

Refugee Governance in Sri Lanka:

Balancing Protection and Responsibility
in the Management of Forcibly Displaced
Persons

LKI *Policy Briefs* are extended analyses on policy issues.

Refugee Governance in Sri Lanka: Balancing Protection and Responsibility in the management of Forcibly Displaced Persons

Akithma Dias

Abstract - As a non-signatory to the 1951 UN Refugee Convention and its 1967 Protocol, Sri Lanka currently employs an ad-hoc approach in its management of refugees and asylum seekers. While this approach allows Sri Lanka to respond to arrivals on a case-by-case basis, the extent to which it adequately fulfills the human rights and humanitarian law obligations that Sri Lanka is bound by under international law is debatable. Moreover, the absence of a domestic comprehensive governance system for identifying and registering ‘irregular’ arrivals may complicate the distinction between refugees and asylum seekers, and victims of human trafficking or smuggled migrants, a distortion which poses a risk to Sri Lanka’s national security. This study questions whether Sri Lanka, as a non-signatory to international refugee frameworks, should establish a Forcibly Displaced People (FDP) governance system to effectively balance its human rights and humanitarian law obligations with its capacity to safeguard national security. This concern is particularly relevant given the importance of Sri Lanka upholding its international legal obligations to preserve its standing within the international community, in a context where the intersection between FDP governance, human rights and humanitarian law obligations and national security has been relatively unexplored within Sri Lanka. The research employs a qualitative methodology adopting a desk-based analysis of primary sources including international treaties and domestic legislation complemented by academic literature and news articles to assess the viability of Sri Lanka’s current ad-hoc approach and evaluate the implications of adopting a domestic FDP governance framework. It argues that a comprehensive FDP governance framework is crucial for Sri Lanka, particularly in ensuring that it can effectively fulfil the international law commitments it has acceded to whilst balancing domestic concerns surrounding national security.

Akithma Dias is a Research Intern at the Lakshman Kadirgamar Institute of International Relations and Strategic Studies (LKI) in Colombo. The opinions in this Policy Brief are the author’s own and not the institutional views of LKI. They do not necessarily represent or reflect the position of any other institutions or individual with which the author is affiliated.

Table of Contents

Refugee Governance in Sri Lanka: Balancing Protection and Responsibility in the management of Forcibly Displaced Persons.....	1
1. Introduction.....	4
2. Background.....	4
3. Objectives and Significance	5
5. National Security	6
6. International Law Framework related to Refugees and Asylum Seekers.....	7
6.1 International Treaties	7
6.2 Customary International Law	8
6.3 Non-Binding International Agreements.....	9
7. The International Legal Framework and the extent of its application to Sri Lanka	9
7.1 Legally Binding Obligations of Sri Lanka	9
7.2 Customary International Law and its Application to Sri Lanka	10
7.3 Sri Lanka and its Non-Binding International Agreements	10
8. Domestic Legal Framework.....	11
8.1 Other State Practices.....	12
9. The Existing Measures for FDP Management in Sri Lanka and Key Stakeholders	13
9.1 Sri Lanka's Role as Transit State	13
9.2 United Nations High Commissioner for Refugees (UNHCR).....	14
9.3 International Organization for Migration (IOM)	14
9.4 The Human Rights Commission of Sri Lanka	14
9.5 Other Important Stakeholders	15
10. Gaps in the Existing Provisions.....	16
10.1. Balancing International Law Obligations in FDP Governance.....	16
10.2. Balancing National Security in FDP Governance	18

11.	Observations and Recommendations	21
12.	Conclusion	22
	References	24

Abbreviations

Abbreviation	Full Form
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CIL	Customary International Law
CRC	Convention on the Rights of the Child
FDP	Forcibly Displaced Persons
GCR	Global Compact on Refugees
HRCSL	Human Rights Commission of Sri Lanka
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
IFRC	International Federation of Red Cross and Red Crescent Societies
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IOM	International Organization for Migration
MOU	Memorandum of Understanding
MRCC	Maritime Rescue Coordination Centre
NAHTTF	National Anti-Human Trafficking Task Force
NGO	Non-Governmental Organisation
RSD	Refugee Status Determination
SAARC	South Asian Association for Regional Cooperation
SAR	Search and Rescue
SOLAS	International Convention for the Safety of Life at Sea
UN	United Nations
UDHR	Universal Declaration of Human Rights
UNCLOS	United Nations Convention on the Law of the Sea
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
US	United States of America

1. Introduction

Over the years Sri Lanka has welcomed a considerable number of refugees and asylum seekers across its borders. While some refugees and asylum seekers arrive in Sri Lanka through regular means by obtaining a valid visa and subsequently overstay their provided period of stay, most do so via ‘irregular means’ through trawlers, or have been transitory, having been intercepted by the Sri Lankan authorities while attempting to travel to other countries through sea (Herath, 2025). Despite being a receiving point of refugees and asylum seekers, as of 2026, Sri Lanka does not have a domestic framework that governs its management of refugee and asylum-seekers, nor is it among the 149 countries that are party to either the 1951 Convention relating to the Status of Refugees or its 1967 Protocol relating to the Status of Refugees (Janmyr, 2021). Despite this, Sri Lanka is bound by many other human rights and humanitarian law obligations that govern the treatment of refugees and asylum seekers, as a result of Customary International Law (CIL) and the various international treaties the State is party to. Simultaneously, the absence of a formal refugee and asylum seeker system may exacerbate concerns surrounding national security, particularly as the identification and distinction between refugees and asylum seekers, and those involved in ‘irregular migration’ such as victims of human trafficking and migrant smuggling becomes complex. As such, Sri Lankan authorities may, at times, face limited capacity to manage incoming refugees and asylum seekers whilst fulfilling the State’s international legal obligations.

This policy brief will explore whether Sri Lanka’s current ad hoc approach to Forcibly Displaced Persons (FDP) governance provides an adequate basis for balancing these considerations, and the extent to which a comprehensive governance framework could provide a more effective mechanism for balancing them. It will first detail the existing human rights and humanitarian law obligations that Sri Lanka is bound by, followed by the national security concerns that the State may have in relation to irregular migration, particularly in relation to identifying and distinguishing FDPs from victims of human trafficking and smuggled migrants. It will then consider the extent to which Sri Lanka’s current ad hoc approach balances the two considerations before evaluating the potential of a comprehensive domestic FDP governance framework in addressing the identified governance gap. The research argues that a comprehensive domestic FDP governance framework is crucial for Sri Lanka, particularly in ensuring that it can effectively fulfil the international commitments it has acceded to whilst balancing concerns surrounding national security due to irregular migration.

2. Background

The 1951 UN Refugee Convention describes a ‘refugee’ as “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion” (UN Refugee Convention, 1951). Comparatively, ‘asylum seekers’ seek international protection while their request for refugee status is being processed, or while they intend to request asylum. (UNHCR, n.d.). Although there is no single legal term that refers exclusively to refugees and asylum seekers, the term ‘Forcibly Displaced Persons’ (FDPs) has been used as an umbrella term encompassing refugees, asylum seekers, internally displaced people and other people in need of international protection, including victims of human trafficking and migrant smuggling (UNHCR, n.d.). While the term FDP may encompass victims of human trafficking and migrants who have been smuggled, for the purposes of this research, the term FDPs will be used to refer specifically to refugees and asylum-seekers, as distinct from victims of human trafficking and migrants who have been smuggled. This distinction is adopted because victims of human trafficking and migrant smuggling are governed by a separate legal framework in Sri Lanka and therefore raise distinct protection considerations from those examined in this research.

