



CLINIQUE DOCTORALE  
AIX GLOBAL JUSTICE

Clinique de Droit international  
des droits de l'homme

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**Sri Lanka**

**La situation des réfugiés  
Sri Lankais en Inde et leur  
retour au Sri Lanka**

Février 2024

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### **Demande de recherche :**

1. Quelle est la situation actuelle des personnes qui ont été des Tigres à un moment de leur vie (même si enrôlés de force) ? Comment sont-ils considérés en Inde ? au Sri Lanka ?
2. Comment les camps fonctionnent-ils ? Comment y arrivent-ils, en partent-ils ? Comment y vivent-ils ?
3. Quel est le risque pour un couple indien/Sri Lankais ?
4. Quels sont les moyens d'existence des réfugiés sri lankais ? (Documents ? Droits au travail ? logement ? études ?)
5. En cas de retour, quelle serait l'existence de leur fils né en France ? A quoi pourrait-il s'attendre ? (santé, éducation, droits...)

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## Synthèse générale

Au Sri Lanka, le 23 juillet 1983, **les Tigres de libération de l'Îlam tamoul (LTTE)** organisent des attentats contre des forces armées du gouvernement Sri Lankais. **La riposte est immédiate contre la minorité tamoule** (environ 12 % de la population au début des années 1980). C'est le début de la **guerre civile**, qui durera jusqu'en 2009, et **qui opposera ainsi le gouvernement Sri Lankais, à majorité cinghalaise bouddhiste, au LTTE, une organisation séparatiste dont l'objectif était la création du Tamil Eelam, un État indépendant dans l'Est et le Nord du pays**. Ces 26 années de guerre civile feront entre 80 000 et 100 000 morts. À la fin du conflit, l'ONU établit que plus de 300 000 personnes auraient fui les zones de combat.

Depuis, **la communauté tamoule reste très fragilisée, et la situation des anciens membres du LTTE est particulièrement difficile**. A cela s'ajoute un **climat d'impunité pour les exactions commises par le gouvernement sri lankais à l'encontre du LTTE pendant le conflit**. En effet, en février 2020, le gouvernement du Sri Lanka a retiré son accord à la résolution 30/1 du Conseil des droits de l'homme de l'ONU, qui visait à établir la responsabilité des auteurs des crimes commis pendant la guerre. Pourtant, un rapport de l'ONU publié en janvier 2021 indique que « l'incapacité du Sri Lanka à faire face aux violations du passé a considérablement accru le risque que de graves violations des droits de l'homme se reproduisent ».

Face à cette situation qui perdure, des milliers de Sri Lankais tamouls fuient pour éviter les persécutions ou pour des raisons économiques. **L'Inde est la destination privilégiée de la diaspora sri lankaise**, en raison des liens ethniques entre les tamouls du Sri Lanka et les tamouls d'Inde.

Une fois arrivés, les réfugiés Sri Lankais s'installent dans des **camps** au Tamil Nadu (sud-est de l'Inde), dans des **conditions précaires** : logements **délabrés**, problèmes **d'approvisionnement en eau et en électricité, manque de produits de première nécessité. Les femmes et les enfants sont victimes d'abus et de violences sexuelles.**

**L'Inde n'a pas ratifié la Convention de Genève relative au statut de réfugié** de 1951, ni son protocole facultatif. Les « réfugiés » Sri Lankais ne sont donc pas des réfugiés au sens de la Convention, même s'ils le sont *de facto*. Cela entraîne des complications dans leur vie quotidienne. Bien qu'ils aient accès à certains documents de base pour leur permettre de rester sur le territoire indien, ils ont des difficultés à accéder au marché du travail et sont cantonnés à exercer des **emplois précaires**.

A cela s'ajoutent **les difficultés rencontrées en Inde par un couple binational indien et sri lankais**. Le mariage est ancré dans les traditions et le **choix du partenaire est fait par la famille**. En cas de retour en Inde, un tel couple se retrouverait dans une **situation d'isolement**.

Enfin, un enfant qui revient en Inde, même s'il a la nationalité indienne, sera confronté à des problèmes de **sous-alimentation** et aura des **difficultés à accéder aux soins de base et à une éducation continue**. Dans le cas du Sri Lanka, la crise multidimensionnelle qui a plongé le pays dans la pauvreté rend les enfants particulièrement vulnérables : près de la moitié des enfants bénéficient déjà d'une aide d'urgence. Leur développement physique et mental est en danger.

## **1. La situation actuelle des anciens Tigres en Inde et au Sri Lanka**

Bien que la guerre civile au Sri Lanka soit terminée, les anciens membres des Tigres tamouls et leurs proches sont toujours confrontés à de nombreuses difficultés. Au Sri Lanka, il existe une situation de **discrimination envers la communauté tamoule** en général, particulièrement envers les anciens membres des Tigres tamouls. De son côté, **l'Inde condamne aujourd'hui fermement tous ceux qui ont été affiliés au LTTE**, même si cette position semble s'adoucir. Au sein des deux pays, les informations relatives à une différence de traitement entre les membres forcés et volontaires du LTTE sont rares. La distinction entre les individus se fait plutôt en fonction de leur degré d'implication dans le LTTE.

### **1.1. Une politique de discrimination générale envers la communauté tamoule au Sri Lanka**

Les personnes ayant été des Tigres et leurs familles sont, encore aujourd'hui, **surveillées** par les forces gouvernementales, **intimidées, harcelées, voire emprisonnées**. Leur réintégration dans la société Sri Lankaise est difficile, d'autant qu'il existe dans le pays une **véritable politique de discrimination** à l'égard de la communauté tamoule, dont les Tigres sont issus. Face à cette situation, **la diaspora tamoule, historiquement dominée par les Tigres, s'organise et fait pression sur le gouvernement Sri Lankais** pour mettre en place des politiques à la fois favorables à la communauté tamoule, mais aussi à la cause nationaliste issue du LTTE.

#### **1.1.1. La situation actuelle difficile des personnes anciennement affiliées aux Tigres tamouls**

Source: ANANDAKUGAN Nithyani, *The Sri Lankan Civil War and Its History, Revisited in 2020*, Harvard International Review, 31 août 2020.

« **Moreover, the Sri Lankan government often surveils and tracks people linked to LTTE.** »

Source: MEYER Eric, *Sri Lanka: Le problème tamoul n'est pas réglé*, Journal du dimanche, mis à jour le 21 janvier 2023.

« [...] Il y a d'autre part la population civile. Près de 100 000 personnes ont fui les combats et ont été relocalisées dans des camps du gouvernement. **Cela pose un problème majeur car suspectées d'être des sympathisants de la cause des Tigres, elles sont contrôlées et ne sont pas libres de leurs mouvements [...]. Beaucoup de jeunes tamouls ont choisi d'émigrer.** »

Source: KANAGARTHANAM Jashmiya, *International Journal of Teaching and Education, Political, Social and economic issues of the rehabilitated ex-combatants in the Sri Lankan Northern Province*, avril 2021.

“The fact that they are **treated differently by the community**, that they are not allowed to attend public events, and that neighbors and relatives are afraid to befriend them, socially **neglects them.**”

Source: MANTOVAN Giacomo, *One Thousand and One Defeats: An Anthropology of the Vanquished, Requiem for a Sacrifice: Mourning Narratives of the Tamil Tigers' Defeat*, 2022.

“The defeat put the LTTE survivors in a position of inferiority with respect to both the Sri Lankan government and the Tamil community, making them disappear from the political arena and silencing them. **The Sri Lankan government did not treat the LTTE survivors as political actors with political demands, but as ruthless terrorists to be sent to rehabilitation camps and kept under surveillance by the security forces.** As Rachel Seoighe (2017) has shown, **the government has sought to erase the LTTE's memory**—for example, by destroying all LTTE cemeteries. [...] **Now that the LTTE has been defeated, Tamil nationalist associations have become independent and refuse admittance to former fighters. Some members of the associations even consider these survivors to be “traitors”, particularly those who were taken to government-run rehabilitation camps and are suspected of having collaborated with the Sri Lankan security forces in exchange for their release.**”

Source: Austrian Red Cross, *Sri Lanka: Situation of Tamils with links to the Liberation Tigers of Tamil Eelam (LTTE); situation of family members of former LTTE members*, février 2023.

“**Rajapaksa said there are about 38 cases involving ex-LTTE cadres whose cases are still being heard for over 20 years while still being held in remand custody.** The MP said 13 ex-LTTE cadres are **detained without any charges** while 35 who are facing imprisonment upon final court verdict have also been in remand custody for many years before their final verdict [...]. OHCHR has received a number of reports stating that victim groups continue to face **harassment and intimidation** from the authorities, including multiple visits from intelligence and police officers inquiring about plans for protests or commemorations, or their past links with LTTE. In addition, rehabilitated LTTE members and their families or anyone considered to have had any link to LTTE during the conflict are **targets of constant surveillance. Former Liberation Tigers of Tamil Eelam cadres**, including women, are subject to **intensive surveillance**, regardless of whether they have undergone the Government's 'rehabilitation' scheme or not. The High Commissioner fears that, without fundamental security sector reforms and the demilitarization of the north and the east, **the pervasive culture of surveillance and oppressive environment for the people in these areas will continue** [...]. On the other hand, **DFAT observes that former LTTE members face no legal barriers to participating in public life, including politics**, giving the example of the Crusaders for Democracy Party, that was formed by ex-combatants and ran for the 2015 parliamentary elections (but did not win any seats) [...] **not all former LTTE members are equally facing surveillance by the security forces.** Moreover, according to a former LTTE member quoted in the report, **not all would perceive it as a major problem or danger** [...] Local sources in the north characterised **former LTTE members as the most vulnerable and neglected segment of the Tamil population. Former LTTE members face ongoing challenges**

**reintegrating fully into society.** Sources told DFAT that unemployment among this cohort, particularly the women, is high. Many [...] lack the skills to find and hold meaningful employment, and some have reportedly resorted to criminal activities [...] In-country sources said that the lack of economic options experienced by former LTTE members meant that some had become paid informers for the authorities. Anecdotal evidence indicates that mental illness linked to the war is prevalent among former LTTE members. Those with disabilities sustained during the war receive minimal state support, if any at all.”

Source : Bureau of Democracy, Human Rights, and Labor, *2022 Country Reports on Human Rights Practices: Sri Lanka*, 20 mars 2023.

