

# THE TAMIL BOAT PEOPLE CONTROVERSY

## Introduction

### Focus

In mid August 2010, a boat carrying 492 Tamil migrants from Sri Lanka arrived in British Columbia. This was the second boat carrying Tamil migrants to dock on Canadian shores in less than a year. The arrival of these migrants ignited a fierce debate in Canada. Canadians struggle with how the migrants should be handled by Canadian authorities and whether or not Canada is “soft” on those who arrive illegally in the country.

### Did you know . . .

According to the Immigration and Refugee Board of Canada there were approximately 33 000 refugee claims made in 2009, and Sri Lanka is one of Canada’s top 10 source countries for new citizens.

Canada is home to one of the largest Tamil populations outside of Sri Lanka. Many of these immigrants fled Sri Lanka during the civil war that started in 1983. Although the conflict ended in 2009, quality of life in the country is still not good for many for many Sri Lankans—and particularly for Tamils.

The Tamil migrants on board the MV *Sun Sea* claimed that they were ordinary citizens fleeing persecution in Sri Lanka in the aftermath of the country’s decades-long civil war between the majority Sinhalese and minority Tamil populations.

Migrants receive any required medical treatment when they first arrive but are held in detention until the Immigration and Refugee Board (IRB) holds review hearings. The IRB works with the Canadian Border Services Agency to confirm the migrants’ identities and to conduct security checks, but it usually takes months before the IRB hearings are completed and migrants are released and deemed eligible to make a refugee claim.

The Canadian government suspects that many of the Tamil migrants on board the *Sun Sea* paid human smugglers between \$30 000 and \$50 000 to secure

a spot on the ship bound for Canada. The governments of Canada and Sri Lanka also speculate that the trafficking of these migrants may be linked to the Tamil Tigers—a group classified as terrorists by the Canadian government in 2006—who fought for Tamil independence in Sri Lanka during its civil war.

The government of Canada has also stated its concern that the *Sun Sea* may be a “test ship” that is being watched closely by human smugglers. The response of the Canadian government to the migrants may determine whether or not human smugglers decide to send more boats to Canada.

In response to these concerns, the government has legislated changes to streamline the refugee process and deter queue jumpers. They are also considering other ways to curb the incidence of “human cargo” being transported to Canada.

Even though the majority of present-day refugees come to Canada by airplane, the arrival of Tamil migrants by sea has prompted much debate and discussion—from Parliament Hill to Internet blogs—about Canada’s refugee process.

## To Consider

1. Using your personal immigration experience or assuming the role of a recent immigrant to Canada, create a list of “push” factors (reasons for leaving one’s home country) and “pull” factors (reasons for coming to Canada). Share this list with a classmate. Are your reasons similar or different? Why?
2. Do you agree or disagree that Canada can be identified as a cultural mosaic? What are the advantages and disadvantages of living in a country with cultural diversity?

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## Video Review

### Definition

*Human smuggling* involves charging a fee, or enjoying some other material benefit, to secure someone illegal entry into a country of which that person is not a resident.

### Pre-viewing Activity

Newspaper headlines read: "Tamil boat people arrive in Canada." "Migrant ship lands in British Columbia." "Refugee controversy unfolds over Tamil boat people."

When you read these headlines:

1. What issue or issues come to mind?

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2. What do you already know about this issue?

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3. Which aspects of this issue would you like to know more about?

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You may wish to record your answers and then share orally with a classmate or discuss as an entire class.

### Viewing Questions

As you watch the video, respond to the questions in the spaces provided.

1. What two groups have been involved in the conflict in Sri Lanka?

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2. Why were they fighting?

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3. How long did the civil war last?

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4. Who was on the MV *Sun Sea*?

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5. What preparations were underway at the ship prepared to dock on Vancouver Island?

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6. What was surprising about the *Sun Sea* itself?