According to the UNHCR, at the end of 2025, there were 41.6 million refugees and 9 million asylum seekers worldwide. While these figures represented a decline from 2024, on average, the number of refugees and asylum seekers globally has increased, reflecting the growing scale and persistence of displacement worldwide (UNHCR, 2025). As of 2025, Sri Lanka has hosted 213 refugees and 271 asylum seekers. (UNHCR, 2025). This number represents a gradual decrease in the number of FDPs that Sri Lanka has hosted, in particular an 8.2% decrease from 2024 (UNHCR, n.d.). Most refugees and asylum seekers arriving in Sri Lanka in contemporary times originate from the Rakhine state in Myanmar (Rohingya refugees), Afghanistan, Pakistan and Palestine (UNHCR, 2025).

The global increase in the number of refugees and asylum- seekers can be attributed to increasing conflict and violence, persecution and human rights violations (Nugent, 2022). As the world grapples with increasing numbers of FDPs, the effective implementation of international conventions and legislation aimed at protecting vulnerable populations during their times of crisis is essential. The 1951 Convention, in particular sets out the legal definition of a ‘refugee’, detailing the core principles that govern their protection including non-discrimination, non-penalization and most notably, non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom (UN Refugee Convention, 1951). For States that are not party to the 1951 UN Refugee Convention and/or its 1967 Protocol, the absence of such mechanisms may present challenges in governing FDPs as prescribed by international law.

3. Objectives and Significance

The study will assess the effectiveness of Sri Lanka’s current ad hoc approach and the potential efficacy of establishing a comprehensive domestic FDP governance in balancing its international law obligations alongside its ability to differentiate between FDPs and irregular migration such as human trafficking or migrant smuggling, to safeguard its national security. In doing so, the research will pursue three objectives. Firstly, it will evaluate and provide an integrated assessment of Sri Lanka’s international legal obligations, alongside its existing legislation and institutional practices relating to the governance of FDPs. Secondly, it will examine the challenges arising from the absence of a comprehensive domestic governance system for refugees and asylum seekers, particularly in relation to the identification and registration of irregular arrivals and the distinction between FDPs and irregular migration such as human trafficking and migrant smuggling alongside its struggle to fulfil international law obligations in the absence of clear legal mechanisms. Finally, the research will assess the potential role and efficacy of a comprehensive domestic FDP governance framework in providing procedural clarity and consistency, allowing Sri Lanka to balance its interests surrounding fulfilling international legal obligations while minimising national security concerns.

This research is particularly significant as it aims to reconcile Sri Lanka’s international law obligations towards FDPs with its broader considerations surrounding national security. While existing literature has examined these considerations in relation to Sri Lanka, this research brings them together to consider how they may be addressed concurrently in order to develop a comprehensive domestic FDP governance framework. This is particularly relevant given Sri Lanka’s position outside the 1951 Refugee Convention and its 1967 Protocol, requiring consideration of how an appropriate domestic approach can operate within the international legal obligations that still apply to the State. In doing so, the research aims to provide a basis for FDP governance that upholds Sri Lanka’s international law obligations, existing institutional and legislative arrangements and national security considerations.

4. Irregular Migration

A key consequence of forced displacement and the increase in the global movement of refugees and asylum seekers is the rise in irregular migration of such communities. Irregular migration is a complex phenomenon, defined as “any movement that takes place outside the regulatory norms of the sending, transit and receiving country” (IOM, 2018). In addition to the illegal border crossings, irregular migration can also apply to visa overstays, the use of fraudulent documents and movement facilitated by migrant smuggling or human trafficking (Institute of Policy Studies, 2025; IOM, 2005).

Human trafficking falls within the definition of irregular migration, and is defined as “the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit,” (UNODC, n.d). Being both a source and destination for trafficked victims, human trafficking is a significant concern for Sri Lanka (UNODC, 2026; Save the Children, 2024). In 2025, Sri Lanka’s Criminal Investigation Department’s (CID) Anti-trafficking Unit and police initiated at least 24 investigations involving 61 suspects for sex trafficking, three for forced labour, and one for an unspecified form of trafficking, alongside the continuation of 69 investigations from previous years. This represents an increase from the previous reporting period in 2024, during which 22 investigations were conducted involving 24 suspects. (Save the Children, 2024; US Department of State, 2025). Comparatively, migrant smuggling is defined as “the facilitation, for financial or other material gain, of irregular entry into a country where the migrant is not a national or resident” (UNODC, 2026). The key distinction between human trafficking and migrant smuggling is the prevalence of consent, since migrant smuggling is voluntary whilst human trafficking is not (Polaris Project, 2021). However, while the two are legally distinct, in practice, they may overlap significantly. For example, smuggling and trafficking can happen along the same routes and may involve the same networks, and knowing the difference could allow authorities to uphold survivor rights and make safe and accurate referrals to services for victims of trafficking and migrants who have been smuggled (US Department of State, 2017).

The movement of refugees and asylum seekers also often gets added into the definition of irregular migration. This is particularly evident within the Sri Lankan context as they enter territorial waters through trawlers due to their inability to access regular migration routes, resulting in them being intercepted by the Navy (Al Jazeera, 2024). Although refugees and asylum seekers may use irregular entry methods when fleeing danger, they do not automatically become irregular migrants, as they are likely to be utilising such methods to escape persecution. In the context of this research, the term ‘irregular migration’ will primarily be used to refer to human trafficking and migrant smuggling. However, while irregular migration is often associated with negative connotations, it is important to note that irregular migration does not translate to ‘illegal’ migration. In fact, the IOM argues that the term ‘illegal’ should be avoided as it is often considered “an exaggeration of an administrative crime” which may create an “unnecessary perception of criminality” (IOM, 2018). This is particularly relevant when considering the possibility of irregular migrants having underlying reasons for their travel or having overlapping protections afforded to them as a result of them having no choice but to employ ‘irregular’ methods when fleeing from persecution (IOM, 2018).

5. National Security

The use of irregular migration routes can present States with a range of challenges. These challenges can range from criminal activity linked to smuggling, terrorism, political instability and social tensions, all intersecting into broader concerns relating to national security (Herath, 2025; Mohanty, 2018). National security, which Grizold

(1994) described as “the state of security of the nation-state, involving its national territory (air-space and territorial waters), protection of the lives and property of its population, existence and maintenance of its national sovereignty, and exercise of the basic functions of its society (economic, sociopolitical, cultural, ecological, social, etc),” is a broad concept. Given its wide scope, this research will focus specifically on the dimensions of national security that may arise in the context of refugee and asylum seeker arrivals, particularly concerning the protection of lives and property of a nation’s population and the exercise of the basic functions of its society. This understanding provides a basis for examining how concerns regarding national security may interact with Sri Lanka’s international law obligations towards FDPs.

It is against this backdrop that this research examines the approach Sri Lanka may adopt towards the governance of refugees and asylum-seekers. In particular, it will assess whether Sri Lanka, as a non-signatory to international refugee frameworks, should establish a domestic refugee and asylum seeker governance system to effectively balance its international law obligations with its goal of safeguarding national security and maintaining policy autonomy.

6. International Law Framework related to Refugees and Asylum Seekers

International humanitarian law (IHL) establishes rules that limit the effects of armed conflict for humanitarian reasons. It is made up of treaties, Customary International Law (CIL) and general principles of law and can apply in two situations, international armed conflicts and non-international armed conflicts (ICRC, 2022). Comparatively, international human rights law (IHRL) lays down the human rights obligations which States are bound to respect, protect and fulfil as a result of becoming parties to international treaties or because of customary international law (United Nations, n.d). While both branches of international law are complementary and aim to protect the lives and dignity of humans, IHL is applicable in times of armed conflict, while IHRL always applies, both in peacetime and in situations of armed conflict. On a national level, States have a duty to implement both IHL and IHRL (Vladoiu, 2024). In situations where IHL lays down a “self-contained” set of rules and/or is silent on certain matters, IHRL may continue to apply concurrently (ICRC, 2024). In the context of FDPs who flee persecution due to conflict, notably ones with an ethnic dimension, IHRL will apply to provide refugees with a variety of protections, such as the principle of non-refoulement and the right to seek asylum. This, in turn, places various obligations on host States, to fulfil those protections under IHRL, among other things, to maintain its standing within the international community. For the purposes of this research, the term ‘international law obligations’ will be used to refer broadly to the obligations imposed upon Sri Lanka under both IHL and IHRL to protect the life, dignity and fundamental rights of FDPs.