“Throughout the country, but especially in the north and east, **Tamils reported security forces regularly monitored and harassed members of their community, especially activists, journalists, and NGO staff and former or suspected former LTTE members.**”

Source: GUYOT Lola, *If you become a slave here, do you think they're going to fight there? Tamil Diaspora Mobilizations and Host-country Politics*, South Asia Multidisciplinary Academic Journal, 24 novembre 2021.

« Given the **repression and disempowerment** of Tamil opposition forces operating in Sri Lanka, post-war Tamil diaspora politics no longer take the form of enormous support for political actors at home. Instead, they mostly consist in **efforts to make international actors force the Sri Lankan government to implement measures favorable** to the Tamil population and in efforts to *perpetuate a commitment* of the diaspora to the Tamil nationalist cause. [...] a large part of the activities of the former diasporic LTTE structures are **community-oriented activities** aiming at keeping the “nationalist flame” alive in the diaspora.”

### **1.1.2. Une situation inscrite dans un contexte de discrimination à l'égard de la minorité tamoule en général**

Source: GUYOT Lola, *If you become a slave here, do you think they're going to fight there? Tamil Diaspora Mobilizations and Host-country Politics*, South Asia Multidisciplinary Academic Journal, 24 novembre 2021.

“The post-war situation is characterized by a **triumphalist state discourse** denying the **massacres, the militarization** of the Tamil regions, **widespread human rights violations**, and the **systematic repression** of Tamil critical voices. The war **drove hundreds of thousands of Tamil refugees into exile**. Joining previous Tamil emigrants, they formed a large diaspora of about a million people, which today represents about 40% of the indigenous Tamil population in Sri Lanka.”

Source: RAJAPAKSA Gotabaya, *President's address to the Nation*, 18 novembre 2020.

“It is no secret that the majority who voted for me then were Sinhalese. They rallied because they had **legitimate fears that the Sinhala race, our religion, national resources and the heritage**



would be threatened with destruction in the face of various local and foreign forces and ideologies that support separatism, extremism and terrorism. The main appeal made by the people to me was to, “Protect the Country”.”

Source: ANANDAKUGAN Nithyani, *The Sri Lankan Civil War and Its History, Revisited in 2020*, Harvard International Review, 31 août 2020.

“Although the Civil War ended in 2009, the current situation in Sri Lanka has only partially improved. **A large portion of the Tamil population remains displaced.** While there are fewer **political and civil rights issues, instances of torture and enforced disappearances persist** even in recent years [...]. **The Sri Lankan military still occupies predominantly Tamil areas designated as “high-security zones”,** though to a lesser extent than during the war. The government’s Prevention of Terrorism Act (PTA) targets mostly Tamils. In a more subtle sense, the Sri Lankan government continues to **disenfranchise the Tamil community.** Through the process of “Sinhalization” for instance, **Sinhalese culture has slowly replaced that of the Tamil population.** Sinhalese monuments, road signs, street and village names, as well as Buddhist places of worship became more common in predominantly Tamil areas. **These efforts have infringed upon, and in some cases even erased, the Tamil perspective on Sri Lankan history, as well as Tamil and Hindu elements of the country’s culture.”**

Source: ROBINSON Timothy, CURTIS John, *House of Commons Library Sri Lankan Tamils and human rights*, 1er décembre 2023.

“In February 2020 the Sri Lankan government, then led by President Gotabaya Rajapaksa, withdrew its support for a UN-led reconciliation process, which had committed the Sri Lankan government to **investigate and prosecute war-related crimes as part of a package of wide-ranging legal reforms and transitional justice measures.”**

## **1.2. La situation des anciens Tigres en Inde**

Il est plus difficile d’obtenir des informations quant à la situation des anciens Tigres en Inde qu’au Sri Lanka. Cependant, la **position indienne condamne fermement les anciens membres ou sympathisants du LTTE**, considérée comme une organisation terroriste. Mais, au sein du pays, qui accueille de très nombreux réfugiés Sri Lankais, cette **position tend à s’adoucir.**

### **1.2.1. La position officielle indienne contre les Tigres tamouls**

Source: The Hindu, *NIA searches residences of NTK functionaries with suspected LTTE links across Tamil Nadu*, 2 février 2024.

“The National Investigation Agency (NIA) on Friday, February 2, 2024, launched simultaneous searches at the premises of several Naam Tamilar Katchi (NTK) functionaries for their alleged

links with foreign-based cadres and sympathisers of the Liberation Tigers of Tamil Eelam (LTTE), **a proscribed organisation.**”

Source: Indian Express, *Explained: India extends ban on LTTE – background and context*, 2019.

“ **The LTTE was designated as a terrorist organisation by 32 countries, including, [...] India, [...]. India first banned the LTTE after the assassination of Rajiv Gandhi.**”

Source: SINGH Vijaita, *Ban on LTTE extended for another five years*, The Hindu, 3 décembre 2021.

“The Union government on Tuesday extended the ban on the Liberation Tigers of Tamil Eelam (LTTE) for violent and disruptive activities that are prejudicial to the integrity and sovereignty of the country. The Ministry of Home Affairs (MHA) renewed its **2014 notification to declare the LTTE as an “unlawful association” for another five years.** The MHA said the LTTE “continues to adopt a **strong anti-India posture** as also continues to pose a **grave threat to the security of Indian nationals**, it is necessary to declare LTTE as an unlawful association with immediate effect”. It noted that the “**diaspora continue to spread through articles in the Internet portals, anti-India feeling amongst the Sri Lankan Tamils** by holding the Government of India responsible for the defeat of the LTTE and such propaganda through Internet, which remains continued, is likely to impact Very Very Important Persons (VVIP) security adversely in India”. “The remnant LTTE leaders or cadres have also initiated efforts to regroup the scattered activists and resurrect the outfit locally and internationally”, the MHA said.”

Source: Indian Express, *NIA files charges against 3 LTTE supporters*, 12 novembre 2022.

“THE NATIONAL Investigation Agency (NIA) on Friday filed a charge sheet against three LTTE supporters who were allegedly planning terrorist acts to revive the **proscribed group in Tamil Nadu.**”

### **1.2.2. Une position progressivement moins catégorique**

Source: KOUSHIK Janardhan, *DMK MP’s admiration for Prabhakaran irks Karti Chidambaram, says eulogising LTTE leader doesn’t sit well with Congress*, Indian Express, 27 novembre 2023.

“Congress MP Karti P Chidambaram Monday criticised DMK MP Thamizhachi Thangapandian for praising Velupillai Prabhakaran, the founder-leader of the Sri Lankan Tamil separatist group Liberation Tigers of Tamil Eelam (LTTE), who was killed in 2009. Meanwhile, another DMK ally Viduthalai Chiruthaigal Katchi’s (VCK) deputy general secretary Vanni Arasu criticised Chidambaram, asking how long he would degrade Tamils by bringing up the assassination of Rajiv Gandhi. Vanni said Tamils continue to live in unspeakable horror in Tamil Eelam (a proposed independent state the Tamil diaspora aspires to create in the north and east of Sri Lanka) and **it is time for the Congress to change its stand.**”

Source: VENKATRAMAN K., *A. G. Perarivalan: A troubled past, but a fresh start*, The Hindu, 22 mai 2022.

« Arrested at the age of 19 by the Special Investigation Team (SIT) of the CBI for his involvement in Rajiv Gandhi’s assassination, **A.G. Perarivalan (Arivu) has a life story that consists of only two phases: a short spell spent in the service of the Liberation Tigers of Tamil Eelam (LTTE)**, an association that upended his life before he was out of his teens and sent him to the brink of the gallows; **and the rest is imprisonment**. Granted parole only a couple times during his nearly 31-year-long incarceration, **he was out on bail in the weeks before the Supreme Court’s verdict ordering his release.** »

### 1.3. *L’absence de différence de traitement entre les enrôlés de force et les participants volontaires au mouvement LTTE*

Il existe **peu d’informations** quant à l’existence ou à la non-existence d’un traitement différencié entre les membres enrôlés de force dans le mouvement LTTE et les membres volontaires. L’opinion publique indienne et sri lankaise étant pourtant consciente de l’enrôlement de nombreux membres par la force, au niveau judiciaire, la **différenciation des personnes se fait sur la base de leur degré d’implication au sein du LTTE** et non de la nature de leur recrutement.

Source: Austrian Red Cross, *Sri Lanka: Situation of Tamils with links to the Liberation Tigers of Tamil Eelam (LTTE); situation of family members of former LTTE members*, février 2023.

“There is an **acknowledgement** within the Tamil community that **many people were forced to participate** in LTTE activities against their will [...] **women who joined the LTTE voluntarily, faced greater difficulties in being accepted back into their communities than those who had been forcibly recruited by the LTTE.**”

Source: Austrian Red Cross, *Sri Lanka: Situation of Tamils with links to the Liberation Tigers of Tamil Eelam (LTTE); situation of family members of former LTTE members*, février 2023.

“In a February 2022 report, Human Rights Watch describes the case of a **man who had been forcibly recruited as a child by the LTTE. He was reportedly detained in 2009, tortured and forced to sign a document in Sinhala which he did not understand.** He was later sentenced to life imprisonment and remains in prison while an appeal is pending.”

Source: HETTIARACHCHI Malkanthi, *Sri lanka’s Rehabilitation Program: A New Frontier in Counter terrorism and Counter Insurgency*, Prism, 2013.

