



# The Tamils test an unappealing system

SRI LANKA is involved in a low-intensity civil war marked by atrocities on both sides. That does not, however, mean that each and every member of the Sri Lankan Tamil minority has a "personal and well-founded fear of persecution" which would entitle him or her to automatic refugee status under a series of international conventions and agreements to which this country and the rest of Europe subscribe.

Further, there are, in various Third World nations, fixers who make a great deal of money out of providing people with forged documents and visas which would enable them to enter this country illegally and ahead of others with genuine documents and genuine relationships which would permit them quite properly to enter the United Kingdom or to settle here.

That is the background against which 64 Tamils arrived in this country last Friday with suspect documents or with none at all. The Home Office examined their cases individually, but secretly and in some haste, and then decided to deport to Bangladesh — from whence they had arrived — all but six of them. At which point a High Court judge granted an emergency injunction ordering a stay of execution.

There are those who think that this country should have no immigration controls whatsoever. There are others who believe that all those who claim refugee status should be granted it automatically. Such views are not held by the Government or by any of the major political parties, nor are they held by most ordinary people.

As a result it falls upon the Home Office and, in particular, upon Home Office Min-

ister David Waddington, to decide upon procedures for sorting sheep from goats which are tolerably open, fair and predictable. Otherwise contentious decisions are taken as a result of last minute dashes to the High Court and distressing scenes at Heathrow, when those rejected struggle to buy time by stripping off on the tarmac or fighting to release their seat belts in order to delay the departure of scheduled flights.

People arriving in this country without proper papers and seeking refugee status have no automatic right of appeal against the arbitrary and secret rulings of the Home Office — rulings which are often made at a relatively low level of expertise and at an even lower level of political sensibility. In the past the Home Office has argued that a formal appeals system is not necessary because disputed cases can be referred to the independent United Kingdom Immigration Advisory Service.

Mr Waddington's fault on this occasion was his failure to consult the UKIAS on the flimsy ground that the Sri Lankans were so obviously in possession of false papers and so obviously customers of some dubious Mr Fixit that the referral procedure should not apply. Yet people under pressure will grasp at any escape route open to them.

This country and its European neighbours, now facing similar problems, are attempting to reach some common policy to cope with the growing flood of refugees and would-be refugees. Britain's arbitrary and secretive procedures are unattractive in themselves and unlikely to provide any basis of understanding.

## LETTERS

### Deporting of Sri Lankan Tamils

Dear Sir,

We, the undersigned, are writing to express our serious concern at the UK Government's proposal to remove 58 Sri Lankan Tamils, to Dhaka, Bangladesh.

The individuals concerned arrived in the UK on 13 February 1987 from Malaysia, via Dhaka, where they spent four hours in transit. They spent periods of time in Malaysia ranging from one week to two months. Upon arrival in the UK, all made applications for political asylum.

We believe that, if removed to Dhaka, the Tamils are most likely to be removed to Malaysia by the Bangladesh authorities. We further believe that it is not possible to guarantee protection from return to Sri Lanka by the Malaysian authorities. We are aware of the case of four Tamils, who having come to the UK from Malaysia via Singapore, were removed to Singapore on 12 December 1986, subsequently removed to Malaysia and then returned to Sri Lanka against their will.

We believe that, if returned to Sri Lanka, Tamil civilians not involved in combat would be at grave risk of becoming the victims of human rights violations.

We are most concerned that, from the time of their arrival in the UK, the Tamils were denied access to a legal representative.

We are also concerned that the applications were not referred to the UK Immigrants Advisory Service before the removal directions were issued, and that MPs requests for a stop on the removals were refused — a breach of the Home Office's own guidelines on representations by MPs.

We believe that the UK government should either seek to obtain assurances from both the Bangladesh and Malaysia authorities that the Tamils will not be returned to Sri Lanka from both countries against their will, or allow the Tamils to remain in the UK.

We continue to urge, in the strongest possible terms, that the 58 Tamils not be removed from the UK, that further consideration be given to their applications for asylum and that time be allowed for interested parties to make representations to the Home Office on their behalf.

Yours faithfully,  
**JANET JOHNSTONE**  
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 British Section  
**MARTIN BARBER**  
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**ANNE OWERS**  
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 18 February