6.1 International Treaties

The primary international instruments governing the protection of FDPs are the 1951 Convention relating to the Status of Refugees (1951 Refugee Convention) or its 1967 Protocol relating to the Status of Refugees. These instruments, which cumulatively 149 States are party to as of 2026, establish the internationally recognized definition of a refugee and outline the legal rights refugees are entitled to (UNHCR, 2026). Aside from State parties following the key components prescribed by the Convention and its Protocol, domestic policies for managing FDPs are also heavily shaped by such international frameworks (Janmyr, 2021).

However, the international legal framework governing the treatment of refugees and asylum seekers extends beyond the 1951 Refugee Convention and its 1967 Protocol. The United Nations has subsequently adopted a

number of international human rights conventions that contain provisions relating to the protection of refugees and asylum seekers. For example, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) both contain provisions relating to non-refoulement, specifically in the context of torture and enforced disappearances respectively. Similarly, the Convention on the Rights of the Child (CRC) provides additional protections relating specifically to refugee and asylum-seeking children.

Alongside these human rights instruments, there are also several international instruments addressing human trafficking and migrant smuggling. These include the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (UN Smuggling Protocol). UNTOC is the main international legal instrument in the fight against transnational organized crime, providing for the recognition of serious threats posed by organised criminal groups and the need to enhance international cooperation to prevent and combat these crimes effectively (UNODC, n.d). Comparatively, the UN Smuggling Protocol aims to prevent and combat the smuggling of migrants while providing migrants with humane treatment and full protection of their rights (UNODC, 2000). These instruments establish obligations relating to the prevention and prosecution of trafficking and migrant smuggling, as well as the protection and assistance of victims of trafficking.

6.2 Customary International Law

Customary International Law (CIL) can be described as “state practices recognised by the community at large as laying down patterns of conduct that have to be complied with”, existing alongside treaty law as a key source of international law, being legally binding on all States as enshrined in the Statute of the International Court of Justice (Shaw, 2014). Since many convention provisions from human rights law have been ratified by almost all States globally, it is widely argued that such provisions are binding also on non-parties on the basis that they amount to customary international law (Roberts & Sivakumaran, 2024).

Non-refoulement is a core principle of CIL, particularly within the context of protecting FDPs. The principle of non-refoulement asserts that a refugee “should not be returned to a country where they face serious threats to their life or freedom” (UN Refugee Convention, 1951). It has been expressly recognised in Article 33 of the Refugee Convention and has also been widely recognised as having attained Customary International Law (CIL) status (Chan, 2006; HRC SL, 2025). It is absolute, applicable to everyone irrespective of their citizenship, nationality, statelessness or migration status, and therefore must be fulfilled without exception.

Aside from non-refoulement, other CIL obligations may also apply to FDPs. For instance, the provision of temporary refuge, basic dignity and the right to seek asylum. Temporary refuge describes the State practice of admission and finding solutions in situations of large-scale cross-border displacement caused by conflict, violence, climate change, or disaster (Lambert, 2021). The notion of temporary refuge is found in various international law frameworks, including UN General Assembly resolutions and the Global Compact on Refugees, a non-binding international framework which will be discussed further. The principles of non-refoulement and temporary refuge, among many strive to grant rights amounting to human dignity. Moreover, the right to seek asylum, established under Article 14 of the Universal Declaration of Human Rights, can best be described as the protection a State grants on a territory under its control to a person who comes to seek it (Lambert, 2021). The right to seek asylum must be differentiated from the right to receive asylum, as many States do not recognise this provision and as such the extent to which it can be considered CIL has been debated (Lambert, 2021). As such,

CIL plays a vital role in FDP protection, particularly in relation to receiving countries that are not party to the 1951 UN Refugee Protection.

6.3 Non-Binding International Agreements

In addition to CIL and the legally binding international treaties that contain provisions governing the treatment of FDPs, the United Nations has also developed many non-binding frameworks that States can adhere to in their management of FDPs. One such example is the Global Compact on Refugees (GCR), a framework that emphasizes the importance of a “predictable and equitable responsibility sharing” method to achieve a sustainable solution to refugee situations involving “international cooperation” (UN General Assembly, 2018). The framework, which was officially affirmed by the UN General Assembly in 2018, has four key objectives: (i) Ease the pressure on host countries, (ii) Enhance refugee self-reliance, (iii) Expand access to third-country solutions and (iv) Support conditions in countries of origin for return in safety and dignity (UNHCR, 2018). Although the GCR is non-binding instrument, it is a key framework through which States, particularly non-signatory States, can develop more comprehensive and sustainable national refugee policies. In fact, a closer examination into the adoption of the GCR shows how non-signatory States played an active role in negotiating the instrument, with a majority of the 181 States which agreed to it at the UN General Assembly being non-signatory States (Janmyr, 2021). As such, the GCR is a vital instrument within the international legal framework related to the protection of FDPs.

7. The International Legal Framework and the extent of its application to Sri Lanka

As of 2026, Sri Lanka has not acceded to the 1951 Refugee Convention or 1967 Protocol. Sri Lanka’s non-accession to the Refugee Convention can best be understood within the broader South Asian context. Of the eight member States of the South Asian Association for Regional Cooperation (SAARC), Afghanistan is the only country to have acceded to both the 1951 Convention and the 1967 Protocol (Voelkerrechtsblog, 2019). The reluctance of South Asian States to accede to the international refugee frameworks has been attributed to the view that the Convention is not appropriate or adequate for their countries and the region in handling refugee situations. Moreover, there have been concerns regarding the potential constraints that accession could impose on States’ policy-making autonomy alongside their capacity to mobilise resources to meet the obligations imposed by such international frameworks (Reddy, P., & Apoorva, S., 2019; Forced Migration Review, n.d). However, while the validity and implications of these concerns remain subject to debate, Sri Lanka, alongside most other South Asian states, is not a party to the UN Refugee Convention or its 1967 Protocol (Vijayakumar, 2001). In this context, Sri Lanka’s approach to FDP governance has developed in the absence of a dedicated international refugee framework and a domestic FDP governance framework.

7.1 Legally Binding Obligations of Sri Lanka

Outside of the Convention and its Protocol, Sri Lanka is also party to other international treaties related to the protection of FDPs. One notable example is the Convention on the Rights of the Child (CRC), which Sri Lanka acceded to on 12 July 1991. Under Article 22(1) of the CRC, States Parties must take measures to ensure that a child seeking refuge or is a refugee, receives protection and humanitarian assistance. This provision is particularly relevant to Sri Lanka given that children constitute a significant proportion of some groups of FDPs arriving in the country. For example, according to the International Federation of Red Cross (IFRC), of the 105 Rohingya refugees rescued by the Sri Lankan Navy in Trincomalee in December 2022, 49 were children, 21 of whom were

unaccompanied (IFRC 2023). The CRC therefore represents a source of international legal obligations relevant to Sri Lanka's treatment of refugee and asylum-seeking children, notwithstanding its non-accession to the 1951 Refugee Convention and its 1967 Protocol.

Another relevant instrument is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Sri Lanka acceded to on 03 January 1994. As per article 3(1) of the CAT, State Parties shall not return a person to another State if they are in danger of being subjected to torture (CAT, 1984). Torture remains a prevalent concern for many FDPs fleeing their home countries. For example, many Rohingya refugees in Myanmar's Rakhine state have been subject to "killings, rapes and gang rapes, torture, forced displacement and other grave rights violations" (BBC, 2020; UNHCR, 2026). In addition to CAT, Sri Lanka is also party to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which under Article 16, explicitly prohibits the non-refoulement of those that may be "in danger of being subjected to enforced disappearance" (ICPPED, 2006). Therefore, the CAT and ICPPED have express provisions relating to non-refoulement, specifically in circumstances where there are substantial grounds for believing that an individual may face a risk of torture or enforced disappearance upon their return. Moreover, non-refoulement in treaty-based obligations is complemented by its status as Customary International Law, which further reinforces the binding nature of the principle.