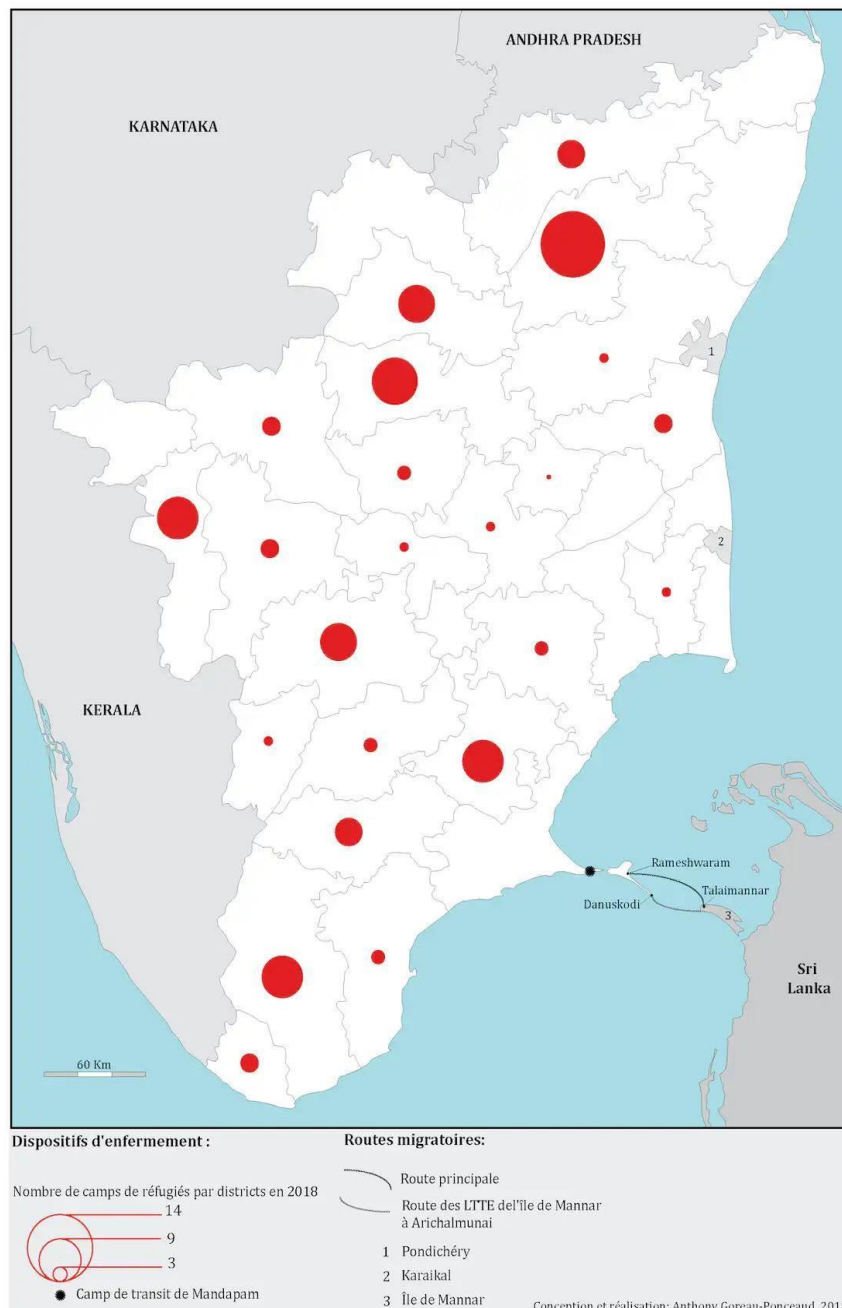
“The rehabilitation phase was aimed at working towards the successful reintegration of the beneficiaries through reconciliation and resettlement. The first step in the process was to categorize the surrendered and apprehended insurgents and terrorists. Utilizing interviews and background information, **law enforcement authorities and intelligence agencies categorized former insurgents based on their depth of involvement, period of involvement, and activities**

**conducted during involvement.** They were labeled as high, medium, or low risk, and allocated to detention and PARCs accordingly. Assessing the risk level of the detainees enabled the state to categorize them into A, B, C, d, e, and F groups. Serious insurgents were categorized into the A and B groups. They were frontline leaders and members. These prisoners were allocated to detention and not rehabilitation, and forced to go through a judicial process. **Following the findings of the investigation and assessments of the detainees' levels of cooperation, and based on those findings, the detainees were offered the option of joining the rehabilitation process or the judicial process.** The moderate group (category C and d) were assessed and allocated to either detention or to one of the twenty-four PARCs. The low risk group (category e and F) was allocated to the PARCs.”

## 2. Le fonctionnement des camps de réfugiés : exemple du camp de Mandapam

Le **camp de Mandapam**, près de Rameswaram dans le Tamil Nadu, accueille les **Sri Lankais une fois enregistrés en Inde**. Malgré l'aide alimentaire et l'aide financière du gouvernement, les **conditions de vie y sont difficiles**. De manière générale, à leur arrivée, les Sri Lankais bénéficient d'un traitement favorable en raison de liens ethniques avec les Indiens, **sauf s'ils ont des liens avec le LTTE**. Au départ des camps lorsqu'ils ne possèdent pas le statut de réfugié, les Sri Lankais **sont abandonnés par les autorités et peu de solutions s'offrent à eux**.

### Camps de réfugiés sri lankais au Tamil Nadu :



## **2.1. Les conditions de vie dans les camps de réfugiés en Inde**

Les camps de réfugiés ont été construits pour accueillir les personnes fuyant leur pays pour une **durée temporaire**. Seulement, en Inde et notamment au camp de Mandapam qui abrite le plus grand nombre de réfugiés tamouls sri-lankais et qui a servi de point de transit principal pour les réfugiés depuis 1983, certaines familles Sri Lankaises y ont construit leur vie depuis plusieurs décennies. **La vie dans les camps est comparable à la vie citadine avec des restrictions et des conditions de vie qui restent précaires** malgré les aides du gouvernement.

### **2.1.1. Un traitement favorable nuancé par des conditions de vie difficiles dans les camps de réfugiés**

Source: Forced migration review, *Sri Lankan Tamil refugees in India: return or integration?*, 2019.

“Sri Lankan Tamil refugees have arrived in the southern Indian state of Tamil Nadu at various times. Some arrived 30 years ago, others at the peak of the Sri Lankan civil war in the mid-2000s. Currently **more than 62,000 Tamil refugees live in 107 camps spread throughout Tamil Nadu**, and just **under 37,000 refugees live outside the camps**. Although refugees are entitled to residence visas and work permits, prolonged life in the camps **does not lead to resilience and empowerment**, and these refugees **consider themselves in limbo**, belonging neither to Sri Lanka nor to India and unable to get on with their lives.”

Source: GOREAU-PONCEAUD Anthony, BENTZ Anne-Sophie, *Jeux de placements des réfugiés sri-lankais en Inde du Sud*, 2021.

« Avec les Tibétains, **les Sri Lankais sont considérés comme le groupe de réfugiés le plus favorablement traité par les autorités indiennes**. Ils ont été largement admis par l’Inde, et une fois enregistrés auprès des autorités, ils ont la possibilité de vivre dans des camps, de **recevoir une aide financière et de la nourriture à prix subventionnés**. Le gouvernement du Tamil Nadu accorde des aides financières mensuelles : 1 000 roupies pour le chef de famille (une somme dérisoire et généralement gagnée en deux journées de travail), 750 pour l’épouse et 400 pour les autres membres de la famille et 1000 roupies par mois pour les personnes âgées de plus de 65 ans, les veuves et les indigents. A cela s’ajoutent des aides spécifiques pour le mariage et la naissance des enfants. »

Source: Outlook, *Refugee to illegal migrant: The journey of Sri Lankan Tamils to India*, 25 juillet 2023.

“What’s worse, the inmates of the camps must inform revenue officials if they plan to be away for more than 24 hours. Saravanan explains, “In the past, the conditions were stricter. We had to sign in the morning and evening every day in front of the village officer. Now, this rule has been relaxed.” **Anyone visiting the camp, including journalists, is closely monitored** by the Q Branch of the police in Tamil Nadu. In essence, the Sri Lankan Tamils, many of whom have Indian origins, **live at the mercy of the State**. They reside in a **partially closed, partially open prison, lacking the same dignity** as fellow human beings who were born and raised in India.

“We don’t belong here,” says Saravanan. “At the back of our minds, we always carry the burden of this thought. Therefore, we live like cowards. Even if I witness an accident, someone being lynched, or a clash between groups, I restrain myself and keep my distance, which goes against my conscience. But if I intervene and something goes wrong, I would be the easiest target because **I belong to no country.**” ”

Source: India today, *Sri Lankan Tamil refugees continue to demand Indian citizenship*, 17 septembre 2021.

“The community at large is denied opportunities, said members of the camp. Shivakumar, said, “We are denied chances to study MBBS and law. MBBS is difficult to get admission to for the people of this country itself, so you can imagine our plight. During the AIADMK regime, a Sri Lankan refugee girl had filed a case for MBBS seat. In the previous DMK government two or three seats were given but that again was lost in the following AIADMK government. Again, admission to law colleges has never been available to us. There is a fear that we will start asking questions. **They want us to remain as an oppressed community**”.”

Source: Article 14, *How the lack of a law for refugees in India affects Hindu Tamil asylum seekers from Sri Lanka*, 19 avril 2023.

“ “There is **no privacy and no community to lean on**, » she said. While the people in the camps are Sri Lankan Tamils, they are not from the same village and do not necessarily know each other”. “This **increases the abuse** as there is no one to stop verbal and physical abuse,” she said. The worst affected are **women and children.**”

Source: Radio Veritas Asia, *Sri Lankan refugees in India: in search of identity, survival*, 5 mai 2022.

“Unlike other citizens of India, **they are not free to move around the country**. With required documents in their hands within their camp-placed district, travelling is possible. Outside of that district, they should **obtain permission from the commissioner's office.**”

Source: Radio Veritas Asia, *Sri Lankan refugees in India: in search of identity, survival*, 5 mai 2022.

“**Life in the camp is simple.** They are provided with houses, monthly groceries, and stipends. The Revenue inspectors monitor them every month. If a person is not present in it at the time of inspection, then the ration is cut off.

**Life outside of the camp is not what it appears to be.** Often they do not receive periodic provisions for various reasons. One of them is being absent at the time of random inspection by the concerned government officials, says Vinoth.

But on arrival or meeting of national leaders and important leaders in the camp, **the refugees are supposed to be present scrutiny. Otherwise, they may face legal issues.**

**The daily maintenance of the family is apathetic.** Though they have good knowledge about the working fields with required educational qualifications, they are **still being unemployed or under-employed.**”

### 2.1.2. Exemple du camp de Mandapam : un camp de réfugiés offrant peu de perspectives d'avenir dans le pays d'accueil

Source: Radiate happy vibes, *Mandapam refugee camp*.

“Although it being a refugee camp, there are many families and people **who treat it as their home**. The camp barely has **any electricity and water** must be collected from taps and stored in vessels or buckets. [...] Although the Mandapam refugee camp provides **basic access to the necessities** it is not enough as **they have time restrictions to use them**. The refugee camp is more likely not the best one out there for refugees but it is enough for them to get by.”

Source: News nine, *Sri Lankans at Mandapam refugee camp tell News9, they'd rather « die at sea than go back »*, 20 avril 2022.

“ “We were determined to reach India to escape the hardships we had been facing in Sri Lanka. We were prepared to die in the sea if we couldn't reach India”, a Sri Lankan Tamil lodged at Mandapam refugee camp told us. [...]

