
An Interview on the Case of the 155 Tamil Refugees

Last August 155 Tamil refugees were found cramped in two lifeboats off the shores of Newfoundland. They had come from West Germany. However, for four days they claimed that they had sailed from South India, before finally revealing the true origin of their journey. Their arrival stirred a national controversy. *Refugee* decided to interview Sri Guggan Sri-Skanda-Rajah, a community legal aid worker at the Jane-Finch Community Legal Aid Clinic to discuss their fate. Mr Sri-Skanda-Rajah is also Vice-Chair of the Toronto Refugee Affairs Council and Public Relations Co-ordinator, Tamil Eelam Society of Canada.

Refugee: *Why would these Tamils need to come to Canada from Germany? Was it for economic reasons?*

Sri Guggan Sri-Skanda-Rajah: Unfortunately, I think that is the conclusion too often drawn in similar situations. Quite frankly, it is important to realize that there is very little difference between the West German and Canadian standard of living. The difference is not of such significance that people would risk their lives and spend thousands of dollars to make their way to Canada.

The real explanation lies elsewhere. In coming to Canada, the Tamil refugees were responding to their fears about what action the West German government might take if they stayed in that country. Overwhelmed by the sheer number of Tamil refugee claimants over the past year and a half and convinced that these people were economic refugees, European governments such as France, Switzerland, Holland and West Germany sought mechanisms by which they could remove the Tamils from their respective countries. At first these governments attempted to establish refugee camps in Sri Lanka which they would finance and control and to which these Tamils would be returned. Such an action would have been a direct violation of the United Nations charter and a breach of those countries' international obligations. When these countries realized that aspect, they began to look at alternate solutions such as establishing refugee camps in other Third World countries to which these Tamils would be removed. It should also not be lost from sight that in some instances these very countries had removed Tamils to Sri Lanka. It is important to realize that refugees who have

been deported to Sri Lanka have suffered at the hands of their own government. Amnesty International has documented their treatment in its publications.

Faced with the prospect of forcible removal back to Sri Lanka or to some other unknown place and the accompanying danger and uncertainty this prospect posed, the Tamils chose to come to Canada by surreptitious means. It was natural that they would want to take the steps necessary to ensure their safety and security. It is only in light of these extenuating circumstances that their actions can be understood. Unfortunately, the method they chose, and the story they decided to tell, adversely affected their reception in Canada.

Refugee: *What were Canada's options upon their arrival?*

Sri Guggan Sri-Skanda-Rajah: Before the Tamils arrived on August 11th, Canada had instituted a new refugee policy for dealing with people who had been here prior to May 21, 1986 and who had in some form or another indicated their desire to claim refugee status. Under this policy, claims are processed by way of what is called an administrative review. The government instituted the new review process in recognition of the fact that most of these people have established some roots in Canada. They have established themselves by working and saving and in many cases, upgrading their skills. The policy recognized that these people made a contribution to the economy of this country and aimed to give them permanent residency in light of their contributions. About 75% of those people in the so-called backlog would benefit from this administrative review process.

At the same time Canada recognized in addition to the traditionally accepted designated nations of Eastern Europe that there were other countries fraught with political or civil strife and upheaval to which people ought not to be returned. This list of countries included Sri Lanka.

People arriving in Canada after May 21, 1986 would be dealt with under the procedure the government was planning to have in place by the spring of 1987. In accordance with this new policy, the government issued the Tamil refugees Minister's Permits, thereby giving them temporary status and entitling them to a work permit in appropriate circumstances. By

providing these claimants with the right to seek and obtain work, the government hoped to ensure their survival without recourse to social assistance or welfare. The Tamils were not, as is commonly believed, determined to be Convention refugees, nor did these documents confer that status on them. In fact, it is important to understand that the Minister's Permit and the work permit are merely putting these people in a holding pattern until their cases are reviewed under the new determination process.

Refugee: *How might Canada benefit from this incident?*

Sri Guggan Sri-Skanda-Rajah: The positive side of the Tamil incident is that it produced a healthy debate and, in doing so, brought into proper focus the mess of the immigration process and the mess that exists in the refugee determination process. Unfortunately, it also revealed the nastiest elements of Canadian society, arousing people who are hell-bent in their prejudices and determined to send these people home.

