This document provides an update of UK Country Guidance case law, UK Home Office publications and developments in refugee producing countries (focusing on those which generate the most asylum seekers in the UK) between 26 May and 29 June 2021.

Ctrl + click the hyperlinked text to access the documents

**Legal Update**

**Sri Lanka**

**KK and RS (Sur place activities: risk) Sri Lanka CG [2021] UKUT 130 (IAC)**

In broad terms, **GI and Others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 319 (IAC)** still accurately reflects the situation facing returnees to Sri Lanka. However, in material respects, it is appropriate to clarify and supplement the existing guidance, with particular reference to sur place activities.

The country guidance is restated as follows:

1. The current Government of Sri Lanka (“GoSL”) is an authoritarian regime whose core focus is to prevent any potential resurgence of a separatist movement within Sri Lanka which has as its ultimate goal the establishment of Tamil Eelam.

2. GoSL draws no material distinction between, on the one hand, the avowedly violent means of the LTTE in furtherance of Tamil Eelam, and non-violent political advocacy for that result on the other. It is the underlying aim which is crucial to GoSL’s perception. To this extent, GoSL’s interpretation of separatism is not limited to the pursuance thereof by violent means alone; it encompasses the political sphere as well.

3. Whilst there is limited space for pro-Tamil political organisations to operate within Sri Lanka, there is no tolerance of the expression of avowedly separatist or perceived separatist beliefs.

4. GoSL views the Tamil diaspora with a generally adverse mindset, but does not regard the entire cohort as either holding separatist views or being politically active in any meaningful way.

5. Sur place activities on behalf of an organisation proscribed under the 2012 UN Regulations is a relatively significant risk factor in the assessment of an individual’s profile, although its existence or absence is not determinative of risk. Proscription will entail a higher degree of adverse interest in an organisation and, by extension, in individuals known or perceived to be associated with it. In respect of organisations which have never been proscribed and the organisation that remains de-proscribed, it is reasonably likely that there will, depending on whether the organisation in question has, or is perceived to have, a separatist agenda, be an adverse interest on the part of GoSL, albeit not at the level applicable to proscribed groups.

6. The Transnational Government of Tamil Eelam (“TGTE”) is an avowedly separatist organisation which is currently proscribed. It is viewed by GoSL with a significant degree of hostility and is perceived as a “front” for the LTTE. Global Tamil Forum (“GTF”) and British Tamil Forum (“BTF”) are also currently proscribed and whilst only the former is perceived as a “front” for the LTTE, GoSL now views both with a significant degree of hostility.

7. Other non-proscribed diaspora organisations which pursue a separatist agenda, such as Tamil Solidarity (“TS”), are viewed with hostility, although they are not regarded as “fronts” for the LTTE.
GoSL continues to operate an extensive intelligence-gathering regime in the United Kingdom which utilises information acquired through the infiltration of diaspora organisations, the photographing and videoing of demonstrations, and the monitoring of the Internet and unencrypted social media. At the initial stage of monitoring and information gathering, it is reasonably likely that the Sri Lankan authorities will wish to gather more rather than less information on organisations in which there is an adverse interest and individuals connected thereto. Information gathering has, so far as possible, kept pace with developments in communication technology.

Interviews at the Sri Lankan High Commission in London (“SLHC”) continue to take place for those requiring a Temporary Travel Document (“TTD”).

Prior to the return of an individual traveling on a TTD, GoSL is reasonably likely to have obtained information on the following matters:

i. whether the individual is associated in any way with a particular diaspora organisation;

ii. whether they have attended meetings and/or demonstrations and if so, at least approximately how frequently this has occurred;

iii. the nature of involvement in these events, such as, for example, whether they played a prominent part or have been holding flags or banners displaying the LTTE emblem;

iv. any organisational and/or promotional roles (formal or otherwise) undertaken on behalf of a diaspora organisation;

v. attendance at commemorative events such as Heroes Day;

vi. meaningful fundraising on behalf of or the provision of such funding to an organisation;

vii. authorship of, or appearance in, articles, whether published in print or online;

viii. any presence on social media;

ix. any political lobbying on behalf of an organisation;

x. the signing of petitions perceived as being anti-government.

