

## **Study on Procedure of Repatriation and Plight of Return, Resettlement and Reintegration of Sri Lankan Refugees in India.**

**Dr. R. Asha Nimali Fernando**

**Senior Lecturer, University of Sri Jayewardenepura, Sri Lanka**

### ***Abstract***

*Repatriation process is returning an asset voluntarily or forcefully to their place of origin or citizenship. After the 30 years of conflict in Sri Lanka, the war ended in 2009 and refugees started returning to their homes. According to the recordings in 2011, there were around 102,000 refugees from Sri Lanka who lived in Tamil Nadu. The Objectives of this research are to assess the procedure of repatriation, plight of return, resettlement, and reinterrogation process. And expects to discuss the issues prevailing in those returns. This research is using mixed method. Both qualitative and quantitative methods have used. 65 families were selected as the sample spontaneously from Mannar, Vavuniya, Trincomalee, Jaffna and Kilinochchi. Interviewing and observations were done during the research. There are 04 phases of Sri Lankans displaced to Tamil Nadu. During the period of Black July, the start of Elam War II in 1989, Elam War III in 1995 and continued till 2002 until the ceasefire agreement between Sri Lankan Government and LTTE. UNHCR was the only mandated organization which facilitated repatriation. The repatriation of the selected sample started in 2004. The issues relevant to the returns could identify as land and shelter issues, livelihood issues, personal documents, citizenship issues, education and compensation issues. The repatriating process of Internally Displaced Persons was done along with the government of Sri Lanka and with NGO support, successfully. As a result, this encouraged other Sri Lankan refugees of India to repatriate. But later refugees repatriated in larger amounts without the government assistance, and government did not give the attention on the issues faced by the repatriated when they were back home.*

*Key Words: Refugees, Repatriation, United Nations,*

### **1. Introduction**

With the end of 30 years of conflict in May 2009 a new era of development was created in Sri Lanka. Some more than 200,000 IDPs (Internally Displaced Persons) have left camps in the North and East of the country since the state-sponsored return process began in August 2009. They have either returned to their homes or are staying with friends and relatives in Vavuniya, Mannar, Jaffna, Kilinochchi, and Mullativue districts. Moreover, lot of Sri Lankan Refugees in Tamil Nadu also returned to their native places.

According to reported statistics there are 141,063 Sri Lankan refugees and 8,563 Sri Lankan asylum seekers in different countries around the world, majority of them live in India<sup>1</sup>. As of January 2011 an estimated 102,000<sup>2</sup> refugees from Sri Lanka live in Tamil Nadu, of which some 69,775 stay at 112 camps around the state and some 32,000 have established residence out of camps.

India has not ratified the 1951 Refugee Convention; yet, it has sheltered refugees from many countries. Sri Lankan refugees were the second largest refugee community<sup>3</sup> in India. Sri Lankan refugees have scattered everywhere in Tamil Nadu and have developed local links, that the common language has eased their integration into local communities. Refugees receive an assistance package provided by the Tamil Nadu governments which includes a monthly cash grant, rice ration, free water and electricity. With the support of Education Authorities in Tamil Nadu almost every refugee child is provided facilities to attend schools. Further, elders have gained opportunity to work as daily-wage labours.

According to the statistics of UNHCR (The United Nations High Commissioner for Refugees), since 2010, some 2,900 refugees, mainly from Tamil Nadu in India, have returned with the assistance of UNHCR. In addition, over 2,000 refugees have returned on their own accord.<sup>4</sup>

Elaborating on the fact, UNHCR explains that 823 Sri Lankan refugees returned to Sri Lanka from India in the year 2009 with their assistance, and another 1,005 refugees, who returned on their own and later approached the UNHCR for assistance after arriving in Sri Lanka.<sup>5</sup>

IRIN (Integrated Regional Information Networks) notes that the UNHCR reported assisting 2,054 refugees, most of who were from refugee camps in Tamil Nadu, to return to Sri Lanka in 2010. The BBC, quoting UNHCR statistics, states that 3000 refugees have returned to Sri Lanka on their own accord in 2010 and have later requested the assistance of the agency.<sup>6</sup>

The following table shows Repatriation in 2009, 2010 and 2011<sup>7</sup> according to the UNHCR statistics.

