Ongoing Serious Issue: Sri Lankan Tamil Asylum Seekers - October 2025

Issue:

A disproportionate number of applications for refuge made by Sri Lankan Tamils are rejected by Home Affairs. Case decisions have often stated that Tamils are no longer at risk of persecution in Sri Lanka. This is contrary to evidence of ongoing discrimination, abductions and torture of Tamil people, provided by international human rights reports. Case decisions also do not take into account the reality of the political situation in Sri Lanka.[1] There are grave dangers facing Tamil people sent back to Sri Lanka.[2]

Background:

Mahinda Rajapaksa was President of Sri Lanka during the civil war in which Armed Forces massacred Tamil men, women and children on Mullivaikal beach in Sri Lanka's northeast during the final phase of the civil war in 2009. Mahinda's brother, Gotabaya Rajapaksa, was Secretary to the Minister of Defence from 2005 - 2015, leading the Sri Lankan Armed Forces. He has long been accused of human rights abuses and war crimes pertaining to this period. Despite a number of government changes since that time, the ideology of the Rajapaksa brothers remains firmly entrenched in Sri Lanka.

The International Truth and Justice Project found that Tamils were abducted and tortured under the Sirisena government for a range of reasons including political campaigning, returning from the diaspora, and having family members who had belonged to the Liberation Tamil Tigers of Tamil Eelam.[3]

In 2019, Gotabaya Rajapaksa was elected as President, pledging not only to avoid prosecutions of Sri Lankan "war heroes" who have been accused of heinous war crimes, but to undo concessions made by the previous administration towards accountability.[4] In 2020 Mahinda Rajapaksa was officially installed as Prime Minister. Several other Rajapaksa family members were appointed to positions of power.[5]

Ranil Wickremesinghe, appointed President by the Parliament in 2022, has close ties to the Rajapaksa family and those accused of mass atrocities.[6] In September 2024, Anura Dissanayake was elected as President. He has openly voiced his opposition to devolution of powers to Tamils, and stated that he "will not seek to punish anyone accused of rights violations and war crimes". [7]

Persecution of the Tamil minority continues, with consecutive United Nations Rapporteurs on Human Rights citing the process of Sri Lankan Armed Forces or Police arbitrarily detaining, interrogating and routinely torturing Tamils. [8] The UN Committee Against Torture, and the UN Working Group on Arbitrary Detention, have highlighted concerns over the detention and torture of returned Tamil asylum seekers. [9]

Current Status:

Along with the continued use of the internationally condemned Prevention of Terrorism Act to silence government critics, there is increased entrenchment of Sri Lanka's military in the Tamil areas in the north and east, with Tamil people subjected to surveillance, harassment, arrests and state-led land confiscations.[10] [11] [12]

In February 2025, Sri Lankan President Anura Dissanayake stated that "Sri Lanka is a criminal state," echoing the concerns of numerous human rights organisations regarding extrajudicial killings and systemic abuses perpetrated by state forces. Dissanayake, in a public address, admitted "*There are a few in the military who are hired to go out and shoot to kill and come back to the camp. This is the situation of the country. Therefore, this is a criminal state. It is a type of state where nothing can be trusted at any time."* [13]

In March 2025, Tamil Guardian Editorial reported that a 'surge of assassinations, coming just months into Anura Dissanayake's presidency, has brought to light the longstanding ties between Sri Lanka's political and military institutions, and their criminal networks that operate with impunity. [14]

In March 2025, UN Special Rapporteur Mary Lawlor, in her report to the UN Human Rights Council, stated that she had *"received information that, in Sri Lanka, defenders working in the conflict-affected North and East face disproportionate violence, surveillance and labelling as terrorists, and that many women human rights defenders have been labelled as anti-State and have faced violence, stigmatisation, and attacks during peaceful protests."* [15]

The UN High Commissioner for Human Rights stated at the conclusion of his visit to Sri Lanka in June 2025, that a wide range of actors, including members of civil society and victims of human rights abuses, had informed him that *"the same old patterns of surveillance of human right defenders persists."* [16]