7. Why did the government say there might be terrorists on board the ship?

8. If that turned out to be the case, what would happen to those individuals?

9. What percentage of Sri Lankan refugee claimants get to stay in Canada?

10. What did the Tamil migrants say in a letter released to the media?

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### Post-viewing Activity

1. This *News in Review* video ended by describing the experience of Ravi, who arrived in Canada via the ship *Ocean Lady*. Summarize Ravi's story in the space provided below. Include details about why he wanted to come to Canada, what he had to do to get here, and what has happened since he arrived.

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2. Did any of the information in Ravi's story surprise you? Has Ravi's story affected your opinion about how those who arrived on the *Sun Sea* should be treated and processed?

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## **YV** *What is this Controversy All About?*

### Focus for Reading

Copy an organizer like the one below into your notes. Remember to leave enough space in the boxes to record your information. As you read the information that follows, complete the organizer.

Title: \_\_\_\_\_

What is the event about?	
Who is involved?	
Where did the event take place?	
Why did the event happen?	

### What happened?

On August 13, 2010, a flagless ship carrying 492 Tamil migrants from Sri Lanka, including 49 children and 63 women, arrived on Canadian shores. This aged and barely seaworthy former cargo ship known as the MV *Sun Sea* took approximately four months to make its voyage from Thailand to British Columbia. During this time, the ship is thought to have eluded Thai naval authorities, changed course while travelling to Australia, and endured rough seas and mechanical failure.

The Canadian government suspects that many of these migrants paid human traffickers an estimated \$30 000 to \$50 000 to be smuggled into Canada. The government is also concerned that these human smugglers are linked with the Tamil Tigers, a militant separatist group classified by the Canadian government in 2006 as terrorists. The migrants claim they are ordinary citizens fleeing persecution in Sri Lanka in the

aftermath of the country's decades-long civil war.

Canada's Public Safety Minister Vic Toews views the *Sun Sea* to be a "test ship." He believes human smugglers will decide whether or not to send more boats based on how these Tamil migrants are processed. It has also prompted the government to legislate changes to the refugee process under Bill C-11 and to look at other strategies to curb the incidence of human smuggling, such as working with source countries to prevent smuggling and finding ways to intercept boats before they enter Canadian waters. The arrival of the *Sun Sea* has shone a spotlight not only on Canada's refugee process but also on the differing perspectives on this Tamil migrant controversy.

How did the migrants get to Canada? The passengers on the *Sun Sea* are believed to have fled from the northern part of Sri Lanka. From there they likely travelled to Bangkok, Thailand,

**Did you know . . .**

Sri Lanka is composed of the following ethnic groups:

- Sinhalese:  
74 per cent
- Sri Lankan Moors:  
7 per cent
- Indian Tamils:  
5 per cent
- Sri Lankan Tamils:  
4 per cent
- unspecified:  
10 per cent

before boarding the *Sun Sea* in the southern Thai port of Songkhla. After four months at sea, the ship docked at a Canadian Forces base located just north of the provincial capital, Victoria, on Vancouver Island. The migrants were detained in centres in the Vancouver area.

**Why did the migrants come to Canada?**

There are many viewpoints on why almost 500 Tamil migrants landed on Canadian shores. Some people believe that despite the end of an almost 30-year civil war in Sri Lanka, Tamil people continue to feel insecure and threatened as a minority group in the country. Following the defeat in May 2009 of the Tamil Tigers—an armed group fighting for Tamil independence—thousands of suspected Tamil Tigers were imprisoned.

Also, the Sri Lankan government placed an estimated 100 000 Tamil civilians into internment camps.

In contrast, the Sri Lankan High Commission in Ottawa argues that peace has been achieved in Sri Lanka and there is no reason for Tamils to be fleeing the country.

The Canadian government—in accordance with international law—did not turn the *Sun Sea* away as it tried to dock on Vancouver Island. Although the government is not happy when illegal immigrants, or migrants, arrive in the country, it believes that all those who arrive are at least entitled to a hearing. The hearing determines whether the migrant has a valid claim to stay in Canada or not. In the latter case, the migrant will be returned to the country of origin.

**Post-reading Activity**

Using your completed organizer as your rough notes create a news report about the controversy around the Tamil boat people. Your news report can take the form of either:

- a 100-150 word newspaper article

OR

- a live oral “newscast” (in this case you will need to write a script for the newscast)

Remember to be objective in your reporting, stick to the facts, and hold the reader/audience’s attention with a catchy title and concise writing/clear delivery.

