



## 1. Background

International Tamil Refugee Assistance Network ([i-tran.ca](http://i-tran.ca)) helps refugees flee and displaced by violence, conflict and persecution to survive, recover & rebuild their lives.

According to the UNHCR, there are over 150, 000 Sri Lankan Tamil refugees including asylum seekers in 56 countries. Mostly are in **Malaysia, Indonesia, Bangkok, India, Africa** and other countries.



## 2. The Reasons Why Tamils Flee Sri Lanka in Post May 2009

The Tamil Diaspora have fled Sri Lanka war conflict since the late seventies and settled across Europe, North



America, Australia and New Zealand leaving behind close friends and family. Since the end of Sri Lanka's civil war, there has been a mass exodus of Tamil refugees globally. According to Amnesty International and Human Rights Watch, over 40,000 people were killed in an aerial bombardment of the Tamil homeland of the NorthEast in a matter of 3 days. Surrendered Tamil civilians were tortured, raped, and massacred. We received reports of many Tamil refugees escaping the carnage. They have landed on the shores of India, Indonesia, Thailand, Malaysia, Australia, Europ, North America, South America, the West African country of Togo and Mali.

## 3. International Protection of Refugees

It goes without saying that ending serious human rights violations in Sri Lanka would end refugee flight from Sri Lanka. If violations in Sri Lanka ceased, then refugees could return in safety and security. Refugee flight occurs because of serious human rights violations in the country of origin.

There is a tendency, when dealing with refugees, to take serious human rights violations in the country of origin as a given. In one sense they are, because refugees would not exist without human serious rights violations. Moreover, combating serious human rights violations is a daunting, long-term task that rarely succeeds in time to help individual refugees. Nonetheless, in attempting to help refugees, we must not neglect the effort to end human rights violations in the country of origin. This effort, to end human rights violations in the country of flight, has both a long term and short-term benefit.

The long-term benefit, hopefully, is the end of these violations, the cessation of refugee flight, and voluntary repatriation of those who have left. The short-term benefit is that the situation that caused the flight is highlighted; the need for refugee protection is underlined.

The 1951 Refugee Convention defines "refugee" as an individual who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.





**Tamil Refugees in Indonesian detention Centre: Photo taken: 2011**



**Tamil Refugee Children unable to go to school in Malaysia-Photo taken: 2012**



**Tamil refugees are in Tamil Nadu Refugee camp, India**



**Sri Lanka's Hill Tamils in Tamil Nadu Refugee Camp, India**



**54 Tamil Refugees in Detention camp in Indonesia 2015**



**Tamil-Asylum- seekers in Australia**



**Tamil-Asylum-seekers in UK**

**“Widespread public awareness of the human rights violations that caused Refugees to flee helps to create the political will necessary to generate effective protection”**

**“Though Malaysia is not a signatory country to the 1951 Refugee Convention, it is still subject to the Convention on the Rights of the Child”**

#### **4. Obligation and responsibility of States to Refugees**

Under the UN convention, a country's obligations begin after an asylum seeker has entered a signatory country. The core obligation is to not send someone back into a situation of possible persecution. Another important obligation is not to penalize asylum seekers for entering a country without authorization. The 1967 Protocol extended coverage to refugees throughout the world. Most countries ratified the Convention in 1954 and the Protocol in 1973.

While more than 140 countries have ratified the UN convention and protocol on refugees, only nine have programs for resettlement. Others countries need to be encouraged to ratify the UN convention.

## 5. I-TRAN Advocacy

During the period of June 2010 to February 2017, I-TRAN has provided legal counseling to many Tamil asylum seekers/refugees in Malaysia, Indonesia, Bangkok and other countries.

- I-TRAN has advocated for the protection and promotion of refugee rights in Malaysia, Indonesia, India, Bangkok and other countries,
- I-TRAN have also been in dialogue with key stakeholders on the issues including but not limited to: different line ministries of the Government of Malaysia, the UNHCR, the local NGOs, and Private Lawyers,
- I-TRAN put its stand with the UNHCR to address the genuine demands of the urban refugees relating to monthly subsistence allowance, health and education and other livelihood issues; and
- I-TRAN has advocated for the resettlement of Tamil refugees in the industrial countries.