	2009	2010	2011	Total
<b>Facilitated</b>	823	2054	714	<b>3594</b>

<sup>1</sup> UNHCR Global Trends 2010 - <http://www.unhcr.org/4dfa11499.html>

<sup>2</sup> Information provided by the government authorities of Tamil Nadu state in India

<sup>3</sup> <http://www.unhcr.org/refworld/country,,,LKA,4562d8cf2,4d789ee22,0.html>

<sup>4</sup> <http://www.colombopage.com/-Mon>, Jun 20, 2011, 07:22 pm SL Time, Colombo Page News Desk, Sri Lanka

<sup>5</sup> <http://www.unhcr.org/refworld/country,,,LKA,4562d8cf2,4d789ee22,0.html>

<sup>6</sup> *ibid*

<sup>7</sup> Data as of May 2011

<b>Spontaneous<sup>8</sup></b>	657	3003	250	<b>3910</b>
<b>Total</b>	<b>1480</b>	<b>5057</b>	<b>967</b>	<b>7504</b>

**Table 1: No of Repatriates (Families) - 2009, 2010, 2011**

Within this context, the National Protection and Durable Solutions for Internally Displaced Persons Project of Human Rights Commission of Sri Lanka initiated a study on “The Procedures of Repatriation and Plight of Return, Resettlement and Reintegration of Sri Lankan Refugees in India”.

The purpose and goal of this study is to examine and assess: (1) Procedure of repatriation, (2) Plight of return, resettlement, and reintegration process, (3) Issues prevailing with those returnees.

## 2. Methodology

This is a mixed method research. This study employed both quantitative and qualitative research methods to collect and analyze survey data. As the quantitative method, 65 repatriate families were selected, as the first phase of the study, in 05 districts; Mannar, Vavuniya, Trincomalee, Jaffna and Killinochchi for the purpose of the study. Sample was selected among both the spontaneous<sup>9</sup> and facilitated<sup>10</sup> repatriation. In the qualitative approach the data was collected from the UNHCR reports and other relevant documents, books, and articles.

## 3. Results and Discussion

### 3.1. Process of Repatriation

Sri Lankans have displaced to Tamil Nadu, India during four instances. The first wave of refugees of 134,053<sup>11</sup> Sri Lankan Tamils displaced to India during the period from 24th July 1983 to 29th July 1987, which was after Black July until the Indo-Sri Lanka Accord. Subsequently the first repatriation took place between 24 December 1987 and 31 August 1989, with the return of 25,585<sup>12</sup> refugees and non-camp Sri Lankans back to their homeland.

With the start of Eelam War II after 25 August 1989, the second group consisted of 122,000 Sri Lankan Tamils displaced to Tamil Nadu. Yet, with the assassination of former Prime Minister Rajiv Gandhi on 20 January 1992, 54,188<sup>13</sup> refugees voluntarily repatriated to Sri Lanka up to March 1995, until the beginning of Elam war III.

<sup>8</sup> Statistics recorded only those known to UNHCR Sri Lanka, while the actual number of spontaneous returnees can be higher

<sup>9</sup> Repatriated independently

<sup>10</sup> Got repatriation assistance from UNHCR

<sup>11</sup> <http://www.srilankaguardian.org/2009/11/focus-on-sri-lankan-tamil-refugees.html>

<sup>12</sup> *ibid*

<sup>13</sup> *ibid*

The third set of refugees arrived India between April 1995 and April 2002. Elam War III commenced in April 1995. As of 12 April 2002, nearly 23,356 Sri Lankan Tamils had displaced to Tamil Nadu. This flow of refugees was temporarily stopped in 2002 with the sign of Ceasefire Agreement (CFA) between the Government and LTTE (The Liberation Tigers of Tamil Eelam).<sup>14</sup>

However, the cessation of IDPs (Internally Displaced Persons) seeking refuge in India lasted only until commencement of Sri Lankan Army's operations in the LTTE-controlled areas; massive displacement occurred during the period of 2006 to May 2009. Hence, the fourth and final bulk of Sri Lankan Refugees arrived in Tamil Nadu during this period.