Refugee: *How did the Tamils see this situation?*

Sri Guggan Sri-Skanda-Rajah: Safety and security are all-important factors of the decision of a refugee. The refugee is not in normal circumstances and cannot file an application. He is more likely to do that in places like the Austrian camps, or in Southeast Asian camps, because in these places he has some sense of security and the host governments are not likely to remove him back to the country from which he fled. The Tamil in Western Europe is not in so secure a position. He has this constant threat, this constant feeling of insecurity because he does not know what is his future. So long as this feeling of insecurity persists, the Tamil, like any other refugee, is more likely to look for a place in which he is going to feel secure. Canada presents itself as just such a place.

Refugee: *Are the Tamil refugees fleeing a political situation, or are they, in fact, as the European countries seem to perceive them, economic refugees?*

Sri Guggan Sri-Skanda-Rajah: Amnesty International concludes that these people have reason to fear. The persecution in Sri Lanka takes a variety of forms: there have been indiscriminate killings and retaliatory killings.

People have been tortured and held incommunicado, having no recourse to due legal process. There is clear evidence that the government of Sri Lanka has taken no action whatsoever to investigate, charge and prosecute violators of the law; violators who are government security forces, have systematically breached the law, taken lives and tortured people.

The European governments are therefore wrong in concluding that the general Tamil profile is that of an economic refugee, when in fact, they are political refugees in the true sense of the word.

Refuge: *What other factors ought to be taken into consideration in assessing the Tamil affair?*

Sri Guggan Sri-Skanda-Rajah: It is important to look at the community profile. It is important for Canada to look at what it is that the preceding Tamil claimants have done whilst in Canada. I think that an investigation would show that the Tamils are industrious generally, that they are not dependent on social assistance. They work very hard. Some of them have been able to upgrade their skills. They are significant contributors to the economy. Many of them take jobs that are readily available but are not generally taken by others. They are prepared to do a variety of jobs. Some of them have two, maybe three jobs. They are basically law-abiding. There has been no significant or noteworthy incidence of any type of criminality.

It is also important to deal with the rumours and allegations surrounding the boat incident. There was a claim that, since the trip had cost significant sums of money, these monies had been earned by illegal means, such as through terrorist activities or other types of criminal activities such as the selling of illegal drugs. The Royal Canadian Mounted Police Passport Immigration Division did carry out a random investigation of the Tamil refugees and have not come to any such conclusion.

I would merely suggest that these stories were fabricated by people who have their own axes to grind, who have their own motives in suggesting that the Tamils are trying to bring terrorism and violence into this country. It is important to dispel this myth. To do that I simply ask you to look at the record of the Tamil claimants who have come here before and to look at the record of the community which is very reasonable, responsible and low-key. It has existed here for nearly two decades, and there is no evidence that would suggest that this community, despite the violence that goes on in Sri Lanka, is in any way importing that violence here or practicing any form of violence or confrontation.

Book Reviews

John R. Rogge
*Too Many, Too Long:
Sudan's Twenty-Year
Refugee Dilemma*
Totowa, New Jersey: Rowman &
Allenheld, 1985

by **J. Barry Riddell**

John Rogge, a geographer at the University of Manitoba, has produced a thoughtful and interesting account of the remorseless plight of refugees in the Sudan. The work is based upon over ten years of academic investigation of the predicament of these involuntary migrants both in the Sudan and in other parts of the African continent. The author's lengthy and broad experience is reflected in this mature and scholarly account. Rogge has provided order and understanding to a situation which appears chaotic to most observers. He has effectively blended the specifics of the Sudanese situation with general concerns regarding refugee movement and settlement, and he has placed them into the contexts of refugee movement, the several crises of the African continent, and the reality of the Sudan.

The book details the plight of both rural and urban refugees fleeing from political strife and ecological disaster. It describes the problems of the incorporation of these people in this fragile economic and ecological milieu. Rogge is at his best in writing of settlement schemes such as those based upon rural land, the several wage-earning provisions, and the complexity caused by the burgeoning numbers in semi-urban arrangements. The reader learns how these displaced people originated from the turmoil of Ethiopia and Uganda, and how both the Sudan and the international community have responded.