**The Mandapam Camp which houses the largest number of Sri Lankan Tamil refugees** [...] was originally raised in 1917 during British rule, then it served as a transit facility for shipping labourers to work in the coffee, tea and rubber plantations in erstwhile Ceylon. After independence it continued as the property of the Sri Lankan government, and was purchased per the Srimao – Shashtri agreement of 1969 and converted into a repatriate camp for those returning to India from Sri Lanka. The Sri Lankan government had originally constructed **107 semi-permanent houses**. In 1969, **1,514 houses were added**. **Today there are 1,955 houses of which 92 are under repair**. Prior to the current refugee influx, **there were 1,181 persons comprising 454 families including 249 children were housed at the camp**. Many houses in the camp are apparently in **dilapidated condition** and it requires extensive repairs to roofs and seats. The roads have been laid out and connect all accommodations. However they are in bad conditions and **require extensive repairs**. Each family is **given a monthly stipend**. [...] Additionally, they will also get **6 kg rice and 2 liters of kerosene**. Inmates are **allowed to seek employment outside the camp** in local villages after obtaining a permit. They are **allowed to leave the camp at 6 am and have to report back by 6 pm**. They usually get employed as daily wage labourers at Rs 300-500 per day. Those who are skilled can get employed as painters, carpenters and masons at a much better remuneration. There are many young men in their teens who are married due to the social requirement in the conflict ridden areas in Sri Lanka for young girls to be married in their teens for safety and security. These young men move aimlessly around the camp without any work.”

Source: The Hindu, *Sri Lankan Tamil refugees, poor living conditions prevail*, 12 septembre 2021.

“Their list of woes is quite long. Housed in 108 camps in 29 districts of Tamil Nadu, **Sri Lankan Tamil refugees suffer from the size of dwelling units** — at many places, 10 ft x10 ft — and **lack of water supply, cleanliness and sanitation**. There are **some camps with no exclusive fair price shops**, compelling women to spend a few hours at times for their turn to get the essentials. The **Mandapam camp near Rameswaram, which served as the key transit point since 1983 for**



refugees before they were transferred to other places, **has a bumpy main road with several decrepit buildings.** »

Source: Medium, *An Eezham refugee's house by the Pathinathan*, 4 février 2021.

“A row of tiled roof houses built by the British still stand in the Mandapam camp. It has **old trees, a hospital, school, separate sub-collector office and a small jail.**”

Source: The print, « *3 meals, 2 cups tea* », *Sri Lankan Tamils crossing sea for refuge in Mandapam Camp again*, 31 août 2022.

“For now, Kodeeswaran and his wife, like several other newly arrived Lankan Tamils, **have been given accommodation, three meals and two cups of tea a day.** « My wife is nearly 8 months pregnant and the meals provided here are just not conducive for someone carrying a child, » he says. « But I understand that they are cooking for 150 people and cannot change it for just one person ».”

Source: The new Indian express, *With poor conditions in camps, Sri Lankan Tamils remain citizens of no-man's land*, 2019.

“ “Imagine a life of a family of **four living in just a 10x15 room for over three decades.** Our plight cannot be put in words,” said Mathiazhagan, who came to the Mandapam refugee camp, which can **accommodate 5000 people, in the early '90s.**”

## 2.2. **Une arrivée périlleuse en Inde avant un placement en camp de réfugiés**

L'arrivée en Inde est **périlleuse et dangereuse** quand bien même le trajet est assez court. Les Sri Lankais **dépensent leurs économies** pour payer des passeurs, souvent des pêcheurs, pour les mener au plus proche des côtes indiennes. Ils subissent ensuite des **contrôles policiers pour vérifier leurs affiliations** au LTTE. Une fois le contrôle passé, ils sont **placés dans les camps, dont un spécial en cas d'affiliation au LTTE, où l'attente d'une régularisation débute.**

Source: The citizen, *Mandapam, a safe space for Sri Lankan Tamils*, 26 mai 2022.

“The families usually arrive in Sri Lankan **fishing boats** and are dropped off close to the coast, in neck deep water. The refugees **have to wade through the water** with all their belongings. When the Indian fishermen spot them, they alert the Indian Navy and Coast Guard who then pick the refugees up, and send them to the **police station**. There are a couple of NGOs who **provide food and water** as the refugees wait to be sent to the police station. Once the verification formalities are completed at the police station, the refugees are given **ID cards, ration cards, essentials and sent to the Mandapam camp.** Every illegal migrant from Sri Lanka has to spend some time here before they are sent to other camps. Once at the camp, they are interrogated again and **if they are found to have any links with the separatist LTTE, they are handed over to the “Q branch” police.**”

Source: The new Indian express, *Came hoping for better life*, 18 avril 2022.

“According to statements, the refugees made to Marine police, many had not eaten for two to three days before making the trip. “They reach here exhausted. Initially, we were conducting an inquiry and then shifting them but now we are **giving them food and shifting them directly to the camp**. We start the inquiry after that,” a senior Marine police official said.”

Source: The news minute, « *Losing the will to live* »: *The story of Bhaskaran & other Lankan Tamil refugees in « special camps »*, 17 septembre 2021.

“I lie awake many times till five in the morning. I keep having suicidal thoughts and am losing the will to live,” says Bhaskaran Kumarasamy, a Sri Lankan Tamil refugee and ex-LTTE fighter currently lodged in the Trichy special camp in Tamil Nadu. Bhaskaran faces imminent deportation back to Sri Lanka, and has been fighting to get an audience with the Switzerland Embassy seeking asylum. [...]

**Then there are the special camps that are different from these regular refugee camps and also come under the Q Branch.** The camps are **highly surveilled and function almost as de facto prisons** — interestingly the Trichy camp is actually located within the Trichy Central Prison. As of now, there is only one such camp — the Trichy special camp that is functional. There is a **dearth of information** about the camps and a **general lack of awareness on how they function**. [...] Tholar Balan, an ex-inmate of one of the special camps who was arrested for an alleged LTTE connection, writes in his 2016 book “Concentration Camps of Tamil Nadu – The So-Called Special Camps”, that the camps were set up specifically to **intern former members of armed groups like the LTTE, PLOTE, TELO**, but there is a great deal of opacity regarding who winds up in one of these camps.”

### 2.3. Un départ incertain des camps de réfugiés

Avant tout départ des camps les individus doivent obtenir une permission des autorités indiennes, justifiant le grand nombre de Sri Lankais qui s'enfuient des camps de réfugiés en Inde. Or, du fait de leur statut instable, peu de solutions s'offrent à eux. Le Haut-Commissariat pour les Réfugiés (HCR) essaie de proposer un retour au Sri Lanka mais beaucoup décident de se rendre au Moyen-Orient dans le but de trouver un travail, de vivre dans de meilleures conditions, ou encore de demander la nationalité indienne.

Source: GOREAU-PONCEAUD Anthony, BENTZ Anne-Sophie, *Jeux de placements des réfugiés sri-lankais en Inde du Sud*, 2021.

« Les réfugiés sont censés soit retourner dans leur pays de départ, soit se réinstaller ailleurs ou encore s'intégrer durablement dans le pays d'accueil. Ainsi la temporalité de **l'arrivée est conçue et perçue comme brève, or elle ne l'est pas**. Dans le cas des réfugiés sri-lankais, **les trois solutions préconisées ne sont aucunement durables**. Elles ne sont envisagées ni par les personnes enquêtées ni par les institutions indiennes, soit parce qu'elles obligent à renoncer à un certain nombre de droits (rapatriement), soit parce qu'elles ouvriraient à de trop nombreux droits (intégration dans le pays d'accueil), soit encore parce qu'il faudrait clarifier légalement une

situation d'entre-deux (réinstallation). Néanmoins, il semble exister une quatrième solution qui bouscule l'hypothèse du nationalisme méthodologique : celle de la **mobilité**. **Les réfugiés sri-lankais se définissent justement par leur capacité à être "en mouvement"**. Cette capacité peut-être réelle ou parfois seulement potentielle.

Les entretiens menés dans le camp auprès des femmes âgées de 40 à 50 ans, montrent que ces dernières, [...] ont reçu des **offres d'agents au Sri Lanka** (qui avaient des homologues en Inde) d'aller en Arabie saoudite ou dans d'autres pays des Emirats Arabes Unis et d'Asie du sud-est pour travailler comme femmes de ménage. »

Source: The new Indian express, *With poor conditions in camps, Sri Lankan Tamils remain citizens of no-man's land*, 2019.

“ “If a refugee wants to leave a camp for any purpose, he or she must **approach the Village Assistants (thalayaris) to get a recommendation letter** from the Village Administrative Officer (VAO). **This has to be approved** by the District Revenue Inspector (DRI), who is in charge of the refugees, **and should be permitted** by the Rehabilitation Revenue Inspector (RRI) and a Tahsildar cadre officer,” said Mathiazhagan of the Mandapam camp.”

Source: Outlook, *Refugee to illegal migrant: The journey of Sri Lankan Tamils to India*, 25 juillet 2023.

“A majority of Sri Lankan Tamils that Outlook spoke to expressed a strong **reluctance to return to Sri Lanka**. Given the option, they would prefer to remain in India and obtain Indian citizenship. Udayakumar, a resident of Minnur camp, explains, “**Sri Lanka is a completely unfamiliar world to our children**. The younger generation hasn't even set foot in Sri Lanka and lacks any understanding of what it's like there.”

Romeo reveals that those who have been repatriated to Sri Lanka advise people not to make the same “**mistake**”. Granting citizenship to Sri Lankan Tamils in Sri Lanka has become entangled in legal complications and bureaucratic red tape. Moreover, racial discrimination persists even though the civil war has ended. The current financial crisis in Sri Lanka has only worsened the situation as even those who wanted to go back are having second thoughts.”

Source: Deccan chronicle, *UNHCR officials at Mandapam camp*, 2019.

“At least two officials of the United Nations High Commissioner for Refugees (UNHCR) visited the Mandapam camp near here, which houses the largest number Sri Lankan Tamil refugees in Tamil Nadu, on Monday as part of an **on-going process to help them return to northern Sri Lanka**. [...] However, in recent months with increasing perception among the Sri Lankan Tamil refugees that normalcy was being restored in the Tamil-speaking regions in Sri Lanka and normal life conditions slowly returning there, more and more refugees have been expressing a desire to go back to their native places there. The UNHCR has been volunteering free service to such refugees volunteering to return home [...].”