The process of expatriation of most of the Sri Lankan Tamils who had gone to Tamil Nadu had been precarious and complex. They have ridden by boats through Talaimannar-Rameshwaram route cross the border and have reached Tamil Nadu. They have had to trek long distances, assemble in Talaimannar, pay huge amounts to boat operators to reach Rameshwaram. The sufferings of these people became evident when a boat capsized in few different scenarios.

As UNHCR is the only UN (United Nations) organization, which is mandated to facilitate repatriation, the Project had a discussion with respective officials to gather information of repatriation process. According to the provided information no formal comprehensive repatriation process or mechanism has been negotiated between India and Sri Lanka to facilitate repatriates. It was stated that the issuance or replacement of travel documents is carried out by the Government of Sri Lanka. Refugees who wish to return can directly contact the Sri Lankan Deputy High Commissioner's office in Chennai to obtain their one-way emergency travel documents. Or else, they can contact the Chennai office of the UNHCR for assistance.

If the refugees seek assistance from UNHCR, i.e. in the case of facilitated repatriation, UNHCR in Chennai is taking the overall responsibility of organizing the documents for repatriation and financial support in their return. Until the end of year 2010, UNHCR submitted application on behalf of the refugees to obtain new travel documents and to renew existing travel document to the Sri Lanka Deputy High Commission in Chennai. Later travel documents were collected by UNHCR and sent through post to respective refugees in camps. The process had been easy and convenient; hence, Sri Lanka Deputy High Commission in Chennai has enabled repatriation of 818 refugees in 2009 and another 2040 refugees in 2010.

Yet, starting from 2011 the process has taken a dramatic change; Sri Lankan Deputy High Commission in Chennai, citing security reasons, examine antecedents of those who are waiting to return, as a result, both issuance of new emergency travel documents and renewal of existing documents are delayed. It is said that the process which took one day, is now taking four to six weeks from the date of submission. According to the new rule, head of the family has to appear in person at Sri Lanka Deputy High Commission Office to collect or to renew the travel document

---

<sup>14</sup> ibid

for the family. So that refugees have to travel to Chennai often more than once for this purpose. Furthermore, single-member families are not issued travel documents for return.

UNHCR Chennai, once the refugees receive exit permission, sends the list of their names (movement spreadsheet) to its UNHCR Office in Sri Lanka at least prior to five days of their repatriation. According to the agreement which has with Ministry of Resettlement, UNHCR Sri Lanka is sharing the repatriation information with them and other government institutions, as required.

At the time of the arrival of the refugee returnees in Sri Lanka, UNHCR representatives, together with a representative of the Ministry of Resettlement welcome them at the airport. Every repatriate face to an interview conducted by National Investigation Bureau. UNHCR verifies the arrival of repatriate, as per the Movement Spreadsheet and Voluntary Repatriation Forms (VFR) received from UNHCR Chennai. Bank Accounts are opened on their behalf at the Bank of Ceylon and deposits 10,000LKR on the name of an adult and 7,500LKR on a child as the “reintegration grant”. Further, every individual is given 2000LKR as “an onward transportation grant” by UNHCR Colombo to travel to their place of origin.<sup>15</sup> And also UNHCR provides brief counseling and printed information to the refugee returnees on further steps post-return, including visiting UNHCR field offices for further assistance (NFI kit, legal assistance, referrals in case of special needs) and registration, registration with DS and GN, WFP food distribution, Mine Risk Education, health screening.

