

Resettlement of Sri Lankan Tamil Refugees in Brazil

by David Matas

Maha Ramakrishnan and I went to Brazil for the NGO I-TRAN - the International Tamil Refugee Assistance Network. I was there from September 27th to October 3rd. Maha was there from September 26th to October 20th. We went to explore the possibility of resettlement of Sri Lankan Tamil refugees in Brazil. Maha is a lawyer based in Kuala Lumpur, Malaysia. I am a lawyer based in Winnipeg, Manitoba, Canada.

We went first to Brasilia, the capital city. On Monday September 28th, we met with the Office of the United Nations High Commissioner for Refugees (UNHCR). At the meeting were Andres Ramirez, the Representative, who was at his second last day of work before retirement, Barbara Amaral dos Santos, Programme Assistant and Thais Moraes, Protection Assistant. On the next day, Tuesday September 29th, we met with Claudia Anjos, General Coordinator, CONARE, Ministry of Justice, Government of Brazil and her assistant.

CONARE is the organ of Government of Brazil responsible for refugee selection and resettlement. CONARE is an acronym for a Portuguese name which in translation means National Committee for Refugees. The Committee consists of representatives of five government departments, representatives of civil society, and the UNHCR. The coordination of the Committee is housed in the Ministry of Justice.

On the Wednesday, September 30th, Maha and I travelled from Brasilia to Porto Alegre in the state of Rio Grande do Sul. So did Barbara Amaral dos Santos and Thais Moraes from the UNHCR. They took advantage of our presence in Brazil to go on mission to Porto Alegre to meet with the UNHCR implementing partner, refugee resettlement agency ASAV and the Sri Lankan Tamil refugees resettled there.

On the morning of Thursday October 1st, Maha, Barbara, Thais and I met with ASAV. ASAV right now is the only implementation partner for the UNHCR in Brazil.

ASAV is headquartered in Porto Alegre, Brazil. ASAV is an acronym which in English translates to Antonio Vieira Association. It is part of the Jesuit Society. Antonio Vieira was a Jesuit missionary in Brazil in the seventeenth century. At ASAV, we met Karin Kaid Wapechowski, Coordinator of the Refugee Resettlement Program, Claudio Renato Souza Assistant Coordinator and Paola Schaeffer, Social Analyst for the Program.

There are eleven Sri Lankan Tamil refugees resettled in Porto Alegre. For the rest of Thursday and the whole of the next day, six of us - Maha and I, Barbara and Thais from the UNHCR, on Thursday Paola and Karin, and on Friday Paola and Claudio from ASAV - met, with one exception, each of the refugees. Six of them we met separately. Four of them we met in groups of two. There were three meetings on Thursday and five on Friday. We met them either in their homes or at their work or at a shopping centre coffee shop. ASAV hired a van to take the six of us from meeting to meeting.

Each of the refugees had their own story. However, since they all came from India on the same boat, they also had a common story.

The Government of Tamil Nadu, India, since shortly after the start of the civil war in 1983, has recognized Sri Lankan Tamils in flight from the war as refugees and provided them support in camps. They were given allowances and accommodations. Even those not in camps were given local refugee status.

After 2009 and the end of the civil war, this hospitality stopped. It continued for the old arrivals, but the new arrivals, after 2009 were not given status, or allowances or accommodations. They were not removed, but were told to go back. They became illegals in India, without status.

Many of the Sri Lankan Tamils who fled the civil war were simply attempting to escape the cross fire. However, those who had a true refugee profile as perceived opponents of the Government of Sri Lanka, in particular as perceived supporters of the LTTE are in almost as much trouble in India as they were in Sri Lanka. The Indian security Q branch arbitrarily detains this population, interrogates them and tortures them. Outside of detention, they are subject to curfews and elaborate reporting requirements.

A group of 75 Sri Lankan Tamil refugees gathered at a temple in Chennai in October 2012 to take a fishing boat to Australia. The Q Branch raided the temple where they were congregating and arrested thirty. 45 managed to escape and to get on the boat.

The boat, about half way on its trip, after five days and 2,000 kilometres, in mid-ocean began taking on water. Someone with a phone on board was able to contact a relative in Australia about the danger. Rescue efforts located the position of the boat. The passengers were picked up by a Singapore ship with a Filipino crew, heading to Dubai, United Arab Emirates (UAE), which is where they all landed.