7.2 Customary International Law and its Application to Sri Lanka

As mentioned before, non-refoulement is a core principle of CIL, and as such, its application is not dependent on Sri Lanka's non-accession to the Convention. Accordingly, Sri Lanka is bound to consider its obligations under CIL when determining whether individuals may be returned, alongside the specific non-refoulement obligations arising under the international treaties to which it is party. More broadly, other principles relevant to FDP protection have also been discussed in relation to CIL, although the legal status and precise scope of particular principles may vary. The significance of CIL demonstrates how Sri Lanka's treatment of FDPs should be within the scope of its international law obligations. However, the absence of a comprehensive domestic legal framework may create practical questions for law enforcement regarding how these obligations can be implemented whilst safeguarding other interests such as national security. This is further compounded as Sri Lanka, being a dualist state, generally requires enabling legislation to be enacted to incorporate international legal obligations into the domestic law. In some cases, gaps arise in the implementation of certain obligations undertaken by Sri Lanka under international treaties due to the absence of enabling legislation or the lack of adequate provisions in the adopted enabling legislation.

7.3 Sri Lanka and its Non-Binding International Agreements

Aside from CIL and the legally binding international treaties that contain provisions governing the treatment of FDPs, Sri Lanka is also party to non-binding international agreements such as the Global Compact on Refugees (GCR). In fact, the State has, in many instances, reaffirmed its commitment to the GCR, noting it as a "rallying point for multilateralism and solidarity" that could help protect and address the needs of the millions who have been displaced because of conflict (Warusavitarana, 2019; Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva, Switzerland (2018). In fact, in affirming its commitment to the GCR, the Government acknowledged how "despite not being a Party to the 1951 Convention on Refugees...[it] is committed to uphold its responsibility according to international norms and principles." (The Permanent Mission of Sri Lanka to the United Nations and other International Organizations

in Geneva, 2018). As such, while the GCR is non-binding and does not impose any legal obligation on Sri Lanka, the State's commitment to the framework is a relevant policy consideration when assessing its approach to the governance of FDPs.

8. Domestic Legal Framework

Sri Lanka's dualist nature is reflected within its domestic legal framework. Article 27(15) of the Constitution states that "The State shall... promote international peace, security and co-operation...[and] foster respect for international law and treaty obligations in dealings among nations" (Constitution of the Democratic Socialist Republic of Sri Lanka, 1977). Although Article 27(15) does not explicitly refer to FDPs, its reference to international law and treaty obligations highlights the importance of Sri Lanka's engagement with international legal obligations. While Sri Lanka does not explicitly refer to refugees or asylum seekers in its domestic legislation, several constitutional provisions may be relevant to the protection of FDPs. Article 11 of the Constitution provides that "[n]o person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment", while Article 12 states that "[a]ll persons are equal before the law and are entitled to the equal protection of the law" (Constitution of the Democratic Socialist Republic of Sri Lanka, 1977). The use of the term "no person" and "all persons" respectively indicates that these provisions are not expressly limited to Sri Lankan citizens and may therefore extend to refugees and asylum seekers within Sri Lanka. For example, in *Velmurugu v The Attorney General and Another* [1981], Wanasundara J stated, in reference, to Article 11 specifically, that it is "the only right in the catalogue of rights set out in Chapter III that is of equal application to everybody and which in no way can be restricted or diminished."

Moreover, Sri Lankan legislation also contains provisions relevant to the principle of non-refoulement. Article 18(1) of the International Convention for the Protection of All Persons from Enforced Disappearance Act No. 05 of 2018 states that no person should be returned if there are grounds for believing that they would be subject to enforced disappearance. Although the scope of this provision is limited to the risk of enforced disappearances, it demonstrates that Sri Lankan law contains protections relating to a core principle within FDP protection.

Alongside this, Sri Lankan legislation provides authorities with mechanisms for regulating irregular migration. The Immigrants and Emigrants Act No. 20 of 1948, as amended by Amendment Act No. 27 of 2021 (IME Act), is the primary legal framework that criminalises migrant smuggling in Sri Lanka, governing the entry and exit of foreign nationals in Sri Lanka, including the removal of 'undesirable persons' (IME Act, 2021). Similarly, Sri Lanka's criminal law provides a framework for addressing conduct associated with human trafficking. Section 360C of the Penal Code of Sri Lanka criminalises human trafficking, detailing the requirements of the offence alongside the charges that offenders may be liable to (Penal Code, 1883). Although migrant smuggling and human trafficking are closely related forms of irregular migration, they involve distinct conduct and therefore give rise to different forms of criminal liability, protection and treatment. These terms must also be distinguished from FDPs, whose irregular arrival, does not determine their entitlement to protection.

For example, the IME Act criminalises the act of bringing persons into the country irregularly under Section 45(B) and criminalises the act of concealing, harboring, or employing illicit migrants under Section 45(C) alongside the criminalisation of the act of entering and remaining in Sri Lanka irregularly under Section 45(A). By contrast, the Penal Code under Section 360C criminalises the act of recruiting, buying and transporting individuals, rather than criminalising the victim of trafficking themselves. Comparatively, although Sri Lanka has no domestic legislation related to FDP governance, the right to seek asylum is a core principle of the UDHR

(Article 14.1) and is recognised as being CIL (UNHCR, n.d). As such, making a distinction is significant because the legal consequences associated with migrant smuggling, human trafficking and being an FDP differ according to the conduct and status of the individuals involved.

The penalties applicable to these categories further demonstrate the different legal treatment afforded to the conduct concerned. Under Section 45 of the IME Act, any person found guilty of being involved in migrant smuggling shall be liable to a fine not exceeding 500 000 Sri Lankan Rupees or to imprisonment for a term not exceeding 5 years or both. By comparison, any person found guilty of human trafficking shall be liable to imprisonment for a term not exceeding 20 years and to a fine. These provisions establish penalties associated with the two forms of irregular migration. Comparatively, irregular movements undertaken by FDP under international law are not considered offences, and as such, are not penalised. The distinction is also evident in the forms of protection and assistance available to different categories of individuals. The NAHTTF in Sri Lanka adopts a victim-centric and human-rights based approach to assisting victims of human trafficking, by supporting repatriation, providing referral to services and short-term assistance (NAHTTF, n.d.; US Department of State, 2025). The protection framework applicable to persons who have been smuggled is comparatively less focused on their status as victims. Nevertheless, Sri Lankan authorities have previously recognised that migrants involved in smuggling situations may require protection. For example, Ambassador Ravinatha Aryasinha, Sri Lanka's Ambassador to the UN in Geneva and Leader of the Sri Lanka Delegation in 2014 stated that, "the Government is taking action against...traffickers under due processes, while treating the migrants as victims of smugglers" (Ada Derana, 2014). This demonstrates the importance of distinguishing those facilitating or profiting from irregular movement, from the individuals whose movement has been facilitated. Meanwhile, FDPs may be afforded protection under international human rights and humanitarian law, and CIL.

Accordingly, while FDPs, trafficking victims and smuggled migrants may travel through similar irregular migration routes, they are distinct categories with different legal characteristics, responsibilities and protection needs. As such, recognising these distinctions is vital in ensuring that human rights considerations are applied according to an individuals circumstances and status.

