankan militants" (29 July 2009). The *Survey* also reports that in July 2009, 17 refugees were released from a detention camp, when Sri Lankan refugees went on a week-long hunger strike (USCRI 29 July 2009).

The JRS South Asia Regional Director indicated that employment is affected by restrictions on movement (11 Jan. 2010). Similarly, *The Hindu* reports that restrictions on movement make it difficult for Sri Lankan refugees to work in other towns (4 Nov. 2009). The USCRI *Survey* states that Sri Lankans are permitted to work between 10 a.m. and 6 p.m; many refugees reportedly work on the local railway, while others perform bricklaying and painting (29 July 2009). The Regional Director indicated that it is difficult to obtain permission from the authorities to work outside the camps; as a result, many choose to work within the camps as painters and construction workers (JRS 11 Jan. 2010). However, some refugees reportedly find work outside the camps by bribing officials (*ibid.*).

Most women in the camps are not employed, according to the JRS Regional Director (*ibid.*). The garment district of Coimbatore offers some women low-wage employment, which can be done from home (*ibid.*). When officials visited camps in Tamil Nadu in November 2009, Sri Lankan refugees reportedly voiced their concern regarding the lack of job opportunities for women (*The Hindu* 3 Nov. 2009). The Regional Director also indicated that Sri Lankan refugees cannot work in government jobs, because these positions are reserved for Indian citizens (JRS 11 Jan. 2010).

Property

The USCRI *Survey* indicates that refugees cannot legally own land (29 July 2009). The JRS Regional Director stated that refugees have no right to own land, houses or vehicles, but that they can own cattle and purchase items for domestic use in order to sell them within the camps (11 Jan. 2010). According to USCRI, in June 2008, the Tamil Nadu government ordered the revenue department to record all property owned by Sri Lankan refugees, due to a failure to apply the law that prohibits refugees from owning property (29 July 2009).

Education

The USCRI *Survey* indicates that India's state and national governments pay for the education of recognized refugees; however, the primary and secondary schools in Sri Lankan camps are reportedly inadequate (29 July 2009). Sources indicate that Sri Lankan refugees can access the same educational facilities as Indian citizens (JRS 11 Jan. 2010; *The Hindu* 4 Nov. 2009). The *Country Reports for 2008* indicates that Sri Lankan refugee children were generally enrolled in local schools (US 25 Feb. 2009, Sec. 2d). According to the JRS Regional Director, tertiary education is reportedly permitted in government colleges (which do not charge fees), only if there is a vacancy; as a result, in general, refugee students complete tertiary education in private colleges, for which there is no financial government support (11 Jan. 2010). The "2008 Summary" in the USCRI *Survey* states that there are five professional, government college seats reserved for Sri Lankan refugees each year (29 July 2009); however, the JRS Regional Director indicates that the seat reservations available to Sri Lankan refugees in medical, agricultural and engineering colleges have been cancelled (11 Jan. 2010).

Government Aid

The JRS Regional Director indicated that the Commissioner of the Rehabilitation Department, who is responsible for the refugee camps in Tamil Nadu, demonstrates concern for Sri Lankan refugees (11 Jan. 2010). Sources indicate that the government offers Sri Lankan refugees food subsidies and a monthly stipend (*The Hindu* 4 Nov. 2009; US 25 Feb. 2009). According to the Regional Director, the present government of Tamil Nadu has doubled the relief allotment for Sri Lankan refugees (JRS 11 Jan. 2010). Ration cards must be presented in order to receive rice, sugar, kerosene, money and other yearly entitlements (ibid.). Indicating that the life insurance card is new, the Regional Director stated that Sri Lankan refugees can also access free medical treatment in government-recognized hospitals (ibid.). The retired senior professor from Madras University also indicated that the government offers free medical treatment to Sri Lankan refugees (SAAG 13 Nov. 2009).

Camp Conditions

Though basic health and hygiene facilities are provided by government and non-governmental organizations (NGOs) in Sri Lankan refugee camps, the JRS Regional Director indicated that these are inadequate (ibid.). *Country Reports for 2008* states that though the conditions in the camps are acceptable, the housing, water and hygiene facilities are of poor quality (US 25 Feb. 2009). The retired senior professor from Madras University indicated that Sri Lankan refugees have communicated that there is a "scarcity of water, poor sanitation facilities and absolutely no privacy in the camps," as well as indicating that camps and hospitals and schools are located far apart (SAAG 13 Nov. 2009). Sources indicate that increased government spending on the camps is being allocated to improve the condition of housing (Thaindian News 12 Nov. 2009; *The Hindu* 25 Dec. 2009).

Repatriation

The JRS Regional Director stated that though many Sri Lankan refugees living in India would like to return to Sri Lanka, they are concerned that family members may be detained by Sri Lankan authorities, or that they will have to live in camps upon their return (11 Jan. 2010). The Regional Director also indicated that while some Sri Lankan refugees who have the financial means are able to return to Sri Lanka with support from UNHCR and relatives, the governments of India and Tamil Nadu do not have any large scale plans to repatriate Sri Lankan refugees, due to adverse conditions in Sri Lanka (JRS 11 Jan. 2010). The retired senior professor from Madras University indicated that "the present policy of the Government of India, supported by the State Government, is not to [pressure] the refugees to return to the island immediately" (SAAG 13 Nov. 2009). He also stated that UNHCR is responsible for verifying the voluntary nature of repatriation (ibid.).

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.

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Additional Sources Consulted

Oral sources: A Professor of International Legal Studies at Jawaharlal Nehru University (JNU), Organisation for Eelam Refugees Rehabilitation (OFERR), the High Commission of India in Ottawa and the Consulate General of India in Toronto did not respond within the time constraints of this Response. Attempts to contact the Institute of Peace and Conflict Studies (IPCS) were unsuccessful.

Internet sites, including: Amnesty International (AI), Asian Centre for Human Rights (ACHR), Centre for Land Warfare Studies (CLAWS), Centre for Policy Alternatives (CPA), European Country of Origin Information Network (ecoi.net), Forced Migration Online (FMO), Human Rights Watch (HRW), International Council on Human Rights Policy (ICHRP), LankaPage, Law and Society Trust (LST), Minority Rights Group (MRG) International, Ministry of Home Affairs - India, The National Portal of India, Organisation for Eelam Refugees Rehabilitation (OFERR), People's Watch, People's Union for Civil Liberties (PUCL), Refugees International, South Asia Forum for Human Rights (SAFHR), Institute of Peace and Conflict Studies (IPCS).

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