Those in possession of a valid passport are not interviewed at the SLHC. The absence of an interview at SLHC does not, however, discount the ability of GoSL to obtain information on the matters set out in (10), above, in respect of an individual with a valid passport using other methods employed as part of its intelligence-gathering regime, as described in (8). When considering the case of an individual in possession of a valid passport, a judge must assess the range of matters listed in (10), above, and the extent of the authorities’ knowledge reasonably likely to exist in the context of a more restricted information-gathering apparatus. This may have a bearing on, for example, the question of whether it is reasonably likely that attendance at one or two demonstrations or minimal fundraising activities will have come to the attention of the authorities at all.

Whichever form of documentation is in place, it will be for the judge in any given case to determine what activities the individual has actually undertaken and make clear findings on what the authorities are reasonably likely to have become aware of prior to return.

GoSL operates a general electronic database which stores all relevant information held on an individual, whether this has been obtained from the United Kingdom or from within Sri Lanka itself.
This database is accessible at the SLHC, BIA and anywhere else within Sri Lanka. Its contents will in general determine the immediate or short-term consequences for a returnee.

(14) A stop list and watch list are still in use. These are derived from the general electronic database.

(15) Those being returned on a TTD will be questioned on arrival at BIA. Additional questioning over and above the confirmation of identity is only reasonably likely to occur where the individual is already on either the stop list or the watch list.

(16) Those in possession of a valid passport will only be questioned on arrival if they appear on either the stop list or the watch list.

(17) Returnees who have no entry on the general database, or whose entry is not such as to have placed them on either the stop list or the watch list, will in general be able to pass through the airport unhindered and return to the home area without being subject to any further action by the authorities (subject to an application of the HJ (Iran) principle).

(18) Only those against whom there is an extant arrest warrant and/or a court order will appear on the stop list. Returnees falling within this category will be detained at the airport.

(19) Returnees who appear on the watch list will fall into one of two sub-categories: (i) those who, because of their existing profile, are deemed to be of sufficiently strong adverse interest to warrant detention once the individual has travelled back to their home area or some other place of resettlement; and (ii) those who are of interest, not at a level sufficient to justify detention at that point in time, but will be monitored by the authorities in their home area or wherever else they may be able to resettle.

(20) In respect of those falling within sub-category (i), the question of whether an individual has, or is perceived to have, undertaken a “significant role” in Tamil separatism remains the appropriate touchstone. In making this evaluative judgment, GoSL will seek to identify those whom it perceives as constituting a threat to the integrity of the Sri Lankan state by reason of their committed activism in furtherance of the establishment of Tamil Eelam.

(21) The term “significant role” does not require an individual to show that they have held a formal position in an organisation, are a member of such, or that their activities have been “high profile” or “prominent”. The assessment of their profile will always be fact-specific, but will be informed by an indicator-based approach, taking into account the following non-exhaustive factors, none of which will in general be determinative:

i. the nature of any diaspora organisation on behalf of which an individual has been active. That an organisation has been proscribed under the 2012 UN Regulations will be relatively significant in terms of the level of adverse interest reasonably likely to be attributed to an individual associated with it;

ii. the type of activities undertaken;

iii. the extent of any activities;

iv. the duration of any activities;

v. any relevant history in Sri Lanka;

vi. any relevant familial connections.
The monitoring undertaken by the authorities in respect of returnees in sub-category (ii) in (19), above, will not, in general, amount to persecution or ill-treatment contrary to Article 3 ECHR.

It is not reasonably likely that a returnee subject to monitoring will be sent for “rehabilitation”.

In general, it is not reasonably likely that a returnee subject to monitoring will be recruited as an informant or prosecuted for a refusal to undertake such a role.

Journalists (whether in print or other media) or human rights activists, who, in either case, have criticised the Sri Lankan government, in particular its human rights record, or are associated with publications critical of the government, face a reasonable likelihood of being detained after return, whether or not they continue with their activities.

Individuals who have given evidence to the LLRC implicating the Sri Lankan security forces, armed forces, or the Sri Lankan authorities in alleged war crimes, also face a reasonable likelihood of being detained after their return. It is for the individual concerned to establish that GoSL will be aware of the provision of such evidence.