8.1 Other State Practices

Sri Lanka also engages in State practices relevant to its protection of FDPs through its Search and Rescue (SAR) operations. The Maritime Rescue Coordination Centre (MRCC) is responsible for coordinating SAR operations in Sri Lanka within Sri Lanka's designated Search and Rescue Region (SRR) (Sri Lanka Navy, 2020). The international framework governing maritime SAR is primarily established through the 1982 UN Convention of the Law of the Sea (UNCLOS), the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) and the 1985 International Convention on Maritime Search and Rescue (Mamiya, 2025). Sri Lanka is party to UNCLOS and SOLAS and has repeatedly reaffirmed its commitment to engaging with maritime SAR operations (Sunday Times, 2025). This is particularly relevant to FDP governance where individuals are encountered at sea, as SAR operations may constitute the State's initial point of interaction with FDPs. For instance, in 2024 December, the Sri Lankan Navy rescued over 100 Rohingya refugees that were drifting on a trawler off the coast of Trincomalee (Al Jazeera, 2024). As such, SAR operations may be crucial in a State's response to FDP arrivals through sea, preceding the processes of identification, protection and permanent resettlement arrangements.

9. The Existing Measures for FDP Management in Sri Lanka and Key Stakeholders

Currently, Sri Lanka, employs an ad hoc approach in its governance of FDPs. Although the exact procedure followed by law enforcement in managing FDPs has not been comprehensively documented, the Government has broadly maintained the position that if individuals “are proved to be refugees, they would be treated and provided with all necessary humanitarian assistance under the international law related to refugees” (Weeraratne, 2025; Daily FT, 2025). Some international organizations and state institutions in Sri Lanka such play a key role in FDP management in Sri Lanka. The State’s approach to the management of FDPs, particularly those that arrive by sea, can be observed in the responses to rescues in December 2022 and December 2024, when the Sri Lankan Navy rescued 105 and 116 Rohingya refugees respectively after they were found stranded at sea.

Both rescues involved an initial humanitarian assessment, which led to subsequent proceedings before the Magistrate and finally, the placement of the refugees in immigrant detention facilities or military bases. However, the arrangements made at different stages of the two responses varied. For example, following the December 2022 rescue, the refugees were provided with basic necessities and emergency medical attention at the Kankesanthurai Harbor before being transferred to the Jaffna Prison while awaiting placement in the immigration detention centers in Welisara and Mirihana (Global Detention Project, 2023; IFRC, 2022). In the December 2024 rescue, the survivors were initially accommodated at the Jamaliya School in Trincomalee before being transferred to the immigration detention centers (HRCSL, 2025). The arrangements for temporary accommodation while the survivors awaited permanent resettlement have also differed between the two cases. Of the 105 refugees who arrived in Sri Lanka in 2022, 78 had moved into rental accommodation in Colombo by March 2023. The accommodation was identified by UNHCR and the Government, with arrangements being made with the respective house owners (IFRC, 2022). Comparatively, as of January 2026, the survivors from the December 2024 rescue have remained at the Mullaitivu Air Force Camp while awaiting resettlement (HRCSL, 2025; Sunday Times, 2024). The differences in the management of the two groups demonstrate the range of arrangements that have been adopted by the authorities while employing an ad-hoc approach to its FDP governance.

9.1 Sri Lanka’s Role as Transit State

A transit state is defined as a country that refugees and migrants pass through along the way to their preferred country of asylum, often located anywhere between the country of origin and the country of destination (Kilibarda, 2017). Sri Lanka has historically functioned, in part, as a transit State for FDPs, particularly in relation to maritime arrivals, where individuals may be intercepted within Sri Lankan territorial waters while travelling to another State (Al Jazeera, 2022). Sri Lanka’s role as a transit state is also reflected in the availability of long-term solutions as currently, it does not have a UNHCR resettlement programme for FDPs, with most refugees and asylum seekers exploring other options by utilising private sponsorship programmes or pursuing community-based resettlement in other countries (UNHCR, n.d.). For example, the Daily Mirror, citing an anonymous source, stated that over the past 13 years, around ten thousand refugees who arrived in Sri Lanka, fleeing persecution from their countries of origin, have been resettled in the USA, Canada, Sweden, Norway, Netherlands (Daily Mirror, 2019). Sri Lanka’s role as a transit point can be understood within the broader context of the State’s capacity to provide longer-term accommodation and integration for FDPs. The provision of sustained protection and integration can require significant financial and administrative resources, including accommodation, healthcare, education and other essential services, especially when FDPs have to stay for an extended duration while they await resettlement (UNHCR, 2011). For instance, the UNHCR allocated approximately US\$1,082,689 towards FDP protection in Sri Lanka in 2024, illustrating the resources involved in

providing protection and support to FDPs (UNHCR, 2024). It is important to note that this figure does not reflect the total cost as it does not include the cost borne by other parties including the State and local charities. Currently, given Sri Lanka's finite financial and administrative resources, the provision of long-term protection for FDPs provides additional considerations, particularly in providing support for long periods of time. Within this context, Sri Lanka's current approach has largely involved providing temporary reception and protection while longer-term solutions, such as third-country resettlement, are pursued by organisations such as the UNHCR.

2.2 United Nations High Commissioner for Refugees (UNHCR)

The United Nations Refugee Agency, the UNHCR has played a vital role in the management of FDPs in Sri Lanka. Until December 2024, the UNHCR was the principal organization in Sri Lanka responsible for FDP management. The organization, through a Memorandum of Understanding (MoU) signed with the Government in 2005, was responsible for conducting the registration and providing documentation in the form of Refugee Status Determination (RSD), providing durable solutions in the form of resettlement to third countries (HRCSL, 2017). Refugee Status Determination refers to the legal or administrative process by which governments or the UNHCR determine whether a person seeking international protection is considered a refugee under international or national law (UNHCR, n.d). Following a positive RSD decision, an individual can be referred for resettlement, alongside the reaffirmation of their access to protection under international law (Forced Migration Review, n.d). Aside from the provision of RSD, the UNHCR in Sri Lanka also supported FDPs by providing them with free healthcare, monthly financial support and scholarships for education (Al Jazeera, 2024). However, as of December 2024, the UNHCR ceased physical operations in Sri Lanka, which raised uncertainty regarding many FDPs' ability to stay in Sri Lanka and be permanently resettled elsewhere (DW, 2026). In fact, one possible explanation for the differences between the handling of FDPs between the 2022 and 2024 rescues could be the presence of the UNHCR in Sri Lanka during the rescue in 2022.

2.3 International Organization for Migration (IOM)

Aside from the UNHCR, the International Organization for Migration (IOM) in Sri Lanka also plays a vital role in supporting national efforts in areas such as labour migration and inclusion, counter-trafficking and border governance, but the extent to which the IOM is involved in the governance of FDPs is minimal (IOM, n.d). For example, the IOM supports governments and individuals from 34 countries through a range of services for temporary or permanent migration including document verification for visa applicants, resettlement assistance for refugees and permanent immigrants and humanitarian return assistance for stranded migrants (IOM, n.d). However, while these activities may be useful for FDPs during their time in Sri Lanka, IOM's role in Sri Lanka is primarily situated within the broader migration management framework rather than as a dedicated support center for FDPs. As such, the extent to which they are involved in the governance of FDPs is limited.

2.4 The Human Rights Commission of Sri Lanka

The Human Rights Commission of Sri Lanka (HRCSL) also plays a role in monitoring the treatment and protection of FDPs within Sri Lanka. As an independent commission, the HRCSL is mandated under the Human Rights Commission Act No. 21 of 1996 to promote and monitor the protection of the fundamental rights guaranteed by the Constitution and promote compliance of international human rights standards (HRCSL, n.d). In this capacity, the HRCSL has, on several occasions, provided recommendations to the

Government regarding its management of FDPs, including calling for the ratification of the 1951 Refugee Convention and its 1967 Protocol, the development of a comprehensive asylum and refugee policy and the promotion of public awareness amongst others (HRCSL, 2025; HRCSL, 2024). Moreover, the role of the HRCSL also extends beyond a purely advisory function, as it often conducts investigations to carry out its mandate. For example, following the rescue of the Rohingya asylum seekers in December 2024, the officers of the HRCSL Regional Office in Trincomalee held discussions with the Divisional Secretary and the Senior Superintendent of Police (SSP) in Trincomalee to collect information relating to the asylum seekers to support their asylum claims (HRCSL, 2025). Accordingly, while the HRCSL does not itself administer RSD or provide continuing humanitarian assistance for FDPs in a manner similar to that of the UNHCR, it does monitor and advise the Government on its management of FDPs in the light of its human rights obligations.