The process of spontaneous repatriation is different that respective refugees directly obtain their travel documents from the Deputy High Commission of Sri Lanka in Chennai and arrange their travel on their own by air. In case of difficulty in obtaining travel documents, they follow the illegal process of arriving to Sri Lanka through boats.

Once the UNHCR facilitated repatriates reach to their native place all registered in UNHCR field office and they are getting Mine Risk Education training and NFI<sup>16</sup> package as assistance. UNHCR field office conducts an interview with each head of household, where baseline information on the household is collected. Further, they are directed to Remedial Institutions and NGOs which provide relief and redresses for the repatriates.

Even though both facilitated and spontaneous repatriates received the above assistance after reaching home before 2010, currently, only facilitated repatriates receive the assistance from

---

<sup>15</sup> Those Sri Lankan refugees willing to return from **other countries of asylum** can obtain their emergency travel document from the nearest Embassy of Sri Lanka. Similarly, UNHCR will bear the cost of one-way air ticket to Colombo. The reception and assistance procedures at the port of entry in Sri Lanka and at the final destination are similar to those provided to the refugees returning from India.

<sup>16</sup> The current NFI package includes the following items, depending on availability and family size. Listed is the approximate package for a family of 2 – 4 persons: 2 Mosquito Nets, 2 Jerry Cans (Non-Collapsible), 2 Plastic Sheets, 2 Towels, 2 Plastic Mats, 2 Bed Sheets, 2 Nylon Ropes (15 – 30m), 1 Kitchen Set, 1 GI Bucket, 1 Plastic Basin, 1 Crow Bar, 1 Carpenter Hammer, 1 Hoe, 1 Hurricane Lamp, 1 Jungle Knife

UNHCR due to the decision to streamline the return process and allow more refugees to return with UNHCR's facilitation and thus get properly assisted.

### 3.2. Repatriates in North and East

The Project interviewed 65; repatriate families in 5 different districts of North and East Sri Lanka. There had been 236(115 Male + 121 Female) individuals which included 08 female household heads, 08 elders and 82 children. Out of the 82 children 24 are below 05 years old.

District	No of Families	Male	Female	Total Population
Jaffna	10	20	26	46
Killinochchi	10	14	15	29
Vavuniya	14	20	18	38
Mannar	10	17	20	37
Trincomalee	21	44	42	86
<b>Total</b>	<b>65</b>	<b>115</b>	<b>121</b>	<b>236</b>

**Table 02: Sample Population**

### 3.3. Experience of Expatriation and Refuge in India

According to provided information, the major displacement has occurred in 2006 after the increase of violence. 51% of the sample has displaced during this time which included all the families participated for the survey in Trincomalee (21) and 80% of the sample in Mannar (08). 25% of the sample has displaced in 1990. It includes the entire sample participated from Vavuniya. In 2008, 04 families of Kilinochchi, 02 of Jaffna and 01 family in Vavuniya; which is 11% of the sample, has left the country and has sought refuge in India.

It was further noted that some have displaced to India more than once in their lifetime. Mr. ...<sup>17</sup>(45 years) who is living in ..., Jaffna with his wife and 4 children explained his experience saying that he has displaced twice to India crossing the border through boats. First in 1990 they left the country and came back in February 2003. They displaced again in August 2006 and repatriated in December 2010 with the assistance of UNHCR.

86% of those displaced have used illegal fishing boats from Mannar to reach Tamil Nadu as it was the only affordable travel method. They have spent every penny and even have sold every good and property available to find required money. Only 14% of the sample went to Tamil Nadu by flight with the assistance of their relatives.

<sup>17</sup> Personal identification of the individuals were not given in the report respecting privacy and security.

They have received the Assistance Package given by the Tamil Nadu Government. Owing to the similarities in their culture and language, they have integrated to Indian local community. As a result, the refugees have even worked as day labours. Thanks to Educational Authorities in Tamil Nadu, every child in the sample has attended school.