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## Putting the Issue into Context

### Did you know . . .

The GDP per person in Sri Lanka is about \$5 000. Canada's GDP is about \$32 000. (The GDP, or gross domestic product, is a measure of the country's overall economic output and is considered to be a measure of the standard of living of a country.)

It is thought that the Tamil refugees on board the MV *Sun Sea* were originally from Sri Lanka. But who are these refugees? Why did they leave their homeland? And what did they endure on their journey to Canada? Examining these questions may help in further understanding this issue.

### Sri Lankan Civil War

Sri Lanka—which is slightly larger in geographical size than Nova Scotia—is an island nation situated to the southeast of India in the Bay of Bengal. Formerly known as Ceylon, Sri Lanka was colonized by many countries, including Portugal, The Netherlands, and Britain. It gained independence in 1948. In 1972 the country's name was changed to Sri Lanka.

During this time, ethnic and religious tensions between the majority Sinhalese (Buddhist) and minority Tamil (mostly Hindu) groups began to escalate. The Sinhalese-led government made Sinhalese the national language and

reserved the best jobs for Sinhalese people. This prompted the Tamil minority—originally from southern India—to push for greater autonomy as they encountered diminished job opportunities, political power, and cultural recognition. By the mid 1970s, the Liberation Tigers of Tamil Eelam (LTTE)—a military and political rebel group commonly referred to as the Tamil Tigers—began their fight for a separate Tamil homeland, or Tamil Eelam, in the north and east of Sri Lanka where large concentrations of ethnic Tamils resided.

South Asia's longest running civil war broke out in 1983 between the Tamil Tigers and government forces. Most of the fighting was concentrated in the northern parts of Sri Lanka, but suicide bombings were frequent in Colombo, the capital. Throughout this conflict internationally led peace talks were held and ceasefires were attempted, but it was not until May 2009 that this civil war ended when government forces took over the Tamil Tiger's headquarters in the northern city of Kilinochchi, captured the last airstrip, and killed the rebel's leader in battle. Thousands of Tamil civilians were caught in the crossfire during the final months of fighting and later held in detention camps.

### After the Civil War

By the end of the civil war, the United Nations estimated that approximately 100 000 people had died. The International Crisis Group, headed by former Canadian Supreme Court justice Louise Arbour, reported in May 2010 that there was evidence to support the belief that both sides had committed war crimes against civilian populations.

The international community has criticized the Sri Lankan government



### Further Research

To learn more about key events before, during, and after the civil war in Sri Lanka go to <http://news.bbc.co.uk/2/hi/1166237.stm>.

for the slow release of Tamil civilians from detention camps and for the government's suspected persecution of journalists, political opponents, and human rights activists. They also urge the government to resettle displaced Tamils and to strengthen reconciliation efforts between these two ethnic groups.

The Sri Lankan government claims it is implementing a "nation-wide agenda of renewal." This aims to rebuild infrastructure, remove land mines, resettle civilians to their original villages, repeal parts of their Emergency Regulation enacted during the civil war, and establish an independent commission to advise the government on the reconciliation process.

### The Journey to Canada

The journey to Canada would not have been an easy one for the Tamil migrants. Citing fear of persecution in the aftermath of the Sri Lankan civil war, it is believed that the Tamil

migrants travelled from their homeland to Thailand where they boarded an aged cargo ship, the *Sun Sea*, equipped with minimal supplies. For the next four months the ship, which appeared to be initially headed for Australia, encountered rough seas, mechanical failure, and "shadowing" by Thai warships.

Once in Canadian waters, the *Sun Sea* was escorted to Canadian Forces Base Esquimalt in British Columbia, where the migrants disembarked and were placed in detention centres while they underwent security checks and had their identities confirmed before filing a refugee claim.

Tamil-Canadians have been providing emotional and physical support to the migrants. And the Canadian Tamil Congress has issued letters written by the migrants to the Canadian government and the public thanking them for their assistance and stating that they are civilians fleeing their homeland.