9.5 Other Important Stakeholders

In addition to the organisations that are directly involved in the management of FDPs in Sri Lanka many other stakeholders have a role in matters relating to irregular migration and the protection of FDPs within the country. Although these organisations do not have a mandate specifically focused on refugees and asylum seekers, their functions may intersect with FDP governance when they involve issues such as human trafficking or migrant smuggling. For example, the National Anti-Human Trafficking Task Force (NAHTTF) is a multi-stakeholder Government initiative responsible for combatting human trafficking in Sri Lanka. Among its many objectives, the NAHTTF aims to improve appropriate assistance to and protection of victims of human trafficking and enhance the capacity of stakeholders with appropriate skills and capabilities for effective identification/detection, investigations and prosecution of human trafficking (NAHTTF, n.d). The NAHTTF has worked with other stakeholders such as the IOM in the development of the 'National Strategic Action Plan to Monitor and Combat Human Trafficking (2026-2030)', which aims to establish a unified national framework to prevent human trafficking (Ministry of Defence, 2026). As such, this role is particularly relevant to FDP governance when asylum-seekers arrive in Sri Lanka through irregular migration routes that may have exposed them to trafficking or smuggling. This creates the need to develop appropriate identification mechanisms to distinguish FDPs among victims of human trafficking or migrants who have been smuggled to find appropriate protection solutions. Alongside the NAHTTF, the Sri Lanka Navy also has functions relevant to irregular migration. The Navy often acts as a first responder to situations involving rescue at sea, through search and rescue operations and the provision of initial humanitarian assistance while also undertaking maritime surveillance to combat irregular migration. For example, on several occasions, the Navy has rescued groups of Rohingya refugees off the coast of Sri Lanka before bringing them ashore (Al Jazeera, 2024; Al Jazeera, 2022). At the same time, from a national security perspective, the Navy's mandate includes their aim to "achieve national security objectives and safeguard Sri Lanka's maritime interests" (Sri Lanka Navy, n.d). Accordingly, its functions may also intersect with efforts to mitigate irregular migration. For example, on 05 September 2026, during a routine maritime surveillance and patrol operation, the Navy rescued 11 human trafficking victims, including children that were stranded off the coast of Talaimannar (Ada Derana, 2026). The involvement of these stakeholders illustrates how the governance of FDPs within Sri Lanka extends beyond organisations that are specifically concerned with FDP protection. The range of agencies within Sri Lanka that have varying functions related to FDP governance, national security and counter-trafficking, highlights the need for coordination between organisations, so that human rights obligations can be considered alongside other national interests.

10. Gaps in the Existing Provisions

As such, the current ad hoc approach to FDP governance highlights a governance gap arising from the absence of consistent mechanisms to implement the international law obligations Sri Lanka is bound by and to identify and manage irregular arrivals while addressing relevant national security concerns. This gap creates challenges for both FDPs and the State, particularly in establishing consistent procedures for responding to future arrivals and determining the protections afforded to FDPs in a way that complies with international law.

Firstly, the absence of a comprehensive domestic FDP governance framework may create gaps in ensuring compliance with Sri Lanka's applicable international legal obligations. This is particularly relevant to the principle of non-refoulement and the provision of appropriate protection and humanitarian assistance to FDPs. While the current ad hoc approach allows for a degree of flexibility, the absence of consistent procedures for managing FDP arrivals may raise questions regarding the extent to which the State can effectively accomplish its responsibilities and maintain its international standing. As such, the establishment of a clear procedure could strengthen the consistent implementation, providing greater certainty for both the State and FDPs.

Secondly, the lack of a formal identification and registration mechanism may also limit the authorities' ability to distinguish FDPs from other forms of irregular migration, including victims of human trafficking and smuggled migrants. Effective differentiation is vital in ensuring that authorities are aware of irregular arrivals, allowing them to appropriately identify and respond to any activities that may raise national security concerns. Moreover, a comprehensive FDP governance mechanism could provide FDPs with a recognised and lawful process for seeking protection and transiting through Sri Lanka without fearing detention, prosecution or other adverse consequences arising from their irregular status. This may reduce the reliance on irregular methods of movement, and in turn, minimise associated national security concerns.

10.1. Balancing International Law Obligations in FDP Governance

Although international legal standards have consistently reaffirmed the rights of refugees and asylum seekers including core principles such as non-refoulement and access to asylum, some scholars have identified tensions between these protections and the measures adopted by States in the name of national security and sovereignty. This disconnect has been reflected in practice, through territorial pushbacks, automatic detention and restrictions on the right to employment or housing for FDPs (UNHCR, 2024). For the most part, Sri Lanka generally observes the rights provided to FDPs under international law, namely the principle of non-refoulement and, prior to the closure of the physical office of the UNHCR, the provision of temporary housing for FDPs (UNHCR, 2017). However, there have been several instances where the State has departed from such practice. For example, in 2014, 385 Pakistani asylum-seekers were refouled over a period of 5 months due to them having remained in the country without valid visas (UNHCR, 2017; Ada Derana, 2014). During the proceedings, it was reportedly argued that Sri Lanka did not have obligations towards the asylum seekers under the 1951 Refugee Convention because the country was not a State Party to the Convention (Ada Derana, 2014). While Sri Lanka is not bound by the Convention or its Protocol solely by virtue of non-accession, this does not exhaust the international legal obligations applicable to the State. As discussed previously, Sri Lanka is party to several international human rights instruments containing provisions relating to FDP protection, while certain obligations also arise under CIL and domestic law. Therefore, Sri Lanka's non-accession to the 1951 Convention and its 1967 Protocol does not determine the full extent of its obligations towards FDPs.

Beyond non-refoulement, the manner in which FDPs are accommodated and detained following their arrival also raises questions concerning the implementation of Sri Lanka's human rights obligations. According to UNHCR, the detention of FDPs should generally be avoided and be a measure of last resort, with alternatives being sought out and given preference in all circumstances. It goes on to say that if detained, individuals should be entitled to protections that are afforded under the "Revised Guidelines on Standards relating to the Detention of Asylum Seekers" (UNHCR, 2017). These considerations are particularly relevant in Sri Lanka, where individuals arriving through irregular routes may be placed in immigration detention facilities while their identity, immigration status and circumstances are established, and longer-term arrangements are determined. Presently, Sri Lanka has two immigration detention centers for FDPs, located in Welisara in the Gampaha district and Mirihana in the Colombo district (Global Detention Project, 2023). While there is no documented procedure by which FDPs are detained, the Rohingya asylum seekers rescued in December 2022, were detained following the proceedings before the Magistrate (IFRC, 2022). However, the asylum seekers rescued in December 2024, were detained at an Air Force Camp in Mullaitivu. The difference in arrangements adopted in these cases highlight the practical considerations that may arise when managing irregular arrivals, particularly when the State has no comprehensive FDP governance framework by which it can accommodate large groups of people while they await screening and permanent resettlement. As such, decisions regarding the governance of FDPs, particularly with no formal framework, is dependent upon the availability of resources and accommodation alongside the process of identity verification and national security concerns.