### I-TRAN ADVOCACY ACTIVITIES - 2010 to 2017



David Matas met local NGO STROM (Sri Lanka Tamil Refugees of Malaysia), along with several Sri Lankan Tamil refugees and Canadian in Feb 2017 and Matas met Eleanor Belshaw - Hauff, Second Secretary (Political) the Canadian High Commission, Malaysia.

### Resettlement - Global Perspective

**Remarks prepared for a seminar "Perspectives on Durable Solutions for Sri Lankan Tamil Refugees in India", University of Madras, Chennai, India, February 6, 2017**

- Identify key issues and Policy inputs
- Formed a Committee to take forward the durable solution plan including forthcoming Conference with wider participation from India and Sri Lanka







### India as a durable solution for Sri Lankan Tamil refugees

Presentation given by David Matas to Human Rights Defense International, Supreme Court of India, New Delhi , 09 February 2017



Feb 08, 2017, Sri Lankan Tamil Refugees camp in Tiruvannamalai, Tamil Nadu in India



Feb 22, 2017, Sri Lankan Tamil Refugees camp in Trichy, Tamil Nadu in India



I-TRAN engaged with Hon minister of Refugee, Citizenship & Immigration John Mc Callum at CTC dinner in Toronto on Jan 2016



David Matas giving speech at St Mary's Academy girl's school in Winnipeg on May 9, 2016: Human Rights & global Refugees struggle



I-TRAN Meeting with UNHCR in Malaysia September, 2015



I-TRAN Meeting with Parliamentary caucus in Malaysia, 2015 & 2016



I-TRAN, David Matas & Maha Ramakrishnan met the Ministry of Foreign Affairs, UNHCR and Tamil refugees on October 19, 2015 in Brazil. (Discussed possible resettlement)





I-TRAN Visited NGO “Offer’s  
office in Tamil Nadu Feb 2015  
Tamil Nadu. India



David Matas lectured at Madras  
University on Feb 12, 2015, Tamil  
Nadu, India



I-TRAN Visited Refugee camp  
Gummindipoondi 2015, Tamil  
Nadu. India



Meeting with UNHCR in Malaysia,  
2015



Meeting with Parliamentary caucus in  
Malaysia, 2015



Meeting with Prime Minister office  
senior officer in Malaysia, 2015



I-TRAN Meeting with APRRN Members in Bangkok, 2014



Meeting with and UNHCR and Local Tamil Community in Indonesia August 31, 2014

## **2014, Plight of Tamil refugees in Australia and South East Asia and India.**

Tamil Refugees are mostly based in the Asia region. (Thailand, Indonesia, Malaysia and India) Our team has decided to create and increase dialog in the Asia Pacific region, in countries such as Indonesia, Thailand, and Malaysia. We are planning to meet the Tamil Community, local NGO's, government officials, and UNHCR officials in this region. As we are located in different parts of the world, establishing this network will be important for peoples' welfare and their settlement.

### **UNHCR, Geneva Meeting on June 13, 2014**

#### **Long term detainees in Australia - ASIO**

##### **Rejected cases**

After knowledge of the fact Margaret Stone was yet to overturn an ASIO adverse judgment, we realized more and more , that the chance of release of the ASIO adverse clients into the Australian Community are very bleak. We shifted our focus into the resettlement option for these ASIO clients.

Our aim is to incorporate a change into the UNHCR resettlement policy by arranging a meeting with an UN representative in Geneva. We wish to provide them with an in-depth analysis and understanding of the political and legal limbo the ASIO adverse clients are in. We would also like to show how indefinite detention is negatively affecting these ASIO clients, and we will emphasize the need for a solution to be found for these refugees as soon as possible.



### **2014 Tamils who were deported by the Malaysian government**

The three male ethnic Tamils returned from Malaysia were reported by Human Rights Watch on 28th May 2014 to have been detained by the Sri Lankan police's Terrorist investigation Division in the northern town of Kilinochchi. They had been arrested for offenses under the immigration Act and 28 detained for 14 days. On 3<sup>rd</sup> June the Daily Mirror reported that "They being held currently at a special location and being de-briefed". I-TRAN (NGO) refugee's Attorney at law, David Matas petitioned to the United Nations Rapporteur on Torture on behalf of these Detainees.