Source: Forced migration review, *Sri Lankan Tamil refugees in India: return or integration?*, 2019.

“**Return of belongings**: Currently, the repatriation offered by UNHCR is **by air and includes a**

**baggage allowance of only 60kg. For some, this alone is a reason not to return since they have accumulated many belongings after years in exile.** Many refugees would be ready to return to Sri Lanka if a ship could be provided to carry their belongings as part of the repatriation process.

**Access to land:** Some refugees find upon their return that **their land has been occupied by others**, including by the Sri Lankan government and military, as in Mullaitivu where returnees from India as well as internally displaced people **are struggling to reclaim their land from armed forces**, and in 2017 protested for three months against this occupation. [...]

**Security and the monitoring of safety conditions:** According to UNHCR, every refugee who returns through facilitated repatriation, as well as those who go back spontaneously but who register with UNHCR, should receive one year of protection monitoring. Despite this, returning refugees – particularly those who fled the atrocities towards the end of the war in 2009 – have expressed **fear for their safety**, including fear of being seen as having connections to the Liberation Tigers of Tamil Eelam (LTTE). »

### **3. Les risques d'exposition d'un couple binational indien / sri lankais en cas de retour en Inde et au Sri Lanka**

#### **3.1. Les risques encourus par un couple indien / sri lankais en cas de retour en Inde**

En cas de retour en Inde, le couple indien / sri lankais se verrait exposer à **un rejet familial en raison de la nationalité sri lankaise de la femme**. Bien que la jurisprudence indienne reconnaisse le droit au choix de son partenaire, la volonté de la famille reste fondamentale dans cette décision. Le couple binational pourrait alors se retrouver dans une **situation d'isolement**. En tant qu'exilée sri lankaise, la femme verra ce risque d'isolement exacerbé sur le territoire indien.

##### **3.1.1. Le droit au choix de son partenaire pour le mariage : une liberté relative en Inde en raison de l'influence familiale majeure**

En Inde, **le droit de se marier est reconnu et protégé par la Constitution**. Cependant, le mariage, profondément ancré dans les traditions familiales, sociales et culturelles, est **souvent arrangé**. Le processus de choix du partenaire peut être **fortement influencé par la volonté de la famille**. En cas de désaccord, le couple marié peut être rejeté par la famille, se retrouvant alors isolé.

Source: Libertatem, *Whether the Right to Marry is a Fundamental Right in India ?*, 2020.

“The same Right to Marriage is enshrined under **Article 21 of the Indian Constitution as a part of the right to life and personal liberty** [Protection of life and personal liberty : “No person shall be deprived of his life or personal liberty except according to procedure established by law.”]. [...] This right cannot be encroached on or interfered with by anybody whether it is the families or the Khap Panchayat.”

Source: The Indian Express, *Freedom of choice in marriage is intrinsic to Constitution's Article 21: Delhi HC*, 25 octobre 2022.

“The **Delhi High Court recently held that freedom of choice in marriage in accordance with law is an intrinsic part of Article 21 of the Constitution.**”

Source: Bar and Bench, *The fundamental right to marry in India and its application to same-sex marriage*, Indian Legal News, 2021.

“One of the earliest cases which dealt with this issue was *Lata Singh v. State of UP*, delivered in 2006, [...] the **Court expressly recognized the petitioner's right to choose a partner of her choice.**”

“A little under a decade later, in 2014, the Supreme Court took suo motu cognizance of newspaper reports of the gang rape of a 20-year-old Indian woman on the orders of a village court. [...] The Supreme Court in no uncertain terms held that “an inherent aspect of Article 21 of the Constitution

would be the freedom of choice in marriage. Such offences are resultant of the **States incapacity or inability to protect the Fundamental Rights of its citizens.**” Article 21, which deals with the right to life and personal liberty, is an all-encompassing provision **which includes within its fold the inherent right to marry someone of one's own choice.**”

“The question of choice has been extensively dealt with by a Constitution Bench of nine judges in Justice KS Puttaswamy (retired) and another v. Union of India and others. [...] The Court further opined, “*Privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation. Privacy also connotes a right to be left alone. Privacy safeguards individual autonomy and recognises the ability of the individual to control vital aspects of his or her life. Personal choices governing a way of life are intrinsic to privacy...*”” Source: Slate, *En Inde, le mariage reste une affaire de famille*, 2020.

« Pour Tanuja Sharma, professeure au Management Development Institute de Delhi, cette culture du collectif est essentielle pour comprendre l'implication familiale dans l'organisation d'un mariage/ « **Lors d'un mariage, ce sont deux familles qui s'épousent, non deux individus.** Il faut que ces dernières s'entendent et soient sur la même longueur d'ondes pour que l'union advienne ». [...] Bien que la Constitution indienne affirme l'égalité des citoyens, la question des castes reste présente en Inde, dictant en filigrane l'organisation de la société et expliquant ainsi le besoin de marier ses enfants à quelqu'un de la même origine. »

### 3.1.2. Des risques exacerbés pour la femme exilée sri lankaise du couple binational

La femme exilée sri lankaise du couple binational pourrait être exposée, en raison de son statut et de sa condition, à des risques exacerbés de se retrouver dans une situation de vulnérabilité en cas de retour en Inde. En effet, l'Inde n'offrant pas le statut de réfugié, **les personnes exilées sont victimes de discrimination et de restrictions quant à l'accès aux droits.** Ces risques sont **accrus pour les femmes.**

Source: Autrepart, *La politique du HCR à Delhi (Inde). Mise en œuvre et évolution*, 2009.

« Il convient de préciser qu'au regard du droit indien, **le statut de réfugié n'existe pas.** L'Inde, en effet, n'a pas ratifié la Convention de Genève de 1951, jugeant ses critères trop européen-centrés et confirmant ainsi son statut de puissance non-alignée. **Elle n'a pas non plus adopté de loi nationale sur les réfugiés, mais elle respecte le principe de non-refoulement.** Les réfugiés y sont considérés comme des « étrangers », régis par le Foreigners' Act de 1946. Ils **bénéficient de certains droits fondamentaux**, garantis par la Constitution, mais non de celui de travailler, et ne disposent pas tous de permis de résidence temporaire. » Source: The Diplomat, *India Needs to Enact a Domestic Refugee Law*, 2022.

“Sri Lankan Tamil asylum seekers were initially welcomed and local political parties vied with each other to extend them support. However, following the assassination of former Prime Minister Rajiv Gandhi by the LTTE in May 1991, the Tamil refugee community came under scrutiny. Sri Lankan Tamils were **now viewed as a security threat. Resources they had access to earlier were withdrawn, and they were subjected to an array of restrictions.** Security agencies sought to push them back into Sri Lanka as well.”

Source: Human Rights Watch, *India : Events of 2022*, 2023.

“**Violence against women and girls continued at alarming rates**, with 31,677 cases of rape registered in 2021, an average of 86 cases daily.”

Source: UNHCR, *Les réfugiés en Inde parlent de leurs difficultés quotidiennes au chef du HCR*, 2012.

« Bien que l'Inde n'ait pas signé la Convention de 1951 relative au statut des réfugiés et que ce pays ne dispose pas d'une législation nationale pour les réfugiés, **les droits fondamentaux des réfugiés et des demandeurs d'asile sont protégés par la constitution**. Ils ont accès aux soins de santé et leurs enfants peuvent aller à l'école. Cependant, ils disent être **confrontés à des problèmes en tant que réfugiés dans leur vie quotidienne**, comme la **discrimination**, la difficulté de trouver un logement et du travail. Les **femmes**, tout spécialement à New Delhi, **ne se sentent pas en sécurité, même chez elles** ». [...] « En raison d'un contexte d'accueil particulier, **ces réfugiés**, à demeure en exil, **ne sont ni citoyens indiens, ni réfugiés de jure, ni totalement inclus, ni totalement exclus** : ils échappent à l'ensemble des conceptions binaires qui colorent nos imaginaires et les rhétoriques politiques actuelles. »

Source: Les Cahiers d'Outre-Mer, *De Ceylan Quarter à Keezhpathupattu : lieux de l'exil sri-lankais en Inde*, 2014.

« Ce statut de réfugié, a priori défini par des institutions nationales ou internationales, selon des critères juridiques, ne l'est donc pas dans le cas indien. Pourtant, **ces Sri-Lankais sont bien des réfugiés, administrés directement par l'Inde**, plus particulièrement par le Tamil Nadu, sans que l'agence des Nations Unies n'intervienne sauf dans le cas particulier des opérations de rapatriement. Combiné avec leurs trajectoires souvent précaires, **ce non-statut les expose à de multiples restrictions quant au logement, à l'accès au marché du travail et à la liberté de mouvement**. »

### **3.2. Les risques encourus par un couple indien / sri lankais en cas de retour au Sri**

#### **Lanka**

**Aucune information relative à de potentiels risques en raison de la nature binationale d'un couple indien / sri lankais n'a pu être trouvée.** Cependant, il convient de rappeler que le Sri Lanka fait face à une crise multidimensionnelle (économique, sociale, environnementale) qui empêche de nombreux habitants de jouir pleinement de leurs droits fondamentaux.

Source: Amnesty International, *Sri-Lanka : tout ce qu'il faut savoir sur les droits humains*, 2023.

« Droits économiques, sociaux et culturels : **La crise économique au Sri Lanka a eu des effets dévastateurs sur les droits humains**. L'inflation a atteint 73,7 % en septembre, et même 85,8 % pour les denrées alimentaires.

**L'accès à la nourriture, aux soins de santé et à l'éducation a été gravement compromis**, les programmes de sécurité sociale existants ne suffisant pas à couvrir les besoins croissants. »

#### **4. Les conditions d'existence difficiles des réfugiés Sri Lankais en Inde**

Les réfugiés sri lankais ont fui leur pays, et n'ont **pas vraiment de statut en Inde**, l'Etat qui les accueille. Ils se **rassemblent dans des camps, au Tamil Nadu**. **Les conditions de vie sont difficiles**, même si le **gouvernement indien fournit des aides** et a permis la construction de logements. **L'accès aux documents officiels**, comme des autorisations de travail, est **incertain**. **Seul le droit à l'éducation des enfants de réfugiés a fait l'objet de réels progrès** ces dernières années.