### **3.4. Return to Homeland**

The repatriation of the sample has started in 2004 cease fire period. Five families (8%) of Vavuniya district have repatriated in 2004 and after there is no reported repatriations among the sample until 2007. In 2007, 11% (7 families) of the sample and 12% (8 families) in 2008 repatriated to Trincomalee districts. Sri Lanka Army capturing Eastern Province in mid 2007 has encouraged them to return to their homeland.

Following the end of the conflict in May 2009, major repatriation has occurred in 2010 in this sample. As of end of the conflict in year 2009 49% of the sample (32 families); including 10 families in Kilinochchi, 08 families in Vavuniya, 06 families in Mannar, 05 families in Jaffna and 03 families in Trincomalee, repatriated. Within the first five months of 2011, it is observed that, 17% of the sample has returned to their homeland.

It was also noted that the spontaneous repatriation is higher than the UNHCR facilitated repatriation in this sample. Out of 65 families 40 families (62%) have returned on their own, whereas only 25 families (38%) are been facilitated by UNHCR. Facilitated repatriates informed that they were assisted and facilitated from UNHCR throughout the process i.e. from obtaining travel documents to welcoming at Sri Lanka and providing financial assistance.

Entire sample participated at the study from Kilinochchi district is spontaneous repatriates; they have been assisted to return by their relatives who live in abroad. However, 15% of the spontaneous repatriates have returned by illegal boats to Mannar.

Nevertheless, most of the facilitated and spontaneous repatriates have received NFRI package which is given by the UNHCR. Apart from that they have also received livelihood support from NGOs such as IOM (International Organization for Migration) and OFFER (Organization for Eelam Refugees Rehabilitation). No information found where Government has assisted them by any means.

### **3.5. Issues and Problems**

As per information provided by the participated returnees it was revealed that issues related to shelter, livelihood and personal documents are commonly affecting them.

#### Land and Shelter

It was observed that although majority of the repatriate families are living in their own lands, there are some who are living with friends and relatives. They are mostly of second generation families.

Among those who live with friends and relatives, some revealed that their lands are been occupied by others in their absence, yet, they do not have legal documents to prove the ownership.

However, it was observed that the some has received any assistance even to build temporary shelter in their lands. In Trincomalee Caritas is engaged in repairing shelter of Indian Returnees.

In contrast, 70% of the sample who participated to the survey has not received assistance to build shelter, even with having respective legal documents to prove their land ownership. In Kilinochchi, the majority who did not receive assistance are those who did not registered with NGOs after coming home.

### Livelihood

Majority of the sample would like to seek assistance from Government or Non-Government bodies to rebuild their livelihood; yet only few families have received assistance. They have lost their means of income during the cause of displacement hence back at home they face difficulties in taking care of their families.

The sample participated from Trincomalee had been fishermen before displacement. They informed that only few of them received fishing nets from a NGO as a result, the majority of them are working as day-wage labours in boats of other fishermen. The income they get is not sufficient to fulfill the needs of the families.

### Personal Documents

18% (27 persons) of the sample were reported without NICs; it consists of 11 persons from Mannar, 09 persons from Vavuniya and 07 persons from Tricomalee. Furthermore 20 persons recognized without birth certificate<sup>18</sup> (BC); there were people who have not had a BC even before the displacement. 08 couples without marriage certificate (MC) and 09 Children with Indian Birth Certificate were observed. Some couples who do not have MC have married in Sri Lanka and some have married in India.

Out of those who do not have their NICs, 04 of them have repatriated in 2004, 01 person in 2007, 03 individuals in 2008, 08 in 2010 and 11 persons in 2011.

03 individuals who have Indian Birth Certificate have applied to change them to Sri Lankan BCs through OFFER in Mannar. But 06 persons in Jaffna and Trincomalee have not yet applied to obtain Sri Lankan BC.

---

<sup>18</sup> A certificate issued by district administration of Indian government to prove the birth.