## **Plight of 9 Tamil of asylum Seekers in Indonesia**

In December 21, 2013, there was news in the JVP web about 9 Tamil youths have been detained in the Indonesian prison for 11 months without outside contacts.

I-TRAN had immediately contact them and discussed with attorney David Matas for action. David Matas the International Human Rights Layer and Refugee came to Jakarta from February 12 to 16 and met with the UNHCR, the International Organization for Migration (IOM), the Ministry of Foreign Affairs and the Jesuit Refugee Service (JRS).

He also went to Kalideres to try to meet with the detained nine the day before he was scheduled to leave Indonesia, but was denied access.



### **I-TRAN assisted David Matas:**

- To interview detainees;
- Provided support to write cases;
- Translate cases from Tamil to English; and
- Arranged local NGO's to meet detainee.

### **Outcome:**

Based on current statistics obtained from IOM Indonesia, there are total of 108 Tamil asylum seekers also being detained in a number of other seven locations, as of 31 January, 2014. These 9 asylum seekers decided to go on a hunger strike until death. The working team feels it will jeopardize the whole situation however that is there decision on April 20, 2014. Three of our team directly talking to 9 asylum seekers to stop the hunger strike until death. The attempt had failed. They decided to go on a hunger strike until death. But we are still working to release them. We are notified four of the nine asylum seekers are granted refugee status and released them from detention on April 22, 2014. I-TRAN is continuing working with this task. We received an email (Aug 22, 2014) from our coordinator, one of the nine asylum seeker apple case has been accepted.

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## **Met the Head of Protection Officer in UN, Geneva on December 22, 2013**

David Matas (Attorney at law) and Sam M.Ratna met Head of Protection officer in UN, Geneva. We discussed about the UNHCR guide line. The outcome is UNHCR revised guide line from 2010 to 2013 is released on December 22, 2013

## **Plight of Tamil refugees in Switzerland: Met Foreign Affairs Committee in Bern, Geneva on June 2013**

David Matas and Sam Ratna met foreign affairs Committee in Bern, Geneva to discuss about the Tamil Refugees deportation from Switzerland to stop temporally. Other organization involved with these issues.



I-TRAN Met Foreign Affairs Committee in Bern, Geneva on June 2013

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Meeting with Asia Pacific Refugee Rights Network (APRRN) in Bangkok

## **Meeting with UNHCR - Malaysia 2012**

### **Plight of Tamil refugees in Malaysia**

- UNHCR: Discussed the resettlement programme and rejection of Refugee states;
- Local NGO: Discussed the refugee determination and temporary work permit for Refugees ;
- Attended Tamil Refugee Conference: gave a brief introduction on the current situation of Tamil Refugees; and
- Met PMO Cabinet Minister responsible for Tamil Refugee child education in Malaysia.

### **Finding**

- the situation of refugees is complex as a result of their unofficial status in Malaysia;
- their children have no access to formal education. There are over 200 over Sri Lankan Tamil Refugee children in living in Selangor and Will ayah alone.
- Refugees face challenges in accessing health care due to factors such as:
- Costs of medical care & Language barriers
- Difficulties in accessing hospitals and clinics.
- Due to high cost, and for security, refugees often share living spaces in groups of sometimes up to 10 people or more.
- many, also live near the construction sites or other areas where they seek employment.
- No hope, No future, No resettlement



After the meeting with  
UNHCR officers in Malaysia  
2012



I-TRAN participated Tamil  
Refugees conference in  
Malaysia 2012



## **2012 Indonesia – South East Asia**

The Christian Science Monitor reported: “Around October of 2009, 225 Tamil asylum seekers headed towards Australia were detained off the coast of Indonesia,” Amongst the asylum seekers were 27 women and 31 children, of who pleaded with the Australian PM to allow them to accept them into the country. Authorities, a year later, had allowed Sri Lankan Navy to interrogate the detainees.”