##### **4.1. La situation administrative des réfugiés Sri-lankais: l'absence de procédure claire et l'incertitude sur les documents fournis**

La situation administrative des réfugiés Sri Lankais à leur arrivée en Inde est **floue**. Les réfugiés Sri Lankais sont **traités de manière particulière** par les autorités indiennes, qui les acceptent sur le territoire et leur fournissent des aides, mais ils n'ont **pas d'« identité » propre**. Il existe peu de données disponibles sur la question des documents fournis aux réfugiés Sri Lankais qui arrivent en Inde. **La procédure administrative à l'arrivée n'est pas documentée**.

Source: Jesuit Refugee Service, *After 40 years, Sri Lankan Tamil refugees in India need durable solutions*, 13 juillet 2023.

“More than 300,000 refugees settled in small refugee camps all over the state of Tamil Nadu, India. [...] **India has no special legal framework for refugees or asylum-seekers and treats them only as “illegal migrants”**. Hence, **Tamil refugees in the country have been stuck in limbo for around 40 years** – despite their ethnic affinity with the host community. JRS has been accompanying them through income-generating programmes and access to education and livelihoods since the 1990s.”

Source: European Country of Origin Information Network, *2021 Country Report on Human Rights Practices: India*, 12 avril 2022.

“The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing minimal protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. **While UNHCR does not have an official agreement with the government, it is able to assist asylum seekers and refugees from noncontiguous countries. UNHCR did not have direct access to newly arriving refugees on the country's border with Burma or protracted Sri Lankan refugees in Tamil Nadu.** [...] **The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.** Absent a legal framework, the government sometimes granted asylum on a situational basis on humanitarian grounds in accordance with international law. This approach resulted in varying standards of protection for different refugee and asylum-seeker groups. The government recognized refugees from Tibet and Sri Lanka and generally honored UNHCR decisions on refugee status determination for individuals from other countries. [...] **The government permitted UNHCR and its partner staff access to refugees in other urban centers and allowed it to**



**operate in Tamil Nadu to assist with Sri Lankan refugee repatriation. Access to some refugees or asylum seekers in detention was granted. [...] After the end of the Sri Lankan civil war, the government ceased registering Sri Lankans as refugees.** The Tamil Nadu government cooperated with UNHCR by providing exit permission for Sri Lankan refugees to **repatriate voluntarily**; however, **UNHCR did not have access to Sri Lankan refugees who remained in Tamil Nadu.** [...] Sri Lankan refugees were permitted to work in Tamil Nadu. Police, however, reportedly summoned refugees back into the camps on short notice, particularly during elections and required refugees or asylum seekers to remain in the camps for several days.”

Source: Article 14, *How the lack of a law for refugees in India affects Hindu Tamil Asylum Seekers from Sri Lanka?*, 19 avril 2023.

“As we reported in January 2020, **India excludes refugees from essential identity documents, such as Aadhaar, the national identity number, but collects biometric data from refugees to aid surveillance and possible deportation.**”

Source: The Conversation, *Dans l’Inde de Modi, les réfugiés sri lankais craignent pour leur avenir*, 2019.

« **Ce statut de réfugié, a priori défini par des institutions nationales ou internationales, selon des critères normatifs et juridiques, ne l’est donc pas dans le cas indien. Pourtant, les Srilankais sont bien des « réfugiés » de facto, administrés directement par l’Inde, plus particulièrement par le Tamil Nadu,** sans que l’agence des Nations unies n’intervienne, sauf dans le cas particulier des opérations de rapatriement (retours au Sri Lanka). [...] Précisons que **les enfants de réfugiés tamouls nés en Inde n’ont pas le droit de s’enregistrer comme citoyens de l’Inde conformément aux dispositifs légaux mentionnés dans la Constitution indienne. Selon l’article 3 de la Loi sur la citoyenneté modifiée, la citoyenneté est attribuée aux personnes dont les deux parents ou l’un des parents sont citoyens indiens, dès lors que l’autre n’est pas un migrant irrégulier.** »

Source: Institut français des relations internationales, *Comprendre le Citizenship Amendment Act indien de 2019: processus, politique, protestations*, 2020.

« L’objectif de cet article est d’examiner en détail l’histoire du **Citizenship Amendment Act (CAA) 2019**, une loi adoptée par le Parlement indien qui **offre la citoyenneté aux communautés religieuses non musulmanes de trois États à majorité musulmane** (Pakistan, Bangladesh et Afghanistan). »

Source: Institut Montaigne, *Loi sur la citoyenneté en Inde, une polarisation populiste? Trois questions à Christophe Jaffrelot*, 2020.

« **Le CAA**, qui prétend faire œuvre humanitaire en accueillant les membres des minorités victimes de persécution dans la région Asie du Sud, **exclut les minorités musulmanes** victimes de persécution (Rohingyas, Hazaras, chiïtes, ahmadis) et **les pays de la zone où des minorités sont aussi victimes de persécutions** : Tibétains vivant en Chine, **Tamouls de Sri Lanka** etc... »

Source: Forced Migration review, *Sri Lankan Tamil refugees in India: return of integration?*, 2019.

“Although refugees are entitled to **residence visas** and **work permits**, prolonged life in the camps does **not lead to resilience and empowerment**, and these refugees **consider themselves in limbo**, belonging neither to Sri Lanka nor to India and unable to get on with their lives.”

Source: European Country of Origin Information Network, *2021 Country Report on Human Rights Practices: India*, 12 avril 2022.

“**Children** born in Sri Lankan refugee camps received **birth certificates**. **While these certificates alone do not entitle refugees to citizenship**, refugees may present birth certificates to the Sri Lankan High Commission to obtain a consular birth certificate, which entitles them to pursue Sri Lankan citizenship.”

Source: The new Indian express, *With poor conditions in camps, Sri Lankan Tamils remain citizens of no-man’s land*, 2019.

“ “We are **not even allowed to open a bank account** and to save our money,” [Mathiazhagan] pointed out. Advocate R Santhosh, who helps refugees, added that the acquisition of immovable properties is stated to be impermissible without prior **permission of the Reserve Bank of India**.”

## **4.2. Les moyens d’existence instables des réfugiés Sri Lankais en Inde**

Au Tamil Nadu, des camps de réfugiés existent depuis le début de la guerre du Sri Lanka. **Les réfugiés tamouls s’installent dans ces camps, parfois pour des années**. Malgré ces conditions de vie difficiles, les parents tentent de permettre à leurs enfants d’accéder à l’éducation. L’entrée sur le marché du travail, quant à elle, est compromise. En effet, il est difficile de savoir au bout de combien de temps ils obtiennent les documents permettant de travailler, et quelle légitimité ils auront lorsqu’ils les présenteront à un employeur.

### **4.2.1. Un accès au logement inégal et des conditions de vie précaires**

La majorité des réfugiés Sri Lankais qui arrivent en Inde sont placés dans des camps dans le Tamil Nadu. Cela mène à une **situation d’encampement**. Le gouvernement régional a permis la création de maisons, à l’intérieur des camps. Cela marque un progrès, mais pour la majorité des réfugiés, les conditions de vie, notamment de logement, dans les camps restent très **difficiles**.

Source: Jesuit Refugee Service (JRS), *After 40 years, Sri Lankan Tamil Refugees in India need durable solutions*, 23 juillet 2023.

“Between 1983 and 2012, a total of **3,04,269 Lankan Tamils reached Tamil Nadu**. [...] **Among them, 58,822 are living in 108 camps in 29 districts**.

According to the Chennai-based Rehabilitation Commissionerate, the department responsible for the wellbeing of the Sri Lankan refugees in Tamil Nadu, there are **58,357 Sri Lankan Tamil**

**refugees living in 106 camps in 29 districts across Tamil Nadu as of May 1, 2023**; 10,269 are children below the age of 11. According to human rights activists working for the refugees, **there are an equal number of people living outside the camps**. They estimate that Tamil Nadu is home to more than one lakh Sri Lankan refugees living across the state—registered and unregistered.”

Source: Adaderana, *1,591 houses inaugurated for Sri Lankan Tamil refugees in Tamoul Nadu*, 18 septembre 2023.

“Tamil Nadu Chief Minister MK Stalin on Sunday **inaugurated 1,591 houses for Sri Lankan Tamil refugees across 13 districts** in the South Indian state. The houses, which have been constructed at a cost of INR 79.70 crore, were inaugurated through video conference. The official opening of the houses in Vellore was held at the Melmonavur Sri Lankan Tamil refugee camp. Stalin handed over keys to 220 houses to refugees within the camp. [...] Stalin interacted with Sri Lankan Tamil community during his visit and encouraged them to maintain their new houses in the camp.

In an announcement in the Assembly last year, Stalin had said that 7,469 worn-out houses across 104 Sri Lankan Tamil rehabilitation camps spread throughout 29 districts would be rebuilt. Following the announcement, construction of 3,510 houses began, out of which 1,591 have been completed as part of phase 1 of the project.

Stalin also declared open new houses in 12 other districts, including Tiruvannamalai, Tiruchy, Coimbatore, Erode, Salem, Virudhunagar and Sivaganga through video conference and spoke to the beneficiaries of the housing scheme.”

Source: Equality, *Diversity and inclusion, Rohingyas and Sri Lankan Tamil refugees in Tamil Nadu: a replicable model of semi-permanent resettlement in low-resource settings*, 31 janvier 2022.

“According to the data, by April 1, 2019, [...] **34,684 Sri Lankan Tamil refugees were living outside the camps on March 31, 2019**. [...] The government **gave the option of living in the community for Sri Lankan Tamils who could bear their expenses (non-camp refugees)**. The one restriction for non-camp refugees was that they need **to inform the local police and obtain an extension of their residence papers each year**.”

#### **4.2.2. L'accès à l'éducation relativement bien assuré pour les enfants de réfugiés Sri Lankais dans les camps**

L'accès à l'éducation de leurs enfants est particulièrement important pour les parents réfugiés au Tamil Nadu. Les associations portant les revendications tamoules ont permis des **avancées significatives pour l'accès à l'éducation des enfants tamouls réfugiés**. Le gouvernement régional du Tamil Nadu accepte que **les enfants soient scolarisés**.

Source: Forced Migration review, *Sri Lankan Tamil refugees in India: return of integration?*, 2019.

“Another concern is the **uncertainty refugees have about the prospects for their children's education**. For example, refugees would like their children to finish their education in India, since

opportunities for access to higher education in Sri Lanka seem unfavourable for Tamils. There are three universities in the north of Sri Lanka, which are far away from the homes of many returnees and, while many Sinhalese Sri Lankans are admitted, Tamils face ethnic discrimination. Only those Tamil returnees who can secure support from abroad are able to access higher education for their children in private institutions.”