There is a reasonable likelihood that those detained by the Sri Lankan authorities will be subjected to persecutory treatment within the meaning of the Refugee Convention and ill-treatment contrary to Article 3 ECHR.

Internal relocation is not an option within Sri Lanka for a person at risk from the authorities.

In appropriate cases, consideration must be given to whether the exclusion clauses under Article 1F of the Refugee Convention are applicable.

APPLICATION OF THE PRINCIPLE IN HJ (IRAN)

It is essential, where appropriate, that a tribunal does not end its considerations with an application of the facts to the country guidance, but proceeds to engage with the principle established by HJ (Iran) [2010] UKSC 31; [2010] 1 AC 596, albeit that such an analysis will involve interaction with that guidance.

When applying the step-by-step approach set out in paragraph 82 of HJ (Iran), careful findings of fact must be made on the genuineness of a belief in Tamil separatism; the future conduct of an individual on return in relation to the expression of genuinely held separatist beliefs; the consequences of such expression; and, if the beliefs would be concealed, why this is the case.

UK Home Office Publications Update

Afghanistan


Iraq

UK Home Office, Country Policy and Information Note, Iraq: Opposition to the government in the Kurdistan Region of Iraq (KRI), 11 June 2021

Sri Lanka
Country News and Publications

Global


Afghanistan

Radio Free Europe, *Thousands Of Afghan Families Displaced As Fight For Kunduz Rages*, 26 June 2021


Amnesty International news, *Afghanistan: Deliberate killing of civilians must be investigated following deadly attacks*, 16 June 2021

Human Rights Watch dispatches, *Deadly Afghanistan Attack Shows Dangers to Humanitarian Workers*, 11 June 2021


Human Rights Watch commentary, *Doing Human Rights in Afghanistan Right this Time*, 27 May 2021

Algeria


Amnesty International research, *Algeria: Joint Letter To The Human Rights Council Calling For States’ Action To Address The Algerian Authorities’ Alarming Crackdown On Pro-Democracy Forces*, 17 June 2021

Bangladesh


Human Rights Watch commentary, *Bangladesh’s Unplanned Relocation of Rohingya Refugees to Bhasan Char Island is Risky*, 7 June 2021

Amnesty International campaigns, *Bangladesh: Engineer Arrested For Facebook Post: Shahnewaz Chowdhury*, 3 June 2021


**Brazil**

Human Rights Watch dispatches, *First Conviction for Dictatorship Crimes in Brazil*, 22 June 2021

Human Rights Watch news, *Brazil: Failure to Respond to Education Emergency*, 11 June 2021

OHCHR press release, *Brazil: UN experts deplore attacks by illegal miners on indigenous peoples; alarmed by mercury levels*, 2 June 2021


**Cameroon**

Human Rights Watch news, *IMF: Make Cameroon Loan Contingent on Anti-Corruption*, 18 June 2021

Human Rights Watch dispatches, *Cameroonian Human Rights Lawyer Detained on Bogus Terrorism Charges*, 7 June 2021

The New Humanitarian, *Caught in the middle: Peace activists in Cameroon try to end a brutal war*, 1 June 2021

**China**


Radio Free Asia, *China Goes After Online Fan Groups Amid Clampdown Ahead of Centenary*, 16 June 2021


Radio Free Asia, *Outspoken Chinese Dissident Detained by Police in Guangzhou*, 1 June 2021

Amnesty International news, *China: Australian-Chinese writer held on baseless ‘spying’ charges must get fair trial*, 26 May 2021
China-Tibet


Radio Free Asia, *Tibetan Scholar Arrested for His Writings Has Been Held Without Trial for Two Years*, 18 June 2021

China-Xinjiang


Amnesty International news, *UN: Growing international concern must translate into concrete action over China’s crimes against humanity in Xinjiang*, 22 June 2021

Amnesty International research, *China: “Like We Were Enemies In A War”: China’s Mass Internment, Torture, And Persecution Of Muslims In Xinjiang*, 10 June 2021

Democratic Republic of Congo (DRC)