These considerations are particularly relevant in Sri Lanka, where migrants arriving through irregular routes may be placed in immigration detention centers while their longer-term arrangements are being determined. For states such as Sri Lanka, which do not have a formal FDP governance framework, decisions regarding the accommodation and management of irregular arrivals have to be accounted for by practical considerations such as the availability of resources and national security. In the short term, FDPs often require orientation and transportation, temporary accommodation, emergency medical care, childcare and humanitarian assistance while they await permanent resettlement (Hlatky, 2026). Where arrivals occur in large groups or through maritime routes, including the 2022 and 2024 rescue operations, the scale and circumstances of such arrivals may place additional demands on existing immigration and accommodation facilities. This is particularly relevant where longer-term arrangements such as third-country resettlement may take time to secure. In addition, the irregular nature of such arrivals may initially require authorities to establish the identity and circumstances of those involved before determining the appropriate form of accommodation and protection in line with its existing law. It is important to note that as per the UNHCR guidelines on detaining asylum seekers, domestic legislation surrounding detention must not be arbitrary and must be made following an assessment of the individual's particular circumstances. In fact, Guideline 4.1.3 recognises the need to detain individuals that present a threat to national security, allowing for national discretion on what constitutes national security provided such measures are necessary, proportionate to the threat, non-discriminatory and subject to judicial oversight (UNHCR, 2017). As such, a formal FDP governance framework could provide greater clarity on the circumstances under which detention may be used, the alternatives available and the procedural safeguards applicable to individuals seeking international protection.

The conditions and duration of immigration detention also raise broader concerns regarding the treatment of FDPs in Sri Lanka. A 2018 report of the United Nations Working Group on Arbitrary Detention described the conditions of the Mirihana detention center as being "dire, overcrowded, with poor shower and bathroom facilities and no recreational activities" (UN Working Group on Arbitrary Detention, 2018). Furthermore, the same report found that as of 2018, some individuals at the detention center had been held for prolonged periods,

including one individual who had been detained since 2010 (UN Working Group on Arbitrary Detention, 2018). This concern has remained relevant to this day, as a Rohingya Refugee living in Sri Lanka had made a direct appeal to the 63rd Session of the United Nations Human Rights Council on the 10th of September 2026, calling for the release of Rohingya refugees held in detention in Sri Lanka (Newswire, 2026). Although these observations do not necessarily establish that all FDPs detained in Sri Lanka experience the same conditions or duration of detention, they demonstrate how the reliance on immigration detention as a long-term response exacerbates the difficulty in fulfilling human rights obligations appropriately.

As such, although Sri Lanka is subject to a number of international and domestic protections relevant to FDP governance, these obligations are dispersed across different legal instruments and are not currently supported by a comprehensive domestic framework specifically governing refugees and asylum seekers. While it may be argued that Sri Lanka's non-accession to the 1951 Refugee Convention and its 1967 Protocol allows the State to maintain some autonomy in governing its treatment of FDPs, the influence of the Convention on non-signatory states must not be understated. Janmyr (2021) argues that the 1951 Convention influences non-signatory states through a process of "socialization", whereby State behaviour is influenced by interactions between the domestic and international systems. This process can involve a range of actors including UNHCR, State diplomats, local NGOs and legal aid providers whose activities can contribute to the dissemination and implementation of international refugee norms within domestic contexts. For Sri Lanka, this process was most evident by the past engagement with the UNHCR, an organisation which aimed to promote accession of the 1951 Convention and assist the local FDP populations in accordance with international law. In accordance with a MOU between Sri Lanka and the UNHCR signed in 2005, the UNHCR provided FDPs with Refugee Status Determinations (RSD) and durable solutions in the form of resettlement to third countries (HRC SL, 2017). This relationship illustrates how, even in the absence of a formal accession to the Convention, international refugee practices can influence the treatment of FDPs within a non-signatory State through institutional engagement.

Aside from this, Sri Lanka's participation in the international forums relating to FDP governance cannot be ignored. Sri Lanka in its capacity as a member of the UNHCR's Executive Committee, was one of 181 States that voted in favour of adopting the Global Compact on Refugees at the UN General Assembly in 2018 (Janmyr, 2021). Although the GCR is non-binding and does not impose the same legal obligations as the 1951 Refugee Convention, Sri Lanka's participation in its adoption demonstrates its engagement with international efforts to develop cooperative approaches to FDP governance. Consequently, while Sri Lanka retains the autonomy to govern its management of FDPs as necessary and practical within its material capabilities, the exercise of these powers should take into consideration the international and domestic legal protections applicable to FDPs within its jurisdiction.

10.2. Balancing National Security in FDP Governance

The concern between balancing national security and managing the influx of refugees and asylum seekers is not new. In fact, many States are faced with the challenge of balancing their sovereign rights to control their borders and manage irregular migration with the commitments they have made under international human rights law (UNHCR, 2024). This concern is significant for Sri Lanka, as island nations may be "particularly vulnerable to the effects of illegal immigration and refugee crises due to their geographical position" and "the challenge of securing vast coastlines and maritime borders" (Herath, 2025). The relationship between national security and irregular migration becomes increasingly relevant in the context of FDPs who arrive in Sri Lanka through irregular routes, as it can create challenges in identifying and differentiating between victims of human trafficking,

smuggled migrants and FDPs. Refugees and asylum seekers often rely on smugglers to facilitate their movement through irregular routes when lawful pathways are unavailable, as evidenced by the 61% of refugees that have reported using a smuggler at least once in their journey (Mixed Migration Center, 2026). This is often due to the fact that FDPs leave their home countries due to their fear of being persecuted, and as such, in the absence of formal or lawful pathways to leave the oppressing country and enter another, they may be compelled to rely on irregular routes to safety (Institute of Policy Studies, 2025). Therefore, FDPs arriving in Sri Lanka through irregular routes, particularly by sea, may have initially voluntarily engaged the services of smugglers to facilitate their movement which does not automatically make them liable for prosecution.

This distinction is recognised under Article 5 of the 2000 United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air (UN Smuggling Protocol), which provides that migrants should not become liable to prosecution under the Protocol solely on the basis of having been smuggled. However, this does not necessarily preclude liability under domestic law, where an individual may be subject to immigration offences relating to unlawful entry or residence, or potentially liability arising from participation in the facilitation of smuggling. This distinction is particularly relevant in Sri Lanka, where the Immigrants and Emigrants Act criminalises unlawful entry and remaining in the country without lawful authority. This means that a person who has been smuggled may face domestic immigration consequences despite not being criminally liable for migrant smuggling under the UN Smuggling Protocol. Such offences may consequently expose individuals to domestic penalties or immigration measures, including detention or removal, notwithstanding that their use of a smuggling route does not itself constitute the international crime of migrant smuggling. This further highlights the importance of distinguishing between different categories of people using irregular migration routes, as different circumstances may give rise to different legal consequences and require different forms of State response.

Failure to distinguish between these categories may result in individuals not receiving the protections, services, or legal redress to which they are entitled and may be vulnerable to being re-exploited (US Department of State, 2017). Moreover, from a national security perspective, it may affect authorities' ability to identify instances of human trafficking, migrant smuggling. UNHCR has emphasised that security considerations and FDP protection are not inherently contradictory, and that standardised screening mechanisms involving registration, biometric collection and information gathering through which authorities can establish who has entered the State, effectively minimising the national security concerns posed by irregular migration. (UNHCR, 2019).

While Sri Lanka has arguably taken many steps to combat irregular migration and safeguard its national security through its combination of domestic legislation related to human trafficking and migrant smuggling, the framework in place must consider the need to ensure how individuals that arrive specifically through mixed migration routes can be appropriately identified and distinguished from each other according to their circumstances. The measures that the Government takes to criminalise movement through irregular routes can be indiscriminate and can affect all migrants, including FDPs that are entitled to international protection (Oxford Handbook of International Law, 2021). For example, the absence of a domestic FDP governance framework in Sri Lanka means that individuals arriving through irregular routes may initially be addressed primarily through existing immigration, anti-trafficking or anti-smuggling mechanisms, rather than through the lens of being a FDP entitled to protection under international law.