Source: Human Rights Defense International, *Education and Empowerment: The Journey of Sri Lankan refugees*, 16 juillet 2020.

“Understanding that **education was the only resource** that would beat the challenges encountered in the refugee life, Sri Lankan refugees led by the **Organisation for Elankai Refugees Rehabilitation (Of ERR)**, an organisation run by Sri Lankan Tamil refugees for refugees, **lobbied with the central and state governments of India** and **obtained special allowances for the education of refugee students**, since the majority of them had lost their academic certificates due to continued displacement. [...] Having lost everything, we requested the government to provide space for our children to study alongside Indian children. **To our surprise, the Tamil Nadu government agreed to admit all the children into their schools, even without academic certificates.** Nowhere in the world has this happened, S.C. Chandrahasan, the Founder of Of ERR said. [...] [N]early one third of Sri Lanka’s refugee population are students. In order to ensure the students felt empowered, **various programmes were organised among the refugees** to support education; including nursery education and care, evening coaching classes, higher education courses, computer literacy classes, motivation classes and college student forums. [...] Despite several challenges including myriad financial and social issues arising from living in a camp, more than **3,526 graduates and diploma holders have been produced among the Sri Lankan Tamil refugee community living in Tamil Nadu.** They include **qualified doctors, engineers, IT Professionals, banking and commerce employees and social workers.** The Tamil Nadu government’s support in terms of allowing admissions into higher education institutions on merit basis was certainly a major contributor to this achievement. From 2014-2015 and 2015-2016, 85% and 87% of refugee students respectively were admitted into higher educational institutions. [...] More than three decades have passed and now, **basic education is ensured among every child in the refugee camps**, apart from those with disabilities, who remain marginalised.”

#### 4.2.2. L'accès difficile au marché du travail pour les réfugiés Sri Lankais

Bien que la Cour Suprême indienne reconnaisse à tout réfugié le droit de travailler, en pratique les **Sri Lankais réfugiés en Inde sont rattrapés par l'absence de statut clair**: ils n'ont pas de documents d'identité. Les entreprises dans lesquelles ils postulent **ne les emploient pas**, ils **manquent de nombreuses opportunités** alors qu'ils sont parfois très qualifiés. Quand ils arrivent à trouver un travail, ils sont restreints dans leurs déplacements et doivent rentrer au camp de manière régulière pour l'appel. Cela les empêche de mener une vie professionnelle normale.

Source: Times of India, *Recognise refugees' right to work without restrictions: HC*, 23 août 2023.

“Observing that the serious restrictions in place for Sri Lankan refugees will have an adverse bearing on their right to work, **Madras High Court on Monday said that time has come to**

**recognise refugees' rights to work without restrictions** [...]. Sri Lankan refugees living in camps for decades have been issued identity cards and have been allowed to pursue their avocations and earn their living. The doles handed out by the government can hardly be sufficient to keep one's body and soul together. **The Supreme Court held that the right to live and the right to work are integrated [...] and therefore, if a person is deprived of his right to work, his very right to life is put in jeopardy.** "Time has come to recognise the refugees' right to work without restrictions", observed the judge."

Source: Equality, Diversity and inclusion, *Rohingyas and Sri Lankan Tamil refugees in Tamil Nadu: a replicable model of semi-permanent resettlement in low-resource settings*, 31 janvier 2022.

"In Tamil Nadu, **refugees are informally allowed to work, though they are not permitted to hold a regular job or have a permanent contract**, which would include benefits such as a monthly salary, medical insurance and a provident fund. This is because the government believes that if this is sanctioned, it could lead to tension between the local population and the refugees. Hence, **refugees access different kinds of jobs, but they are also not eligible for government jobs.**"

Source: India Today, *Sri Lankan Tamil refugees continue to demand Indian citizenship*, 17 septembre 2021.

" " In the refugee camp there are many people who have studied IT and all, **but we have not been able to get good opportunities. We don't have identity proof** and this has put us in a spot where **we don't get loans from banks and good companies don't give us work.** People like me have lost a lot of opportunities. I am an artist and I make signboards, but I have lost many orders because I still haven't got a GST number. **Though we have the talent, we are put at a disadvantage because of our identity as refugees,** " said Shivakumar."

Source: India Fillings, *GST Number*, 25 décembre 2023.

« GST Registration is a mandatory process for businesses in India that must comply with the Goods and Services Tax (GST) regime. It involves obtaining a unique identification number known as GSTIN (Goods and Services Tax Identification Number).

By obtaining GST registration, businesses become eligible to collect and pay GST, claim input tax credits, and participate in inter-state trade. »

Source: UNHCR, *Sri Lanka/India: Status of Sri Lankan Tamil refugees in India, including information on identity documents, citizenship, movement, employment, property, education, government aid, camp conditions and repatriation (2008-January 2010)*, mis à jour le 19 mai 2023.

"According to the "2008 Summary" in the USCRI *Survey*, "**Sri Lankan refugees in Tamil Nadu can move freely in the neighbourhoods of the camps, but are under police surveillance and must return for roll calls every evening**" (29 July 2009). The *Country Reports for 2008* indicates that Sri Lankan refugees have to return to their camps for periodic roll calls [...]."

Source: Carleton University, *Interim Report of the Advisory Committee on welfare and durable solutions for Sri Lankan Tamils*, 7 septembre 2023.

“The Sri Lankan Tamils living in Camps are also **unable to own vehicles or acquire licenses for heavy motor vehicles due to undocumented administrative instructions owing to their present status as ‘illegal migrants’**. The Advisory Committee takes note that Sri Lankan Tamils living in the camps are unable to register and own light motor vehicles in their names as the current rules for registration of vehicles does not accept the Government issued Identity Card to Sri Lankan Tamils. **This restriction, in turn, has the potential to impact their livelihood.**”

Source: Territoire en mouvement Revue de géographie et aménagement, *Jeux de placements des réfugiés sri-lankais en Inde du Sud*, 2021.

« Malgré les restrictions pesant sur leurs déplacements, **les réfugiés trouvent à s’employer à l’extérieur, principalement dans des emplois physiques et peu qualifiés** (secteur de la construction et de la pêche notamment) qui sont parfois très rémunérateurs. »

#### 4.3. **Un retour au Sri Lanka encore inenvisageable**

La plupart des réfugiés Tamouls en Inde souhaitent rentrer au Sri Lanka. Cependant, les circonstances ne le leur permettent pas : **les risques de discrimination et de persécutions physiques sont encore trop élevés pour envisager un retour en toute sécurité**. Bien que l’Inde n’ait pas ratifié la Convention de 1951, elle applique le principe de non-refoulement.

Source: Forced Migration review, *Sri Lankan Tamil refugees in India: return or integration?*, 2019.

“Some refugees wish to stay in India in order to try to secure citizenship there; others express the desire to return to Sri Lanka – **but only when conditions improve**. [...] **Tamil refugees express uncertainty and fear regarding their ability to earn a living, access land and find security if they return to Sri Lanka**. [...] It is vital that return decisions are well-informed. At present the Indian government shies away from informing refugees about the situation in Sri Lanka. Meanwhile, however, some Sri Lankan organisations put forward excessively optimistic information for their own political purposes. The most accurate information for refugees may come from their relatives who remain in Sri Lanka. One refugee described how: “We are connected to our relatives; some are internally displaced persons. My son is telling me to come back but not now, after some time.” [...] **Some refugees find upon their return that their land has been occupied by others, including by the Sri Lankan government and military.**”

Source: Info Migrants, *Après 4000 km de traversée, sept migrants sri-lankais expulsés de La Réunion*, 15 décembre 2023.

« Au Sri Lanka, « **les menaces et les persécutions** » pèsent sur « **les communautés tamouls** », avait affirmé à Info Migrants en janvier 2023 Vittoria Logrippo, responsable océan Indien à La Cimade. À cause de cette situation, « **beaucoup de personnes** avec lesquelles nous avons échangé **disent avoir très peur de rentrer**, confirmait Vittoria Logrippo. **Ils ont fui la prison, la torture,**

voire, pour quelques-uns, la mort. Ce sont les mêmes menaces qui les attendent à leur retour ». »

## **5. Conditions de vie de l'enfant d'un couple binational né en France en cas de retour**

L'enfant né en France d'un couple binational indien / sri lankais peut posséder la nationalité indienne ou y renoncer et acquérir la nationalité sri lankaise. En cas de retour **en Inde, il pourra normalement jouir de tous les droits conférés à un enfant indien**. En cas de retour **au Sri Lanka, l'enfant risque de rencontrer des difficultés dans l'accès aux droits, à la santé et à l'éducation de qualité en raison de la crise multidimensionnelle** qui frappe le pays ces dernières années.

### **5.1. La nationalité de l'enfant**

Afin de se voir d'obtenir la nationalité, qu'elle soit sri lankaise ou indienne, **l'enfant doit remplir des conditions** selon le droit interne, notamment à partir de son lieu de naissance et/ou de la nationalité d'au moins un de ses parents.

#### **5.1.1. La possible nationalité indienne de l'enfant**

Source: Indian Parliament, *The Citizenship Act*, 1955.

“Citizenship by descent : A **person born outside India shall be a citizen of India by descent on or after the 10th day of December 1992**, if either of his parents is a citizen of India at the time of his birth.”

Source: Immigration and refugee board of Canada, *India: Information on the citizenship rights of a child born in Sri Lanka in 1990 of a father who is an Indian national and a mother who is a national of Sri Lanka, and on the procedures to acquire Indian nationality for children born outside India*, 1994.

“According to this section, a **child born outside India on or after the date the Indian constitution came into force (26 January 1950) shall be a citizen by descent if his or her father is a citizen of India at the time of the child's birth**, provided that:

if the father of such a person was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section, unless- (a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or (b) his father is, at the time of his birth, in service under the Government of India (Dewan 1989).”

Source: Foreigners division ministry of home affairs government of India, *Registration of birth of a minor child at an Indian consulate under section 4(1) of the citizenship act, 1955.*

“Eligibility Criteria: A person may submit an application for registration of birth of his minor child born outside India in terms of sub-section(1) of section 4 in Form I to the Indian consulate in the country, where such child was born, together **with a declaration that the child does not hold the passport of any other country.** The applicants are advised to carefully go through the provisions of the Citizenship Act, 1955 and rules framed there under to determine their eligibility for Indian citizenship.