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In August 2024, the Comprehensive Report of the United Nations High Commissioner for Human Rights on the Situation in Sri Lanka stated: *"The High Commissioner recommends that the Human Rights Council and Member States, as applicable: Review asylum measures with respect to Sri Lankan nationals to protect those facing reprisals and refrain from any refoulement in cases that present a real risk of torture or other serious human rights violations."*[17]

UN High Commissioner for Human Rights Volker Türk, in his March 2024 Oral Report to the UN Human Rights Council stated, "*I remain deeply concerned about recurring, credible accounts received by my Office of abductions, unlawful detention and torture, including sexual violence, by the Sri Lankan police and security forces, some of which allegedly took place in 2023, mainly in the north and east of the country. My Office continues to receive allegations of surveillance, harassment and arrests by security forces of civil society representatives, journalists and victims, as well as of people who have been involved in organising commemoration events for war victims.*[18]

In May 2024, the International Truth and Justice Project in a report titled: *'Disappearance, Torture and Sexual violence of Tamils, 2015-2022'*, cited details of 123 Tamils who said they were beaten, burnt, suffocated and sexually assaulted by Sri Lankan authorities between 2015-2022. Eleven of them were allegedly detained after Ranil Wickremesinghe took over as Sri Lanka's president in July 2022. The report shows that many of the same methods of disappearance and torture conducted against the surrendering LTTE fighters and the Tamil civilian population by security forces in the years immediately after the end of the war remain common.[19]

Sri Lankan Tamils in immigration detention centres, or residing in Australia on temporary visas, do not have any assurance about their future safety, regardless of positive contributions they may have made to their Australian communities. They experience ever-increasing fear of being returned by the Australian Government back to Sri Lanka placing them at real risk of persecution, interrogation, torture and disappearance. **Despite this, a number of Tamil asylum seekers have been issued with 'Pending Departure' visas, with Home Affairs case officers expecting them to make arrangements to return to Sri Lanka.**

Key Considerations:

Information obtained by the Australian Department of Foreign Affairs and Trade, and used by Home Affairs to assess asylum claims, does not acknowledge all facts available from the United Nations Human Rights Commission, Human Rights Watch, Tamil Guardian, and other credible sources.[20] In a landmark immigration case in the United Kingdom in May 2021, three Upper Tribunal judges were scathing in their rejection of the Australian DFAT country reports used as a basis to determine asylum applications for Sri Lankan Tamils.[21]

According to figures compiled by the Refugee Council of Australia, the Immigration Assessment Authority (IAA) overturned only 5% of decisions rejecting Sri Lankan cases since July 2015. This figure was 60% of rejections overturned under the previous review system.[22] While the new Administrative Review Tribunal is a more robust review process than the IAA, those who have already exhausted avenues of appeal do not have access to it.

Everyone who has faced persecution in their homeland has a right to seek asylum in a new country. It is lawful to arrive in Australia by boat without authorisation if it is for the purpose of seeking safety from persecution.[23] This is the only avenue for escape many Sri Lankan Tamil people have been able to access.

Conclusion and Recommendations:

While Sri Lanka may be a beautiful tourist destination, its government has become increasingly authoritarian and the use of torture against Tamil people is routine, endemic and state sanctioned. This must be highlighted to the Australian public and to Federal Members of Parliament and Senators.

The Australian Government must:

- Immediately cease deportations of Tamil asylum seekers to Sri Lanka
- Cease using biased country information on Sri Lanka in refugee assessments
- Regularise to permanency the immigration status of Tamils in Australia who have rejected claims for asylum, based on the current political situation in Sri Lanka.
- Take current reports on Sri Lanka by the UN and human rights organisations into account when assessing undetermined cases for refuge, and when considering Ministerial Intervention Requests.
- Uphold International Treaty Obligations to provide refuge for people at risk of persecution
- Understand that people in genuine need of protection must be offered that protection, regardless of their mode of arrival

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