The United Arab Emirates is not a signatory to the Refugee Convention. The Office of the United Nations High Commissioner for Refugees headquartered in Abu Dhabi, UAE did refugee determinations for this group, recognizing 38 and rejecting seven. Six of the seven rejected were returned to Sri Lanka. One, who was born in India, neither Sri Lanka nor India agreed to accept. He remains in detention in Dubai. The 38 remaining were all resettled, eleven in Brazil.

The eleven came in two groups - four in May 2014 and seven in November 2014. The four in May were financed by the UNHCR. The seven in November were financed by a private donor. This private donor is not publicly identified. He may be someone who wanted to help the government of the United Arab Emirates which wanted the refugees to leave. This

donor, whoever he or she is, is not a likely source of funds for the resettlement of other refugees to Brazil.

The UNHCR in Abu Dhabi sought resettlement offers for the recognized refugees from several resettlement countries. The UNHCR in Brasilia passed on the request first for the four and second for the seven to ASAV. ASAV agreed to take on the work of resettling these refugees. Then the UNHCR passed on the UNHCR Abu Dhabi request, with ASAV approval to CONARE. CONARE accepted all eleven.

The Government of Brazil, in general, does not make refugee determinations at visa posts abroad. They limit themselves to resettling those whom the UNHCR has determined to be refugees.

CONARE does not provide funds to refugees or to the resettlement agency for refugees either for travel or resettlement. Nor, in its present state of finances does the UNHCR, even though it has done so in the past. All the UNHCR and CONARE now do is provide approval. The Government of Brazil does provide to refugees on arrival services which are available to the general population, that is to say, health care and education.

ASAV, with the funds given to it by donations for resettlement, provides or arranges for Portuguese and orientation classes. The classes last for three to six months, depending on what the refugee wants. The agency helps the refugees find work. They arrange accommodation and pay for rent, depending on the case, for the first year or year and a half. They also provide a subsistence allowance and provide funds so that the refugees can pay for utilities, during the same period.

ASAV is willing to accept donations from private donors for the resettlement costs they incur for refugees. If a refugee has funds and wishes to self finance, ASAV would prefer that the

funds come from an NGO rather than directly from the refugee. ASAV appeared willing to accept donations from I-TRAN.

ASAV is open to assisting in the resettlement of other Sri Lankan refugees beyond the eleven, provided funding is in place. The amount of funding required depends on location. The agency is not limited to Porto Alegre, but is limited to the Brazilian state in which Porto Alegre is found, Rio Grande do Sul. If a refugee were willing to live in a smaller city in Rio Grande do Sul, the rent would be less.

Rent in Porto Alegre for the refugees has been 600 to 700 Brazilian real a month. Portuguese language classes have been 500 real for a three month package. The subsistence allowance has been 370 real every month. Money given to pay appliance bills has been 120 real per month. For the funds needed by way of donation for the resettlement of additional Sri Lankan Tamil refugees, the UNHCR and ASAV indicated that they would work out a budget.

There was an expense incurred for the eleven Sri Lankan Tamil refugees paid out of donor funds which would not be replicated for other resettled refugees, the cost of a consultant. Consultant Kadhambari Sridhar was flown in from the United States and paid consultant rates to help ASAV resettle the group. The consultant was needed to bridge the language and cultural divide between the refugees and Brazil.

ASAV does not have available to them someone who speaks both Tamil and Portuguese. They do not, without the consultant, even have available to them someone who speaks both Tamil and English. Without the consultant, the language of communication between the refugees and ASAV is either Portuguese or English.

Maha, when we were there, was able to speak to the Tamils in their own language. But she, like the consultant, was there only for a short period.

At both the UNHCR and ASAV meetings, Maha and I were asked how many refugees we had in mind for resettlement. We floated a figure of 500. ASAV did not reject that figure out of hand but remarked only (without making any commitment) that it would be too much if they came all at once, that they should come in batches of 80 to 100, maybe ten months apart.

Refugees we interviewed had both positive and negative comments about their Brazilian experience. On the positive side, they all confirmed that they are safe. Those in need of protection get protection.

Both the UNHCR and ASAV have been extremely helpful. While admittedly our interviews were conducted in the presence of both, we heard no adverse comments about either or even suggestions for improvement.

