

INFORMATION FOR ASYLUM SEEKERS AND REFUGEES IN SRI LANKA



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UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

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WHAT IS UNHCR?

The Office of the United Nations High Commissioner for Refugees (UNHCR) is the refugee agency of the United Nations. It was established in 1951 to provide protection and assistance to refugees.

UNHCR provides advice, assistance and international protection to persons that it recognises as refugees. Assistance is provided on matters relating to refugee status; refugees' stay in Sri Lanka; and the rights and obligations of refugees in Sri Lanka. UNHCR also seeks to facilitate appropriate durable solutions for refugees. The durable solutions available to refugees in Sri Lanka are voluntary repatriation or resettlement to a third country.

- **WHEN IS UNHCR OPEN?**

UNHCR is open from Monday to Friday between 08:30 a.m. and 16:30 p.m.. Outside office hours, it is possible to leave a message with UNHCR security staff in emergencies. The Security staff will contact the Duty Officer who will take the necessary action.

If you have a query and are unable to come to UNHCR, you may telephone the refugee reception desk or write to the UNHCR office. You may send letters by post or drop them in the post box outside the UNHCR building in Colombo.

- **GETTING AN APPOINTMENT**

An appointment may be obtained either by calling UNHCR or by approaching the Security at the gate. You will be asked to fill out a slip stating your name, nationality, reason for appointment, date and signature. In return you will be given a slip with the date and time for your appointment. If the appointment has been made by phone your name will be entered in the appointment book.

- **UNHCR COLOMBO CONTACT DETAILS**

Address:	97, Rosmead Place, Colombo 7, Sri Lanka
Telephone:	2683968, 2683969
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WHO IS A REFUGEE?

A refugee is a person who is outside his or her country of nationality or habitual residence and who is unable or unwilling to return due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Therefore, in order to be recognised as a refugee by UNHCR you must demonstrate:

1. that you are outside your country of nationality or habitual residence, and that you have
2. a well- founded fear
3. of persecution
4. for any one or more of five reasons (race; nationality; membership of a particular social group or political opinion), and
5. because of that fear you cannot return to your country of nationality or habitual residence.

THE REFUGEE DEFINITION EXPLAINED

• **OUTSIDE YOUR COUNTRY OF NATIONALITY**

A person can only be a refugee once he or she has left their country of origin. Therefore, UNHCR Sri Lanka cannot consider asylum applications from Sri Lankan nationals.

• **WHAT DO WE MEAN BY A 'WELL FOUNDED FEAR'?**

Fear is a subjective feeling causing apprehension regarding the safety of a person's life and/or freedom. This will depend on an individual's personal background and experiences. However, subjective fear by itself is not sufficient to determine a person as a refugee. In the refugee context, fear must be supported by objective realities and conditions prevailing in the applicant's country of origin. Fear will be considered well founded if an applicant can establish that there is a reasonable possibility that he or she would face persecution for one of the five reasons if he or she is returned to their country of origin or place of habitual residence.

• **WHAT IS PERSECUTION?**

The applicant's well founded fear must relate to persecution. Persecution, in general terms, means a serious threat to one's life and freedom. Serious violations of fundamental human rights may also constitute persecution.

Discrimination is not persecution. However serious or systemic discrimination on the basis of the five grounds that may lead to serious negative consequences or harm to an individual may amount to persecution.

Persecution must relate to one or more of the five grounds specified in the refugee definition – **Race, Religion, Nationality, Membership of a Particular Social Group, or Political Opinion:**

- **RACE**

Race, in the broadest definition, includes all ethnic groups. Racial discrimination which becomes incompatible with the enjoyment of the most elementary human rights and leads to serious consequences or harm to an individual would likely substantiate a claim to refugee status.

- **RELIGION**

Every person has the right to practise his or her religion. Persecution on the grounds of religion may include measures aimed at a particular religious community which prohibit one's membership in a religious organisation, the ability to worship, participation in religious ceremonies, or providing religious instruction.

- **NATIONALITY**

The term nationality refers to membership in ethnic or linguistic groups and may overlap with the ground of 'race'. Where groups of different nationalities that live together within a state are in conflict, there is potential for persecution and a claim to refugee status if one group is forced across a national border.

- **MEMBERSHIP OF A 'PARTICULAR SOCIAL GROUP'**

Persons of similar background, habits or social status may comprise 'a particular social group.' Social groups may be defined by innate and unchangeable characteristics such as linguistic background, gender or sexual orientation, or may be persons who associate for reasons so fundamental to their dignity that they cannot be forced to forsake the association.

- **POLITICAL OPINION**

The applicant must either hold political opinions not tolerated by the authorities or be assumed by them to hold such opinions.

APPLYING FOR REFUGEE STATUS AT UNHCR COLOMBO

REGISTRATION

Remember: It is important that you provide full and correct information while registering. Incomplete or incorrect information may be detrimental to your case.