### Follow-up

1. When did the civil war in Sri Lanka begin and end?
2. Who are the two main groups involved in the civil war? What were these groups fighting for?
3. How has the end of the civil war impacted the Tamil minority in Sri Lanka?
4. What happened to the Tamil migrants on board the *Sun Sea* once it entered Canadian waters?
5. Do you think that the arrival of Tamil migrants on board the *Sun Sea* is cause for alarm in terms of Canadian immigration? Explain your position.

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## *Canada's Response*

### Definitions

#### *Asylum seeker:*

Someone who has fled their home country and applied for refugee protection in another country.

*Refugee:* Someone who cannot return to their home country for fear of persecution due to race, religion, nationality, or political or social membership.

### Did you know . . .

According to the United Nation's 2009 Global Trends Report, 15.3 million people worldwide were identified as refugees. Among 44 industrialized countries listed in the report, Canada ranked third, with over 33 000 refugees. This number is down 10 per cent from 2008 levels.

### Further Research

For further details about Bill C-11, go to Citizenship and Immigration Canada's Web site at [www.cic.gc.ca/english/index.asp](http://www.cic.gc.ca/english/index.asp).

### Focus for Reading

As you read this section, ask yourself whether or not you agree with Canada's position on refugees. What might you change if you could? What would you keep the same?

Under the Canadian Immigration and Refugee Protection Act, refugee protection is granted to people who are displaced, persecuted, or in danger. Canada is also a signatory on two United Nations documents that guarantee our country will not turn back refugees if they have a valid fear of persecution in their home country due to race, religion, nationality, or political and/or social association.

Any person who arrives on Canadian soil and claims to be a refugee is entitled to a hearing. The overall processing time for a refugee claim can range between one and two years. Individuals or groups can sponsor refugees seeking protection so long as the sponsor can provide financial assistance for about one year and the claimant qualifies under Canada's immigration and refugee protection act and passes security and health checks.

### The Tamil Migrants

Because of this legislation, Canada allowed the ship carrying the Tamil migrants to dock at Vancouver Island, rather than turning them away. The migrants immediately received medical attention and were then placed in detention until their identities and security history could be reviewed.

Detention reviews can take many months to complete. If a migrant's information turns out to be false, or the applicant is found to pose a security risk, then the person is deported—sent back—to their home country. If the migrant's information is deemed to be

accurate, or if the government abandons the review, the migrant can be released from detention.

It was reported that in order to help with their identification, some of the migrants brought passports, birth certificates, family photos, and had family members in Canada ready to provide information.

### Next Steps for Canada

The Canadian government does not want illegal migrants landing in the country. It is much easier to process people for admittance to Canada if they proceed through regular channels. As a result, the government is considering pursuing some of the following steps.

- Work with the international community to pressure Sri Lanka to take actions to ensure a strong and fair peace process in the aftermath of the civil war. Such actions may include addressing the specific concerns of the Tamil people, releasing Tamil civilians from detention, and working with a United Nations team to investigate possible war crimes.
- Share intelligence information with Sri Lanka—as Australia recently agreed to do—to crack down on human smuggling operations with suspected ties to the Tamil Tigers.
- Enact legislation that would allow Canadian authorities (e.g., the Navy) to intercept migrant ships in international waters and detain asylum seekers on Canadian vessels or send the ships to a third country to sort out who qualifies for a refugee claim.



- Introduce legislation that would directly target human traffickers by deeming human smuggling a crime and indirectly address the tactics of migrants trying to jump the queue.
- Streamline Canada's refugee process through the Balanced Refugee Reform Act, or Bill C-11, so that genuine claimants can be processed fairly and efficiently while failed claimants are

promptly deported.

While the Tamil migrants who arrived via Vancouver Island await their refugee fate in Canadian detention centres, their arrival has ignited much debate and discussion around Canada's refugee policies. Time will tell which direction the government of Canada will take on this issue and how it will impact the Canadian mosaic in the future.