This is a book to be read and savoured. It tells a sad tale without a pleasing conclusion, and in this sense the work is troubling. Indeed, the book's title underlines the view of many of the host Sudanese who have experienced extreme hardship for a great length of time while accommodating such vast numbers; this has only served to exacerbate the Sudan's already burdensome Third World condition. Because the book indicates understanding of the setting and situation, the text provides meaning far beyond a work which

could have been little more than a "case study" of this corner of Africa. Both laypersons and professionals will find the text satisfying and insightful; the use of maps, graphs, and photos to complement and enhance the written word is to be applauded.

J. Barry Riddell teaches Geography at Queen's University.

Gil Loescher and John A. Scanlan
*Calculated Kindness:
Refugees and America's Half-
Open Door 1945 --Present.*
New York: The Free Press, 1986

by **John Van Esterik**

In their introduction, Loescher and Scanlan express hope that this book will influence American policies concerning refugees by "examining the politics which shaped the American response to refugees over the past forty years." (page xiv). The authors start the reader on an odyssey of American politics and policy toward refugees in the post-World War II era.

Chapters outline policy development over the last forty years. Some chapters emphasize politics and policy decisions made by Presidents. Others emphasize the influence of Congress. Each chapter also focuses on a particular refugee group or issue. There is a chapter on the Cambodian crisis and another on the Cubans and Haitians. Approximately half the written text concerns the period from 1975 to 1985, when non-governmental organizations and pressure groups influenced refugee policy.

Attitudes toward refugees in America since the 1940s have greatly changed. Given the public awareness of the Holocaust today, American policy at that time seems brutally callous. Only Roosevelt and Truman seemed to overcome the anti-Semitism in public policy and take a more reasonable view of the issues. Many members of the Congress were bent on ensuring that Jews were excluded from the groups of displaced persons to be accepted as refugees. Both Congress and President Truman were agreed, however, that anti-communism was a suitable basis for refugee policy (Displaced Persons Act). This approach continues to the present time.

The important impact of the United States on world refugee policy is underlined by the influence of the US as the largest contributor to the budget of the United Nations High Commission for Refugees. This occurred despite the fact that the US was not a signatory of the UN Refugee Convention of 1951.

US policy supported claims of refugees from communist domination after the immediate post-war period. The pattern began with the Hungarian refugees of 1956 and the first Cuban arrivals in the late 50s. It persisted with the later acceptance of Cuban migration during the late 60s in sharp contrast with the refusal to accept Haitians during the same period. The story rapidly moves to the Southeast Asian refugees, also escapees from communist control, who began coming to America in 1975. In the midst of this influx, Congress passed the Refugee Act of 1980 to regularize refugee flow. Loescher and Scanlan masterfully show how the Act of 1980 has not taken on the role of opening America to bona fide refugees, but rather has continued to allow Presidential discretion in the same way the system of parole admissions had in the past. Despite the acceptance of the UN definition of refugee in the 1980 Act, accepted by the Johnson administration in 1968, Reagan has continued the policy of accepting fugitives from communism while denying other claims to refugee status.

The authors tantalize the readers in some sections with discussion of interest groups and non-governmental organizations in the US but they mostly limit their discussion to Presidential decision and Congressional battles. For example, they mention the active sanctuary groups for Central American refugees only in passing. Canadian readers may have a few quibbles. In a discussion of Hungarian refugees, the authors note that the US took the greatest number of these refugees, accepting slightly over 38,000. They do not remark on the fact that Canada, which took 37,000 Hungarian refugees, made a much more impressive contribution on a per capita basis. Also they refer to the Ministry for External Affairs as the Foreign Ministry. This is, however, an excellent, well-researched and documented book on US policy over the last forty years.

John Van Esterik teaches *Social Science and Anthropology* at York University.

Projects & News

- The Refugee Documentation Project congratulates Amnesty International on the occasion of its 25th anniversary. A special article titled "Amnesty International and Refugee Reforms", written by **David Matas**, co-ordinator of the legal network of Amnesty International -- Canadian Section (English-Speaking), will appear in our next issue.