UNHCR briefing note, *Nearly 6,000 people flee brutal attacks on displacement sites in eastern DR Congo*, 4 June 2021

UNHCR briefing note, *Some 350,000 people in urgent need of help in Goma*, 1 June 2021

Egypt


International Federation for Human Rights statement, *Egypt: On the second anniversary of his detention, the FIDH and OMCT are standing in solidarity with Zyad al-Elaimy*, 25 June 2021


Amnesty International news, *Egypt: Death sentences upheld for 12 defendants after shameful mass trial*, 14 June 2021

Amnesty International research, *Egypt: Arbitrarily Detained Researcher Beaten And Accused Of Terrorism: Ahmed Samir Santawy*, 4 June 2021

Amnesty International research, *Egypt: President Should Act To Unshackle Freedoms*, 1 June 2021

Eritrea

Human Rights Watch news, *International scrutiny for dire rights situation in Eritrea must continue*, 22 June 2021


Ethiopia

The New Humanitarian, *Death threats and sleepless nights: The emotional toll of reporting Ethiopia’s Tigray conflict*, 29 June 2021


Human Rights Watch news, *NGOs Call for UN Human Rights Council Resolution on Tigray*, 11 June 2021


Ghana

Human Rights Watch news, *Ghana: Drop Charges Against LGBT Rights Defenders*, 17 June 2021


India

Human Rights Watch dispatches, *UN Head Urges India to Join Safe Schools Declaration*, 23 June 2021

Human Rights Watch dispatches, *Landmark Ruling in India for Survivors of Sexual Abuse with Disabilities*, 1 June 2021


Iran

Amnesty International research, *Iran: Release Ahwazi Arab Man Forcibly Disappeared In Reprisal For His Relatives’ Activism*, 24 June 2021

Amnesty International news, *Iran: Stop imminent execution of young man arrested and tortured at 17*, 21 June 2021

OHCHR press release, *Iran: Jailed for defending women who opposed compulsory veiling, Nasrin Sotoudeh must be freed, say UN experts*, 21 June 2021


**Iraq**

Amnesty International news, *Kurdistan Region of Iraq: Arbitrary arrests and enforced disappearance of activists and journalists*, 15 June 2021


**Kenya**

International Crisis Group podcast, *The Court Ruling That Just Upended Kenyan Politics*, 2 June 2021

**Lebanon**


**Libya**

Human Rights Watch commentary, *Tough Challenge for German Leadership in Libya Talks*, 23 June 2021


UNHCR press release, *IOM and UNHCR condemn the return of migrants and refugees to Libya*, 16 June 2021


**Malaysia**

Human Rights Watch dispatches, *Malaysia Should Legally Recognize Transgender People*, 22 June 2021
Morocco


Amnesty International news, *Morocco: Critically ill hunger-striking journalist must be granted adequate medical care*, 28 May 2021


Myanmar/Burma


Radio Free Asia, *At Least 64 Myanmar Protesters, Two of Them Underage, Sentenced to Death by Military Courts*, 25 June 2021


OHCHR press release, *Bachelet issues strong warning of imminent further bloodshed and suffering in Myanmar*, 11 June 2021


Nepal


Nigeria

The New Humanitarian, *Death of Boko Haram leader doesn’t end northeast Nigeria’s humanitarian crisis*, 17 June 2021


Human Rights Watch dispatches, *Nigeria’s Twitter Ban Follows Pattern of Repression*, 7 June 2021

Amnesty International news, *Nigeria: #TalkYourTruth - a campaign to secure the Right to Freedom of Expression*, 31 May 2021

Amnesty International news, *Nigeria: Authorities not doing enough to protect lives*, 28 May 2021

North Korea

Radio Free Asia, *Grain-Short North Korea Forces Housewives to ‘Volunteer’ for Farm Work*, 21 June 2021

Occupied Palestinian Territories (OPTs)

Amnesty International news, *Palestine: Investigation into death in custody of Palestinian activist must be transparent, effective*, 24 June 2021

Amnesty International news, *Israeli police targeted Palestinians with discriminatory arrests, torture and unlawful force*, 24 June 2021