As well, the public service health system seemed satisfactory. Several of the refugees, because of health problems, had dealt with health services in Brazil. Their experience was uniformly positive and cost free.

The biggest problem the refugees had was the Portuguese language. This problem was more acute for those who do not know English, since the Portuguese language instruction they receive is taught in English and the Portuguese and English alphabet are the same (except for some accents found in Portuguese and not in English).

Finances were a uniform concern. To a certain extent this concern is surprising since virtually all expenses are covered by ASAV. The primary reason for this concern is that the refugees were sending money out to support relatives abroad and to pay off the loans they incurred to pay for the abortive boat trip. As well, ASAV finances will not continue indefinitely, though they had not yet stopped for any yet.

Since the arrival of the refugees, the Brazilian currency, the real, has dropped dramatically against the dollar. In this year alone, the currency has declined one third. This loss would not matter if refugees were spending their money locally. When they are sending money abroad, it makes a big difference.

Refugees could find work and, with the help of ASAV, did so. However, because of their limited language ability, they were restricted in the types of jobs they could take. Even those who had skilled jobs in Sri Lanka or India were working at the level of unskilled labour in Brazil. The result was that their income was minimal, in some cases a lot less than they were earning in Sri Lanka or India. Brazil, in terms of economic opportunities for unskilled labour, is not much different from Sri Lanka or India.

Street crime is a general problem in Brazil. None of the refugees reported being mugged. Several reported seeing muggings, which created a general unease. Precautions they might not have to take in Sri Lanka or India, such as not using cell phones in public, they had to take in Brazil.

The Government of Brazil gives visas to refugees it agrees to resettle. For those who do not have passports, the Government of Brazil gives single travel journey warrants or laissez-passers. The visas and laissez-passers are issued by the Ministry of Foreign Affairs.

Resettled refugees on arrival are given documentation showing they are refugees. After four years they can become permanent residents. Permanent residents are eligible for some government benefits, such as public housing, for which refugees are not eligible. After eight years they can become citizens.

The Government of Brazil has been instrumental in promoting refugee protection and

resettlement in Latin America. The Mexico Declaration and Plan of Action of November 2004 was a Brazilian initiative. The Declaration welcomed and supported

"the proposal made by Brazil for the establishment of a regional resettlement programme in Latin America".

According to the Brazil chapter of the Resettlement Handbook of the UNHCR, Brazil has no regional limitations for resettlement. Some other countries in Latin America limit resettlement to refugees fleeing persecution from other countries in the region. The Brazilian resettlement program, in contrast, is global.

CONARE, in Normative Resolution 17, of September 20, 2013, decided that "the appropriate visa can be granted to individuals affected by the armed conflict in the Arab Republic of Syria that express willingness to seek asylum in Brazil". Refugee determination by CONARE would be done on arrival. While the resolution is limited to those affected by the armed conflict in Syria and has no practical application to Sri Lankan Tamil refugees, it is emblematic of the openness of Brazil to refugees.

The day of our meeting on Monday September 28th in Brasilia with the UNHCR, Brazilian President Dilma Rousseff gave a speech at the United Nations General Assembly in which she spoke at length about the need to protect refugees. She said:

"In a world where goods, capital, data and ideas flow freely, it is absurd to impede the free flow of people. Brazil is a hosting country. We have received Syrians, Haitians, men and women from around the world, just as we sheltered, over a century ago, millions of Europeans, Arabs and Asians. We are a multiethnic country, where differences coexist."

What would have to happen to resettle additional refugees in Brazil procedurally and practically are the reverse. Procedurally, the UNHCR in the location of the refugees, for

instance in Malaysia or Thailand or Indonesia, would have to request resettlement from the Government of Brazil through the UNHCR in Brazil. The UNHCR would contact ASAV and determine if ASAV is willing to take on the identified refugees.

If ASAV is willing, then the UNHCR in Brazil would present the request to CONARE. If CONARE agrees, the Ministry of Foreign Affairs would issue visas and, if necessary, laissez-passers. The Ministry of Foreign Affairs confirmed this in a meeting with Maha Ramakrishnan on October 19, 2015, after I had left Brazil.

Practically, we would need to start from ASAV. Unless ASAV is willing, there is not much point in engaging the formal process. For ASAV, the issue is partly financing, but also partly their own capacity and the resettlement needs and capacity of the particular individual refugee.

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