### **Follow-up Activity**

1. You have been granted an exclusive interview with the Prime Minister of Canada. Create three to five questions about the controversy of the Tamil boat people to ask the Prime Minister. You may want to include general questions about this issue, questions focusing on criticisms about the government's approach to this issue, and/or questions that you feel are most concerning or need an immediate solution regarding this issue.
2. What do you think would be the Prime Minister's response to your questions? Record your answers.
3. Practise your interview skills with a classmate. Ask them your questions; what is their response? Does their response differ from yours? Answer your classmate's questions. How do your questions differ? How are they similar?

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## **Support and Opposition**

### **Value Line Activity**

This activity can be completed either individually or as a class. Draw a vertical line down the middle of a piece of paper. This is called a value line. On the left-hand side of the value line, write: "In favour of Tamil migrants." On the right-hand side of the value line write: "In opposition to the Tamil migrants." Using the number beside each of the following quotes, place each quote where you think it best fits along the value line. Also mark on the value line where you would place yourself. Write a one-paragraph reflection explaining why you selected this position on the value line. Remember to use information and evidence from this *News in Review* story to support your reflection.

**Quote 1:** "We (Canada) are becoming a target of human smugglers and human traffickers. We are looking to send a message to these people who are usually (part of) criminal organizations, in some cases with possible terrorist connections in the case of the Tamil Tigers . . . that we are not going to allow our laws to be broken." — Senior federal government official (*The Vancouver Sun*, August 12, 2010)

**Quote 2:** "We would like to ask the Canadian people and the Canadian government to have faith in us to believe that we are innocent civilians who have been affected by the conflict. We are not terrorists. We would also like to let you know that we will abide and live by the laws of this country." — Written by two Tamil journalists on board the MV *Sun Sea* (CBC News Online, August 16, 2010)

**Quote 3:** "The Canadian government is taking action. Human smuggling and human trafficking are despicable crimes. They are both illegal and dangerous." — Public Safety Minister Vic Toweles (*Toronto Star*, August 13, 2010)

**Quote 4:** "The Canadian Tamil Congress is deeply concerned about the Canadian government's recent and ongoing rhetoric on the migrants aboard the MV *Sun Sea*, which is inciting distrust and anger towards them. It is inappropriate for the government to speculate or draw conclusions on the innocence or guilt of the MV *Sun Sea*'s passengers before much-needed inquiries have been completed." — Canadian Tamil Congress Press Release, August 18, 2010

**Quote 5:** "There is that worry that this is potentially people coming in, not just jumping the queue, but coming in and falsely representing where they are from. We don't often hear about other refugee claims that are done on an individual or family basis, but when we see lots of them at the same time we tend to get a little nervous." — David Scholtz, Leger Marketing pollster (*Ottawa Sun*, August 20, 2010)

**Quote 6:** "When the government uses words like smuggling, Tamil Tigers, and terrorists, most Canadians assume there is evidence. But there isn't . . . and making statements like that is irresponsible and does a terrible injustice to the people on the boat." — Myer Siemiatycki, professor in immigration settlement studies, Ryerson University (*Toronto Star*, August 16, 2010)

**Quote 7:** “We [International Crisis Group] really believe that unless there’s accountability for what happened, there is no chance—no chance—of a lasting peace in Sri Lanka.” — Louise Arbour, former Supreme Court Canada justice (*The Globe and Mail*, May 18, 2010)

**Quote 8:** “Based on what we have seen thus far, we commend the exemplary work of the Canadian Border Services Agency (CBSA) in co-ordinating the arrival and reception of the MV *Sun Sea* passengers. The reception site was well designed, and needs in terms of information gathering, food, and water have been well anticipated. In addition, the priorities for safe disembarkation of the ship were clearly defined, with medical needs topping the list for those on board, who include men, women, and children.” — UNHCR Briefing Notes, August 17, 2010

**Quote 9:** “If the migrants turn out not to be legitimate refugees, they must be sent home—but in Canada, we do it one by one, that’s the way we do it.” — Liberal Party leader Michael Ignatieff (*The Daily Telegraph* [UK,] August 14, 2010)