When you first approach UNHCR you will be given a date on which to register with the Office. All persons seeking refugee status determination (including your family and/or any other dependants) should be present for registration.

In order to apply to UNHCR for determination of refugee status, you should bring the following information to the security desk at UNHCR:

All travel documents and any other personal documents you or your family may have that would substantiate your claim for refugee status. For example, identity papers, citizenship and nationality papers (this may include your passport and birth certificate). Other documents that may be of use to UNHCR are education and employment records, driver's license, military identification cards, travel documents (such as tickets, boarding passes), newspaper clippings concerning your case and related correspondence. Any other proof of what you and your dependants were doing in the country of origin and any other country (including Sri Lanka) may also be helpful.

It is also important to submit your address and contact number in Sri Lanka so that UNHCR is able to correspond with you as and when necessary.

A detailed written statement in English and/or, in your own language, of how and why you left your country of citizenship, or past residence or transit country would also be very helpful.

At the time you register, you will be required to complete an Eligibility Determination Form. Filling in this form may take up to one hour. A UNHCR staff member and interpreter will be available to assist you in filling in this form if required. Please note, that all information provided will be kept **strictly confidential**.

Note: If you do not have any of the above documents, you can still apply for refugee status. However, it will give UNHCR a better understanding of your case if you are able to provide as much documentary proof as possible. Throughout the registration and interview process you are requested to cooperate with UNHCR personnel.

On registration with UNHCR you will be issued with an asylum seeker certificate, stating that UNHCR is considering your case and that in the meantime you should not be deported against your will. This certificate will be renewed every three months, until a final decision is taken on your case.

An interview with a protection officer will be scheduled shortly after registration, depending on the availability of staff. UNHCR will determine, based on the information you provide, whether you qualify for refugee status

PLEASE NOTE: UNTIL YOUR REFUGEE STATUS HAS BEEN DETERMINED UNHCR IS UNABLE TO ASSIST YOU FINANCIALLY

Remember: The laws of Sri Lanka apply to all persons on Sri Lankan territory. If you have any doubts or questions regarding your legal status in Sri Lanka, please contact UNHCR.

YOUR INTERVIEW

Normally, interviews for determination of refugee status are held shortly after registration. This may vary depending on the availability of UNHCR officers to carry out such interviews. You and all members of your family who registered should attend the interview.

- Interviews are conducted by UNHCR staff in English. However, UNHCR will provide an interpreter if required.
- The purpose of the interview is to help UNHCR decide whether you qualify as a refugee.
- At your interview, you will be asked a number of questions about yourself, your family and any problems you may have had in your home country. **It is of the utmost importance that you cooperate with the UNHCR officer and provide truthful and complete information at the interview. All information provided by you will be treated as confidential.**
- You will normally receive a decision on your application for refugee status in person as soon as possible after your interview. You will be informed when a decision on your application has been reached and given an appointment to visit UNHCR to receive the decision. Please note that your claim will not be processed faster if you appear at the office before that time.
- If your case is rejected, you have the right to have your case reviewed. An Appeal Application Form will be given to you with the letter of rejection. You

should submit this form within 30 days of receiving your decision. In the Appeal Application Form, you should outline any information you believe may assist UNHCR in reconsidering your case.

- If the review of your case is rejected, the decision is final. No further correspondence will be entertained by UNHCR unless new and relevant information is submitted, and only then will a rejected case be re-opened. It is in your own best interest to provide all information fully and truthfully during your first interview.
- If you are recognised as a refugee by UNHCR, you will be informed in person. You will also receive your refugee certificate from the UNHCR Office and receive information about your status and rights as a refugee.

IMPORTANT: Please ensure that you give your proper mailing address and telephone number and advise the office of any subsequent changes. This will allow UNHCR to contact you if necessary.

DURABLE SOLUTIONS

If you are recognised as a refugee, UNHCR will make every attempt to find a durable solution for you. As Sri Lankan law does not allow refugees to work or integrate into Sri Lankan society, UNHCR may try to resettle you to a third country, unless you decide to return to your country of origin. UNHCR cannot give any guarantees that your case will be accepted for resettlement.

Furthermore, even if UNHCR determines that your case can be submitted for resettlement, it is the resettlement country, not UNHCR, which decides whether or not to accept an individual refugee for resettlement. UNHCR has no influence on this decision. The process of resettlement can be quite lengthy and in some cases resettlement is not possible. In that case, the only durable solution for the individual is to remain in Sri Lanka or return to their country of origin, if the situation in the country permits.

IMPORTANT: Refugees do not have a 'right' to resettlement, or to choose a particular resettlement country.

ASYLUM SEEKERS AND THE LAW

By virtue of your presence in Sri Lanka, you are subject to the laws of Sri Lanka. You should conduct yourself accordingly at all times. As Sri Lanka has no refugee specific laws, your entry, stay and departure are regulated under the laws applicable to all foreigners. If you have concerns regarding your status, you may wish to contact UNHCR for information.