### **Outcome**

On a positive note, the I-TRAN stated that “women and children were released from custody, after Canadian international refugee lawyer David Matas visited with the Indonesian authorities,

## **Dubai-UAE Plight of Tamil Refugees in Dubai – UAE - 2012**

On October 19, 2012, the I-TRAN (NGO) received calls from Melbourne, Australia, Tamil working group, a boat that was sinking, carrying 46 asylum seekers from Bunbury, Western Australia to Jebel Ali, Dubai, United Arab (UAE) was sinking. I-TRAN wrote a letter requested UAE foreign ministry and UNHCR authorities not to deport them to Sri Lanka Tamil refugees. The UAE is not a signatory country to the Refugee Convention. The UAE authorities were requested to allow the Tamil asylum seekers temporary protection; the Dubai government was requested to meet with the UNHCR to discuss the matter further. The UNHCR confirmed that, as of the date of this report, 12 Sri Lankan Tamils were still in limbo at Jebel Ali Port. The UNHCR reports: “UAE authorities continue to generously host this population, providing them with shelter, food and other form of humanitarian assistance--- The UNHCR has full access to the site to follow-up on individual cases when needed.”



### **Outcome:**

The United Nations High Commission for Refugees in Dubai recognized as Refugees 39 Tamil asylum seekers out of the 46. Out of the 39, 12 were sent to the USA and 8 were sent to Sweden. However, no resettlement arrangement had made for the other 19 recognized refugees. The UAE was about to send them back to Sri Lanka but the decision was put on hold after immense pressure from Human Right organizations. Later, five out of the 129 went to the US, one went to Sweden and another went to Finland. The other 12 were subjected by the UNHCR to further investigation and were re-determined to be legitimate Tamil refugees whose lives would be endangered in Sri Lanka. We are notified 11 out of 12 went to Brazil. I-TRAN continues to work for the one still in the camp.

**Indonesia 2012 – South East Asia** The Christian Science Monitor reported: “Around October of 2009, 225 Tamil asylum seekers headed towards Australia were detained off the coast of Indonesia,” Amongst the asylum seekers were 27 women and 31 children, of who pleaded with the Australian PM to allow them to accept them into the country. Authorities, a year later, had allowed Sri Lankan Navy to interrogate the detainees.” **Outcome** On a positive note, the I-TRAN stated that “women and children were released from custody, after Canadian international refugee lawyer David Matas visited with the Indonesian authorities, foreign affairs committee and NGOs on this matter.” Some are released & resettled in industrial countries & some are still waiting for resettlement.

### **Plight of Tamil refugees in Switzerland: Met Foreign Affairs Committee in Bern, Geneva on**

David Matas and Sam Ratna met foreign affairs Committee in Bern, Geneva to discuss about the Tamil Refugees deportation from Switzerland to stop temporally. Credit is, for other organization to work with these issues.

### **Advocacy 8: Met the Head of Protection Officer in UN, Geneva on December 22, 2013**

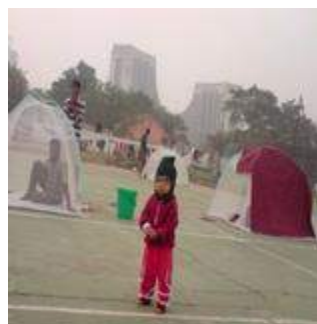
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### **Togo-West Africa 2011**

#### **Plight of Tamil Refugees in West Africa**

While signature countries to the Refugee Convention, like, Ecuador have assisted asylum seekers and refugees, others have not lived up to their commitment to human rights. One country in particular was the West African country of Togo. I-TRAN (NGO) received a phone call from within a refugee camp in this third world country from one of the detainees who reported the arrest of 203 Tamil asylum seekers on November of 2011. They were detained at the National Gendarmerie Police Station.

According to the BBC, Tamil asylum seekers were hoping to get to Canada by boat from Ghana after travelling through Ethiopia from India. The detainees – who include 19 women children and infants – said they have to endure bad weather and humiliating treatment by Guards at the local stadium.





The UNHCR protection Officer Stephanie Ms. Woldenberg was notified by the I-TRAN of the arrival of this Togolese Red Cross. The detainees reported to her of the detention center's inadequacy and poor standards, with no medical facilities for those who were ill. There were also complaints from the female refugees of Togo officers taking their pictures while bathing. Ms. Woldenberg assured the detainees of their protection, but after December 25, 2011, she was denied access to them by the Togolese authority.