**Quote 10:** “The Tamils know very well what’s likely to happen when they get here. They study us quite carefully, and they figure the odds are much better in Canada. Speedier and more definitive processing in the U.S.—where, unlike here, pending claimants can’t work or bring in family members—has earned this country the reputation as ‘the softest touch in the world.’” — Martin Collacott, a former high commissioner to Sri Lanka and a senior fellow at the Fraser Institute (*National Post*, August 12, 2010)

**Quote 11:** “There is no war now in Sri Lanka and this is definitely not a humanitarian exercise. The ship is captained by a Sea Tiger leader and these are illegal migrants who are trying to come to Canada illegally. This is part of the international activity to smuggle in people.” — Chitranganee Wagiswara, Sri Lanka’s high commissioner in Ottawa (*The Globe and Mail*, July 24, 2010)

**Quote 12:** “International aid agencies have reported that even though the war is over in Sri Lanka, there are brazen human rights violations in Sri Lanka. They [Tamil migrants on board MV *Sun Sea*] are not jumping any queue but fleeing in rickety boats for their lives.” — Lorne Waldman, immigration lawyer (*Toronto Star*, August 13, 2010)

**Quote 13:** “There is nothing to indicate criminal intent at this time. The police investigation into any other potential crimes, including human smuggling, continues and can take a great deal of time.” — RCMP statement (*The Globe and Mail*, August 16, 2010)

**Quote 14:** “We will not hesitate to strengthen the laws if we have to, because ultimately as a government, we’re responsible. It’s a fundamental exercise of sovereignty, and we’re responsible for the security of our borders and the ability to welcome people or not welcome people when they come.” — Prime Minister Stephen Harper (CBC News Online, August 17, 2010)

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## **VI** *Activity: Detention Hearing – It's Up to You!*

### **Further Research**

For further information about how the Immigration and Refugee Board of Canada operates go to [www.irb.gc.ca/Eng/Pages/index.aspx](http://www.irb.gc.ca/Eng/Pages/index.aspx).

### **The Situation**

On August 13, 2010, 492 Tamil migrants arrived by ship on Vancouver Island. They received necessary medical attention and were then transferred to detention centres in the Vancouver area until their identities could be established. It is reported that some of the migrants brought passports, birth certificates, and family photos with them to help authorities confirm their identities. However, until the Tamil migrants' identities and security risks are confirmed, they will not be released from detention and are thus ineligible, at this time, to submit a refugee claim.

### **Your Task**

Working in a group of three to six students, assign each member one of the following roles: Immigration Division Officer, Counsel for the Government of Canada, Counsel for the Tamil migrant family. Each member needs to independently gather information to support their role's requirements. You may wish to use information from the previous sections of this *News in Review* story and/or the provided Web links. Once each member is prepared, the Immigration Division officer can begin the detention review hearing.

### **Role A – Immigration Division officer**

You are a member of the Immigration Division within the Immigration Review Board (IRB). You are responsible for holding the first detention review hearing. There is a real sense of urgency since the initial review must be held within 48 hours of detention. During the detention hearing, you will hear arguments from the government's counsel and from the counsel for the migrant. You need to decide and explain your rationale for either keeping the migrant in detention or releasing the individual. If you release the individual, you will need to establish the conditions of release until the claimant's refugee hearing begins in a number of months.

### **Role B – Counsel for the Government of Canada**

You will be representing the interests of the Government of Canada at the first detention review hearing regarding a family (one male, one female, one child) of Tamil migrants from the MV *Sun Sea*. The government and the Canadian Border Services Agency have expressed much concern over the possibility that these migrants were smuggled into Canada and the need to accurately identify and verify their story to ensure the safety of all Canadians.

### **Role C – Counsel for the Tamil migrant family**

You will be representing the interests of a Tamil migrant family (one male, one female, one child) from the MV *Sun Sea* at the first detention review hearing. You need to satisfactorily prove their identity (e.g., are any family members already in Canada?), that they will not pose a security risk to Canada, and argue that the family's fear of persecution in their homeland is very real despite the fact that the civil war in Sri Lanka has now ended.