### Citizenship

It was revealed from Vavuniya that the repatriates are facing difficulties in obtaining citizenship in Sri Lanka as they do not have the Camp ID issued from Indian authorities to prove that they have been refuge in India. It was revealed in Vavuniya that both spontaneous and facilitated repatriates are facing difficulties in this matter.

### Education

It is an admiring factor that with the assistance of Tamil Nadu Education Authorities, children have gained the opportunity to obtain education even being refugees. Majority of children have commenced their studies after repatriation at Government schools. Yet, it was also revealed that some are facing difficulties in continuing education.

Two daughters of Selvarasa in Vavuniya, who are at the age of 11 years and 10 years respectively, have studied in English Medium in India. They have not been able to find a school for them yet as there are no English Medium schools in Vavuniya. Father does not have the financial ability to admit the children to a private school which teaches in English as the cost is high. At the meantime, Government Schools have refused to take the children due to their poor knowledge in Tamil. Due to this situation, two kids are staying at home at the moment.

### Compensation

It was revealed that no repatriate family has received any compensation from any Government institution. A mother of a young child who has been separated from her husband in Trincomalee, speaking with the Project explained her requirement to receive compensation as she needs to take care of her child. She has married in Sri Lanka and had displaced to India with her husband. But, in India, her husband has left her and had married an Indian woman. Whilst her husband settled in India with his new wife, this lady has returned home with their child.

## **4. Conclusion**

After nearly three decades of conflict Sri Lanka is in the process of development, especially, in the North and East of the county. Freedom of movement is ensured. Restrictions are in minimal level. Majority of landmines are cleared removing existed threats.

Repatriates and Internally Displaced Persons (IDPs) are returning to their native places and settling down. IDPs receive assistance from both the Government and NGOs to a satisfactory level. This scenario has encouraged Sri Lankan refugees in India to repatriate. It is to be noted that the Government's concern in repatriation is minimal in comparison to its assistance provided for IDPs. It was observed that current repatriation is occurring without the assistance from the Government.

Even without the assistance from the Government, Sri Lankan refugees are repatriating at a large scale. As the attention is not given to their issues and problems, the repatriates face difficulties

back at home. It is recommended to have detailed study on repatriates to identify the issues and to bring durable solution to them.

## 5. References

Adelman, Howard & Barkan, Elzar (2011), *No Return, Ni Refuge: Rites and Rights in Minority Repatriation*, Columbia University Press

Betts, Alexander., Loescher, Gil. & Milner, James. (2008), *UNHCR: The Politics and Practice of Refugee Protection into the 21<sup>st</sup> Century*, Routledge

Betts, Alexander. & Loescher, Gil (2011), *Refugees in International Relations: EBSCO ebook academic collection*, OUP Oxford

Bradley, Megan. (2013), *Refugee Repatriation; Justice, Responsibility and Redress*, Cambridge University Press

Clarance, William. (2007), *Ethnic Warfare in Sri Lanka and the U.N. Crisis*, Pluto Press

Das, Sumita. (2005), *Refugee Management: Sri Lankan Refugees in Tamil Nadu 1983-2000*, Mittal Publications

Loescher, Gil. (2001), *The UNHCR and World Politics: A Perilous Path*, OUP Oxford

Steiner, Niklaus., Giney, Mark. & Loescher, Gil. (2013), *Problems of Protection: The UNHCR, Refugee and Human Rights*, Routledge

Weatherbee, Donald E., Emmers Ralf., Pangestu, Mari & Sebastian, Leonardo C. (2005), *International Relations in Southeast Asia: The Struggles for Autonomy*, Rowman and Littlefield

Wolf. Willem- Jan Van der., Haardt, S. de. (1999), *Global Human Rights Law Collection: The United Nations and Human Rights: Text and Materials*, Global Law Association

Zieck,Marjoleine. (1997), *UNHCR and Voluntary Repatriation of Refugees: A Legal Analysis*, Martinus Nijhoff Publishers