**Outcome:** Most of asylum seekers were deported to Sri Lanka; some are now in neighboring countries. Sixteen remain in the detention camp and I-TRAN not able to continuing work on this project due to the funds availability.

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## **Ecuador - South America 2011**

### **Plight of Tamil Refugees are in Ecuador, High Court.**

- (a) I-TRAN, has taken several steps to release and resettle 21 Sri Lankan refugees in Ecuador. These refugees were fleeing Sri Lanka by a ship or Air and detained in jail by the Ecuador government Authority. I-TRAN Immediately contacted the protecting officer of the United Nation High Commissioner for Refugees (UNHCR) for necessary assistance and protection.
- (b) I-TRAN (NGO) was constant talk with UNHCR protecting officer took place, thereafter, to resolve the situation of the 21 Tamils detainees as to why they cannot be returned to Sri Lanka. The following day, the UNHCR immediately contracted the Ministry of Foreign Affairs in charge of deciding the status of the Tamil Refugees. Thereafter, all 21 Tamil detainees were registered with the UNHCR as refugees. A court hearing took place where the judge ordered the authority to release them from jail. They are now in the care of UNHCR. The court case is going to be 20<sup>th</sup> April 2011 to be determined the refugee status. On 22nd of April, I received the call from one of the Tamil refugee from Ecuador, 21 of them were released and obtained the refugee status and received UNHCR card.



**Tamil Refugees are in Ecuador High Court**

### **Outcome:**

Finally Ecuador high court ordered to release them on April 22, 2011. Some of them are resettled in industrial countries and some living in Ecuador.

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## Fact Finding Mission to Malaysia 2010



Day 1: Meeting with Prof. P. Ramasamy, deputy chief minister of Penang



Day 2: Meeting with legal team and local NGO



DAY 3: Meeting with Tamil Refugees



Meeting Youth Tamil Refugees in Malaysia 2010



Meeting Parents & young children Tamil Refugee in Malaysia 2010

### Day 1: Discussions with Prof. P. Ramasamy, Deputy Chief Minister of Penang

- Discussed about the Tamil refugees in Malaysia Civil & political rights
- Meeting with Malaysia Tamil forum, Human Rights NGO's and Government to discuss their role and solution
- Total No of Sri Lankan Refugees in Malaysia
- To study the needs and problems faced by 3200 Sri Lankan Refugees and children in Malaysia.
- Tamil refugees in prison
- Role of human rights commission in alleviating the problems of detainees
- Total number of Tamils refugees in Malaysia and locations
- He provided contacts for Malaysia Tamil Forum, Global Tamil Forum and others

#### Objective 1

- To investigate the violation of human rights of Sri Lanka Tamil refugees in Malaysia
- To study the needs and problems faced by 3298 Sri Lankan Tamil refugees including children in Malaysia
- To ensure the release of the 75 boat people from Sri Lanka
- To ensure the release of the 36 Sri Lankan Tamil refugees who have been detained for over 70 days at KLIA depot under the human trafficking Act
- More specific research study on Sri Lankan Tamil refugees in Malaysia



## **Objective 2:**

### **Meeting with Refugees to Identify Issues**

#### **Short term Issues:**

- Provide primary or basic needs, such as food, clothing, medications and shelter
- Encouraged refugees to contact their relatives abroad
- Encouraged contact temples, churches and community organizations in Malaysia to get their basic needs

#### **Long term Issues**

- Education
- Health
- Safety and security
- Job
- Recognition of refugees right's
- Children's welfare
- Resettlement 3rd country

#### **I-TRAN Meeting Authority**

- Met Tamil Refugees in group in different locations.
- Met government authority
- Met Human Rights Lawyers
- Met number of Human Rights NGO
- Met Refugee organization

#### **I-TRAN Met Tamil refugees released from detention center**



1. During our visit we met 6 of the 11 Sri Lankan refugees who were released from Langcap detention center. They have been detained for 89 days,
2. While in detention, they complained about harassment and torture. No medical treatment was provided they all suffered serious virus infection.