- Congratulations also to **Meyer Brownstone**, director of the Toronto Centre for Urban and Community Studies at the University of Toronto, chairman of OXFAM-Canada and one of our contributors, on being awarded the 1986 Pearson Peace Medal by the United Nations Association in Canada.

- The Refugee Documentation Project is sponsoring a Law and Society Colloquium from 4:00 pm to 6:00 pm on Thursday, November 27th at Stedman Lecture Hall A, York University. Prof. **James C. Hathaway** will be presenting Prof. **D. Dewitt**, whose discussion will be on "A Reconsideration of the Underlying Premise of Refugee Law".

- The Honourable **Gerry Weiner**, Minister of State for Immigration, announced on October 29th seven new appointments to the Immigration Appeal Board (IAB). All appointments are for a two-year term. Total IAB membership is now forty-nine. The increase is in keeping with recent legislation which proclaimed an IAB membership expansion of up to fifty. This expansion adds to the flexibility and capacity of the Board to deal with the greater number of cases. The new members are: **Irene Chu**, **Cesar De Morais**, **Taciana T.U. Jew**, **Jean E. MacLeod**, **Beverly J. Rayburn**, **Ernest A. Rotman** and **Irvin H. Sherman**.

- **Brian Coleman**, Refugee Status Advisory Committee member, is collecting poems and songs "on the refugee experience" (exile, problems of integration and resettlement, etc.). The material may be written by refugees or others, relate to any period of time, and should be in English or accompanied by an English translation. Contributions should be mailed to: Brian Coleman, 44 Caroline Avenue, Ottawa, Ontario, Canada K1Y 0S7.

- **Barbara Harrell-Bond**, Co-ordinator of the Refugee Studies Programme at Oxford University, is attempting to compile a directory of current researchers on refugee issues or related topics. Please note the detachable form on page 11. Dr. Harrell-Bond would also be pleased to receive offprints or articles which may be published in their periodical, *Refugee Issues*.

- The Refugee Documentation Project was honoured to have been visited on October 15th by **Hugh Pilkington** of Nairobi, and friends from the World University Services Canada. Dr. Pilkington's special interest in our Resource Centre, refugee research and the projects of our Research Assistants was greatly appreciated. We extend our deepest sympathies on his untimely death, last October 16th, at Brandon University, Manitoba.

- Please note the form on the back page for ordering a book due to be published by the Refugee Documentation Project. It will cover the edited proceedings of the International Symposium *Refugee or Asylum -- A Choice for Canada*, which took place at Glendon College, York University, on May 27-30, 1986. The book will provide an ideal opportunity to keep informed about the main topics of discussion of this extremely successful event.

Refugee Issues

Please fill out the following form regarding refugee-related research which you have conducted, and mail it, together with papers you wish considered for publication in *Refugee Issues*, to:

Dr. B.E. Harrell-Bond
Co-ordinator
Refugee Studies Programme
Queen Elizabeth House
Oxford University
21 St. Giles
Oxford OX1 3LA
England

Name _____

Address _____

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• Academic Discipline _____

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• Refugee Study Country of Origin _____

• Research Conducted Where? _____

• Is your Research Data primarily:
 fieldwork primary documents secondary documents

• Research funding source:
 individual voluntary international independent agency

• Is your refugee-related research central or peripheral to your scholarly interests?

• Is your refugee-related research used in your teaching? _____

• Any problems with the publication of material? _____

• List your published work in this field (attach extra details) _____

Refuge or Asylum -- A Choice for Canada? Reservation Form



The edited proceedings of *Refuge or Asylum -- A Choice for Canada?*, an International Symposium sponsored by York University's Refugee Documentation Project in May 1986, will be published in book form in 1987. Those placing a pre-publication order will pay only Can\$27.50 per copy, plus postage. To take advantage of this special offer, please fill out the reservation form below and return it to:

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I wish to become a friend of the Refugee Documentation Project for the 1986-1987 academic year. I understand that all friends receive *Refuge* as well as information on the research activities of the RDP. My cheque for \$20 (or) made payable to the Refugee Documentation Project is enclosed.

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