#### **Required Documents: List of documents to be uploaded**

- A copy of the birth certificate of the child
- A copy of the passport of both the parents
- A copy of the certificate of Indian citizenship if acquired by registration/naturalization
- A copy of the marriage certificate of the parents
- Declaration letter that the child does not hold the passport of any other country”

#### **5.1.2. La possible nationalité sri lankaise de l’enfant**

Source: Department of Immigration and Emigration Sri Lanka Identity overseas, *Overseas birth registration.*

“Children born outside Sri Lanka to Sri Lankan parents (**At least one of the parents should be a Sri Lankan**) needs to be registered at this Department within one year of birth for the confirmation of the child’s citizenship. A certificate for the Registration of Birth is issued to the applicant.”

Source: Département de la Justice des Etats-Unis, Citizenship, *An act to make provision for citizenship of Sri Lanka and for matters connected therewith, 2011.*

“Subject to the other provisions of this Part, a person born outside Sri Lanka on or after the appointed date shall have the status of a citizen of Sri Lanka if at the time of his birth either of his parent is or was a citizen of Sri Lanka **and if, within one year from the date of birth, or within such further period as the Minister may for good cause allow, the birth is registered in the prescribed manner (a) at the office of a consular officer of Sri Lanka in the country of birth, or (b) at the office of the Minister in Sri Lanka.**”

#### **5.1.3. L’impossible double nationalité**

Source: High Commission of India, *OCI Card Scheme, 2005.*

**“1. The Constitution of India does not allow holding Indian citizenship and citizenship of a foreign country simultaneously.”**



Source: Department of Immigration and Emigration Sri Lanka Identity overseas, *Dual Citizenship*.

“1. Dual Citizenship is applicable to;

A person whose citizenship of Sri Lanka has ceased under section 19, 20 or 21 of the Citizenship Act, No 18 of 1948 or a person whose Citizenship of Sri Lanka is likely to cease.

1. Resumption – Section 19(2) of the said Act makes provisions in respect of a person whose citizenship of Sri Lanka has ceased due to obtaining of citizenship in another country and who there after desire to resume the status of a Citizenship of Sri Lanka. or
2. Retention – Section 19(3) of the said Act makes provisions in respect of person who is having a desire to obtain Citizenship in another country, while intends to retain the Citizenship of Sri Lanka.”

## **5.2. Conditions de vie de l'enfant en cas de retour dans le pays dont il est national**

Selon la nationalité de l'enfant, il n'est pas disposé à vivre de la même manière en cas de retour dans son pays de nationalité. En effet, une grave crise multidimensionnelle sévissant au Sri Lanka, les enfants vivent dans des conditions préoccupantes. Cependant, une tendance tient à se dessiner **que l'enfant soit indien ou sri lankais : les conditions de vie pour les enfants n'étant pas optimales dans ces pays, l'accès à certains droits est gravement compromis.**

### **5.2.1. Conditions de vie difficiles de l'enfant indien en cas de retour dans son pays**

Source: Médecins sans frontières, *Rapport d'Activités 2019*, 2020.

« En Inde, malgré un meilleur accès aux soins, les coûts élevés, la pauvreté, l'exclusion sociale et un système de santé public débordé **empêchent une partie de la population de se faire soigner.** »

Source: Humanium, *Concrétisation des droits des enfants en Inde*.

« 73% des enfants en Inde vivant en zones rurales, ont souvent un **accès limité aux besoins fondamentaux** tels que la nutrition, les soins de santé, l'éducation et la protection sociale. Le gros pourcentage d'enfants vivant en zones rurales entraîne souvent des représailles négatives en ce qui concerne l'accès des enfants aux droits fondamentaux. [...]

**L'Inde compte plus de 204 millions de personnes sous-alimentées et les enfants indiens restent les plus touchés.** Les enfants en Inde sont confrontés à une forte prévalence de **retards de croissance avec des taux atteignant 39%**. [...]

L'Inde compte toujours le plus grand nombre **d'analphabètes** dans le monde avec **287 millions d'adultes**, la plus grande population à l'échelle mondiale, et 37% de la population mondiale. [...]

Des **milliers d'enfants perdent leur vie chaque jour**, non seulement à cause de la pauvreté mais aussi parce que les infanticides des fillettes sont pratiqués sans impunité. [...]

Cependant selon une enquête menée par le gouvernement en 2007, **plus de 69% d'enfants âgés de 5 à 18 ans sont victimes de maltraitance.** Nombreux sont ceux qui doivent faire face aux humiliations et aux violences quotidiennes. [...]

Même si 96% de la population urbaine a accès à l'eau potable, **73% d'enfants indiens vivent dans des zones rurales où l'accès à l'eau potable reste encore très problématique: 20% de la population rurale n'a pas toujours accès à l'eau potable.** En conséquence, ce sont les enfants vivant dans ces régions qui sont le plus exposés aux divers problèmes de santé liés à l'eau. »

Source: BICE, *Inde*, 2022.

« Bien que l'école soit obligatoire de 6 à 14 ans, **plus de 6 millions d'enfants ne sont pas scolarisés** en 2019 en Inde selon l'Unicef. Et près de 30 % des enfants scolarisés abandonnent tôt leurs études. Ce taux est plus élevé chez les filles et les enfants issus de familles défavorisées. [...] Alors que le travail des enfants de moins de 14 ans est interdit, **plus de 13 millions d'enfants travaillaient en 2015** : tri des déchets, mendicité, vente ambulante, « petites mains » dans des ateliers ou des restaurants de rue, travaux domestiques ou agricoles, extraction du mica... [...] De plus, l'enlèvement et l'esclavage d'enfants est encore répandu en Inde. **Chaque heure, 6 enfants disparaissent**, soit plus de 50 000 par an. [...]

Selon une enquête réalisée en 2007 auprès de 12 247 adolescents âgés de 12 à 18 ans, **69 % d'entre eux déclarent avoir subi des mauvais traitements et un enfant sur deux déclarent avoir subi plusieurs formes d'abus sexuels.** »

### 5.2.2. Conditions de vie précaires de l'enfant sri lankais en cas de retour dans son pays

Source: Save the Children, *Children in Sri Lanka*, 2023.

“In the last two years, Sri Lanka faced its worst economic and political crisis since its independence, and the impacts of the crisis affected an estimated 5.7 million people, including 2.5 million children. The **multi-dimensional crisis** in Sri Lanka has had a wide range of impacts on children and families. The crisis triggered a loss of livelihoods, **increased levels of poverty, food insecurity and has had a negative impact on the mental and physical health, nutrition, education, and protection of children.**

**Children and youth especially have been significantly affected** and the country's food security situation remains dire and has impacted the health, nutrition of children. Loss in livelihoods and shrinking wallets has impacted households unable to afford transport and related expenses for school going children – with unaccounted children out of school reversing years of progress made on children's education. Inflation and the loss of livelihoods have forced households to resort to negative coping mechanisms, many of which lead to child protection risks.”

Source: UNICEF, *La crise dévastatrice que traversent les enfants du Sri Lanka est un avertissement pour l'Asie du Sud*, 2022.

« Les familles sautent régulièrement des repas car les aliments de base sont devenus trop coûteux. Les **enfants se couchent le ventre vide**, sans savoir ce qui constituera leur prochain repas, dans un pays qui présentait déjà le deuxième taux de malnutrition aiguë sévère le plus élevé d'Asie du Sud. [...]

Près de la moitié des enfants du Sri Lanka nécessitent déjà une **aide d'urgence** sous une forme ou une autre. **L'éducation** de 4,8 millions d'enfants, déjà gravement entravée par deux années d'apprentissage interrompu, est **en danger** car la fréquentation scolaire reste compromise. [...]

Il y a déjà plus de **10 000 enfants placés en institution** au Sri Lanka, principalement en raison de la pauvreté. Ces institutions ne sont pas le meilleur endroit pour qu'un enfant grandisse, car elles n'offrent pas les liens qui existent au sein d'une famille. »

Source: SOS Children's villages Canada, *Les mères touchées par la crise économique au Sri Lanka*, 2022.

« Les familles et les **enfants** vulnérables au Sri Lanka sont touchés de **manière disproportionnée** par cette crise économique car ils n'ont pas accès à l'emploi, à la nourriture, au carburant, aux médicaments et à l'éducation. »

Source: Amnesty international, *We are near total breakdown*, 2022.

“However, a recent needs assessment from Save the Children noted that over a quarter of surveyed households in Sri Lanka reported that “someone in their household was experiencing distress, with **signs of reduced mental health and psycho-social well-being** since the economic crisis”, and just under a third of parents and caregivers “reported observing **changes in their children's behavior** during the economic crisis” .”

### **5.3. Conditions de vie de l'enfant sri lankais en cas de retour en Inde**

Aucune information sur les conditions de vie de l'enfant indien en cas de retour au Sri Lanka n'a pu être trouvée. Il apparaît cependant probable que celles-ci ne soient pas optimales en raison de la crise multidimensionnelle qui frappe actuellement le pays. Quant à un retour en Inde si l'enfant possède la nationalité sri lankaise, seules des sources sur les conditions de vie dans les camps de réfugiés ont pu être apportées. **L'enfant de nationalité sri lankaise d'un père de nationalité indienne aura possiblement accès à la plupart des droits qui lui sont conférés en sa qualité de mineur.**

Source: The new Indian express, *With poor conditions in camps, Sri Lankan Tamils remain citizens of no-man's land*, 2019.

“Ramachandran, who has two young sons born in the refugee camp, said, “**Earlier education was a nightmare for refugee children. But now the scenario is slowly changing**”. “Almost all the children were able to complete school education, but when it comes to higher education, colleges hesitate to admit students due to the tedious process” he claimed. “Over 17 youths have completed degrees and are working for daily wages as painters. Even in private companies they are refusing to provide permanent jobs”, K Ravindra Kumar at a camp in Krishnagiri fumed. Banu Priya too said **opportunities were bleak** and there is no professional growth beyond a point.”

Source: Forced Migration review, *The power of education in refugees' lives: Sri Lankan refugees in India*, 2017.

“Under the leadership of OfERR (Organization for Eelam Refugees Rehabilitation, an organisation of Sri Lankan Tamil refugees), the refugees lobbied the central and state governments of India and obtained special concessions Lankan Tamils prize education highly and if any child from a refugee family is seen not to be attending school, the neighbours will intervene and take responsibility **to ensure the child's education.**”

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