#### **I-TRAN Challenges**

#### **I-TRAN must work with Malaysian authorities for the following:**

- To arrange temporary work permits for the adults to work
- Provide healthcare support system
- Ensure child education support system

#### **What we as Tamil Diaspora should do:**

- Provide funds necessary to maintain the refugees until a solution with the Malaysian authorities can be reached
- Volunteer for sponsorship for resettlement in a third country (you can approach local churches, donors etc.)
- Lobby UNHCR internationally

#### **Do research into the status of Sri Lankan Tamil refugees?**

- To find the exact number of refugees in Malaysia
- To keep a record of their plight

#### **Conclusion**

- If Malaysia wants to be taken seriously as a human rights defender, it must act consistently with all refugees that arrive at its border

- The government should provide them with documents, basic humanitarian assistance, access to social services, and a chance to work and educate their children, so that they can lead a semblance of dignified life while in Malaysia.
- In February, Home Ministry Secretary-General announced plans to issue identification cards to refugees, recognized by UNHCR that would entitle them to stay temporarily in the country and work. This plan, if implemented properly, will be a landmark moment for refugees.
- Malaysian Tamil Forum, a non-government organization, is currently pushing for temporary work permit for the adults to work

#### **Summary of our Mission...**

- Since they cannot work legally, they are finding it hard to get jobs in Malaysia
- They are constantly harassed by the police, immigration and paramilitary and put into prisons and forcibly deported in spite of having the UNHCR refugee identification cards
- We urge our communities here in Canada, in all diasporas and the international community to come together and meet these challenges

**If we do not respond to these needs now, they will be forced to beg on the streets, resort to prostitution, and steal food leading to the destruction of their culture and dignity**

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#### **5. I-TRAN Recommendations and Plan to meet Goals**

- Major lobbying for policy changes unfavorable to innocent refugee and asylum seekers

##### **India:**

- Sri Lankan Tamil culture is same as in Tamil Nadu
- India not sign the Refugee Convention signatories countries
- Campaign to Indian authority for temporary work permit for the Sri Lankan Tamil refugees and give citizenship for people born in India;
- Campaign to Indian authority for admit Sri Lankan Tamil refugees children in local school;
- Campaign to Indian authority for admit Sri Lankan Tamil refugees to admit high school and university;
- Release them from camps and integrate with local community; and
- Engaged constant discussion and negotiation with the Indian Authority until achieved goal

##### **Malaysia:**

- Estimates of the local Malaysian Tamil population vary between one million and one million seven hundred thousand. Their culture is same as the Sri Lankan Tamil culture.
- Malaysia not sign the Refugee Convention signatories countries
- Campaign to Malaysia authority for temporary work permit for the Tamil Refugees;
- Campaign to Malaysian for admit the Sri Lankan Tamil refugees in local Tamil school, High school, and University system;
- Constant talk through with UNHCR, facilitate for health care and welfare; and
- Constant talk or negotiate with UNHCR for the speedy re-settlement and speed up the refugee status determination (RSD)

##### **Indonesia and Thailand:**

- Both countries are not sign the Refugee Convention signatories countries



- Culture is totally different
- Constant talk with UNHCR to speed up the Refugee status of determination (RSD) and also re-settlement for industrialized countries;
- Constant talk with UNHCR facilitate for health care and welfare;
- Number of Tamil refugees are in detention camps

**European, North American, Australian and New Zealand countries:**

- These countries are signatory for Refugee Convention 1951 and Protocol 1967
- There are many Tamil refugees are refugee states applications rejected and some are deported to Sri Lanka. Start to talk to government authority;
- There are few Tamil refugees are in detention camps and to do the constant campaign and make them to release; and
- Refugees need the legal lawyer to act on behalf of them within the affordable cost.

**Plan to Meet Goals:**

- Major Advocacy for policy changes (UNHCR)
- Meeting government Authority (Policy discuss about Country of Origin Information COI)
- To develop stronger relationships and better collaboration among NGOs and Civil Society and other key stakeholders
- Build a good relationships to another countries to re-settle Tamil refugees

**6. I-TRAN's View**

We firmly believed, I-TRAN must engage with all major Tamil political parties to better the future of our homeland and refugees. We must especially establish strong relationships with Tamil political parties in our homeland. With this solid bond we can work together to achieve freedom and durable solution for refugees in 58 countries.