

## THE REFUGEE APPEALS BOARD

UNHCR

Regional Office for the Baltic and Nordic Countries

Ynglingagatan 14, 6. th. floor

SE-113 47 Stockholm

Att.: Mr. Hans ten Feld, Regional Representative

Dato: 6. november 2007

J. nr.: 2007/7030-17

Sagsbeh.: NLA

Dear Mr. Hans ten Feld,

The Refugee Appeals Board has received your e-mail of 31 October 2007 with enclosed letter of 23 October 2007 from the European Court of Human Rights to the United Kingdom. In the e-mail, UNHCR requests the Board to suspend returns currently planned or scheduled of Tamils originating from the North or the East of Sri Lanka.

In the above mentioned letter of 23 October 2007, The European Court of Human Rights refers to a number of cases currently under consideration by the Court in which ethnic Tamils have filed a complaint against the decision of the United Kingdom to return them to Sri Lanka. The Court has concluded that, pending the adoption of a lead judgment in one or more of the applications, Rule 39 should continue to be applied in any case brought by a Tamil seeking to prevent his removal from the United Kingdom. Finally, the Court expresses the hope that the Government of the United Kingdom will assist the Court by, for the time being, refraining from issuing removal directions in respect of Tamils who claim that their return to Sri Lanka might expose them to the risk of treatment in violation of the Convention.

As highlighted in previous correspondence, the Refugee Appeals Board makes its decisions on the basis of a specific and individual assessment of each applicant's motive for seeking asylum combined with the background knowledge on the general situation in the country of origin and any specific matters of importance to the case in the Board's possession.

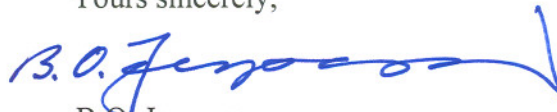
In its decision making process, the Refugee Appeals Board not only consults all relevant background information concerning the general situation in the country of origin but also the concrete and specific information concerning the individual applicant's case with due consideration to UNHCR's country of origin information and recommendations. The specific information is a core element in the assessment of whether the applicant is considered to be in need of protection as a result of specific and individualized persecution, cf. section 7(1) and section 7(2) of the Danish Aliens Act.

The Refugee Appeals Board has taken note of your e-mail and the attached letter. However, for the time being, the letter in itself cannot lead to that the Refugee Appeals Board introduces a general suspension of the return to Sri Lanka of Tamils having received a final rejection to their asylum claim.

Nevertheless, UNHCR's recommendations and the letter from The European Court of Human Rights will carefully be considered in the decision making process of the Board concerning the pending cases of Tamils from Sri Lanka.

Finally, I wish to reiterate the commitment of the Refugee Appeals Board to continue the constructive cooperation with your office.

Yours sincerely,



B.O. Jespersen,  
High Court Judge, Chairman of the Refugee Appeals Board