Amnesty International news, *Israeli army shutdown of health organization will have catastrophic consequences for Palestinian healthcare*, 9 June 2021

Human Rights Watch commentary, *It’s Time to Update the U.S. Approach to Israeli Rights Abuses*, 27 May 2021

Pakistan


OHCHR press release, *Pakistan: UN experts demand halt to mass evictions along Karachi’s watercourses*, 25 June 2021

Amnesty International news, *Pakistan: Escalating Attacks on Journalists*, 3 June 2021

Amnesty International news, *Pakistan: Acquittal of couple on death row for sending ‘blasphemous’ texts delivers long-awaited justice*, 3 June 2021

Russia

International Partnership for Human Rights, *Young woman at risk of torture and abuse after abduction and return to Chechnya*, 22 June 2021

Amnesty International research, *Russian Federation: Nikolay Platoshkin’s Conviction Must Be Quashed*, 28 May 2021

Amnesty International news, *Russia: Open Russia movement forced to dissolve while its members face severe reprisals*, 27 May 2021

Human Rights Watch dispatches, *Russia Should End Harassment of Opposition Activist*, 27 May 2021
Amnesty International news, *Russia/Ukraine: Crimean Tatar human rights defender’s sentence upheld in mockery of international law*, 26 May 2021

**Somalia**

International Crisis Group, *The U.S. War on Terror in Somalia: How to End an Endless War*, 3 June 2021

**Sri Lanka**


Amnesty International research, *Sri Lanka Struggles To Respond Effectively To Covid-19 Third Wave*, 10 June 2021


**Sudan**

The New Humanitarian, *From global cause to forgotten crisis: A reporter’s diary from Darfur*, 15 June 2021

Amnesty International news, *Sudan: Speed up investigations into 2019 Khartoum massacre*, 3 June 2021

**Syria**

Amnesty International news, *Syria: Russian threat to veto renewal of last aid corridor leaves millions at risk of humanitarian catastrophe*, 25 June 2021


**Turkey**


International Federation for Human Rights statement, *Turkey Must Promptly Investigate the Violent Attacks Against Opposition Figures*, 21 June 2021

Amnesty International research, *Turkey: Weaponizing Counterterrorism: Turkey Exploits Terrorism Financing Assessment To Target Civil Society*, 18 June 2021

Human Rights Watch news, *Turkey Flouts European Court Judgments*, 4 June 2021
Uganda

UNHCR press release, *COVID-19 poses a major threat to the life and welfare of refugees in Uganda*, 17 June 2021

Minority Rights Group news, *How the Ugandan Constitution perpetuates discrimination against ethnic minorities*, 2 June 2021


Ukraine

Human Rights Watch news, *Ukraine: Reform of Abusive Security Agency at Risk*, 3 June 2021


Vietnam

Radio Free Asia, *Vietnamese Police Go to Arrest Journalist, Miss Him at Home*, 26 June 2021


Yemen

Internal Displacement Monitoring Centre report, *Internal Displacement’s Impacts On Health In Yemen*, 11 June 2021


Amnesty International news, *Yemen: Detainees tortured and arbitrarily detained for years then forced into exile upon release*, 27 May 2021

Sources consulted: Amnesty International; Human Rights Watch; Institute for War and Peace Reporting; Internal Displacement Monitoring Centre (IDMC); International Crisis Group; International Federation for Human Rights (FIDH); International Partnership for Human Rights (IPHR); Minority Rights Group International; The New Humanitarian; Radio Free Asia; Radio Free Europe/Radio Liberty; Reporters Without Borders; UN Agencies, Committees, Special Rapporteurs and news.

Sources consulted for annual reports: Amnesty International; Freedom House; Human Rights Watch; U.S. Department of State

Additional useful COI databases for case-specific country research (non-exhaustive):

- Asylos’s research notes [Subscription only]
- COI Forum [Subscription only]
- EASO COI Portal [European Asylum Support Office’s portal]
- Electronic Immigration Network [Subscription only]
- ECOI.net [European Country of Origin Information Network]
- Refworld [UNHCR’s portal]
- ReliefWeb

For useful sources arranged by theme consult ARC Foundation’s free Themetic COI Sources toolkit.