This phenomenon has been recognised by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children through Article 14(1), which states that “Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including

international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.” This provision demonstrates how measures adopted to combat trafficking cannot operate independently of States’ existing obligations to protect individuals under international refugee and human rights law. Due to its ratification of the United Nations Convention against Transnational Organized Crime (UNTOC) on 22 September 2006, of which the Trafficking in Persons Protocol forms a part, the Sri Lanka has an existing commitment to combat trafficking and smuggling while ensuring such measures do not undermine the international protections afforded to FDPs under CIL and international human right obligations.

As such, the central governance gap is in the absence of a formal FDP governance framework that operates alongside the existing intersecting provisions that regulate trafficking and other irregular movements. While the existing legislation provides authorities with powers to control human trafficking and migrant smuggling, it does not establish a comprehensive procedure through which individuals arriving through irregular means could be systematically screened before enforcement measures are taken. Arguably, a domestic FDP governance system framework could fill in this gap by providing a formal mechanism through which irregular migrants can be classified systematically allowing them to be managed appropriately in line with the State’s international law obligations.

Importantly, although FDP governance and national security are often viewed as competing objectives, with refugees and asylum seekers often being portrayed as a threat to national security in public and political discourse, Kerwin (2016) argues that in reality, robust refugee and asylum seeker protection policies can diminish this threat. He argues that refugee protection and national security are inextricably linked, as both reflect a desire for safety and security and both require security and protection responses. In the context of irregular migration specifically, a FDP governance framework may in fact “curb the use of human smugglers, limit the risk of trafficking and make life more difficult for terrorists who depend upon and often profit from smuggling networks” (Kerwin, 2016). This has been evidenced in Europe, where the increased securitisation of migration has made border crossings more difficult, leading to new illegal routes and a “stronger smuggling business” (Saldanha, 2024). A formal FDP governance framework may reduce FDP’s reliance on irregular routes and migrant smuggling as it would provide clearer and more accessible mechanisms to seek asylum in Sri Lanka. As such it can contribute to minimising the threat of national security by reducing the conditions that enable irregular migration routes to operate.

Moreover, the establishment of a formal FDP governance framework could strengthen the State’s ability to identify and differentiate individuals arriving through mixed migration routes according to their circumstances. For example, post 9/11, the United States sought to “secure mobility” through a range of measures including intelligence collection, layered screening including interviews to assess eligibility for admission and credibility and enhanced background checks on migrants (Kerwin, 2016). Such systematic registration, documentation and refugee status determination could allow the State to distinguish FDPs from victims of human trafficking, migrants who have been smuggled, or other forms of irregular migration in order to fulfill the international law obligations they have towards FDPs according to international law whilst safeguarding national security. According to the UNHCR, through an adequate screening mechanism that allows for RSD, Authorities would be able to conduct a “full factual and legal assessment of individuals” on a case by case basis, providing for the “exclusion of those responsible for serious criminal, including terrorist, acts” (UNHCR, 2001). In this respect, a FDP governance framework could complement Sri Lanka’s existing immigration legislation rather than restrict its ability to regulate borders. By offering a structured mechanism, it will enable a balanced assessment of both

protection and security considerations.

11. Observations and Recommendations

1. Establish a domestic FDP governance framework to identify and register FDPs

A key observation in evaluating the efficacy of Sri Lanka's current ad hoc approach is that while it provides the State with the flexibility in responding to FDP arrivals on a case-by-case basis, the absence of a comprehensive domestic FDP governance framework creates uncertainty regarding the identification and protection of FDPs. Prior to December 2024 cessation of the physical operations of the UNHCR in Sri Lanka, the UNHCR was able to provide refugees and asylum seekers with temporary RSD that allowed them to receive basic support in the form of financial support and scholarships for education. Establishing a domestic FDP governance framework, could provide greater procedural certainty for both FDPs and State authorities by establishing when and how an individual enters the protection system, the criteria against which their claim is assessed, and the process by which FDPs can be permanently resettled elsewhere. Importantly, establishing such a mechanism would allow Sri Lanka to maintain policy autonomy in the governance of FDPs, allowing the State to give effect to the international law obligations that already apply to it while balancing its national security considerations.

2. Develop clear procedures for separating FDPs from victims of trafficking and smuggled migrants at the point of arrival or interception to safeguard national security

When fleeing persecution, FDPs may often use the same irregular routes as trafficking victims and smuggled migrants, while individuals involved in facilitating trafficking or migrant smuggling may also be present within the same movements. These categories can overlap in practice but give rise to different legal consequences, protection needs and law-enforcement responses. In introducing a standardised screening and referral process at points of arrival or interception, Sri Lanka would be able to identify and register each individual based on their circumstance and status, allowing for the appropriate legal pathway to be determined. Following the screening process, individuals could then be referred to the appropriate authority rather than being subjected automatically to a single immigration response. Such a mechanism could strengthen national security by improving the information available to authorities regarding irregular movements and facilitating the identification of trafficking and smuggling networks, while simultaneously reducing the risk of FDPs being misidentified as offenders and being subject to detention and penalisation. This would allow Sri Lanka to concurrently fulfill its international law obligations while balancing its national security concerns related to irregular migration.

3. Introduce safeguarding mechanisms aligning with the international law obligations of Sri Lanka that could be exhausted before removal or detention

Although Sri Lanka is not party to the 1951 Refugee Convention or its 1967 Protocol, it continues to be bound by relevant international human rights treaties and CIL, including obligations concerning non-refoulement and the humane treatment of persons within its jurisdiction. While Sri Lanka does retain powers to detain or remove persons, provided they are a threat to the country's national security, under international law obligations the State has limited capacity to arbitrarily detain individuals or hold them for an undisclosed period of time. In introducing a procedure whereby an FDP's claim for asylum can be assessed prior to removal, Sri Lanka would be able to prevent refoulement in instances where return may expose an individual to torture or enforced

disappearance. Where detention is not strictly necessary, authorities could consider less restrictive alternatives, particularly while an FDP's RSD is being assessed. This would allow Sri Lanka to strengthen procedural safeguards without creating an immediate requirement for dedicated refugee facilities, a process which would align with Sri Lanka's role as a transit state. Such a mechanism could provide access to basic humanitarian assistance while protection claims are being assessed and third-country resettlement can be assessed. This would enable Sri Lanka to fulfil its international law obligations.

4. Establish a FDP governance framework that coordinates the application of existing legislation and the mandates of relevant government institutions and other stakeholders involved in FDP governance in Sri Lanka

Finally, an effective FDP governance framework would allow for a more coordinated approach to governing FDPs in Sri Lanka. The current response to FDPs involve a range of actors, including immigration authorities, the Sri Lanka Navy and other security agencies, the Human Rights Commission of Sri Lanka, the IOM and numerous other institutions, each operating within their respective mandates. While these existing institutions possess relevant expertise and powers, the absence of an overarching, comprehensive FDP framework makes it difficult to establish how their responsibilities interact at each stage of an FDPs stay in Sri Lanka, ranging from arrival to permanent resettlement. In developing a coordinated mechanism that connects existing mandates and establishes clear procedures for information-sharing, referral and decision-making, Sri Lanka could make use of its existing capacities while providing a consistent process through which international human rights obligations and national security considerations can be addressed together.

12. Conclusion

This research set out to answer the question of whether Sri Lanka, as a non-signatory to the 1951 UN Refugee Convention or its 1967 Protocol, should establish a domestic FDP governance framework to balance its international law obligations alongside its national security considerations whilst maintaining its policy autonomy. While Sri Lanka's current ad-hoc approach provides flexibility and allows the State to respond to FDP arrivals on a case-by-case basis, the extent to which it helps the State to balance considerations relating to national security and international law obligations is limited. This is primarily because, in the absence of a comprehensive FDP governance framework, the State has limited ability to distinguish FDPs from forms of irregular migration such as human trafficking and migrant smuggling, exacerbating concerns surrounding national security. It is also compounded by the fact that Sri Lanka's non-accession to the 1951 Convention and its 1967 Protocol limits the extension of the full protections under the Convention and its protocol to refugees and asylum seekers, despite the obligations that the State is otherwise bound by, including the several international treaties, CIL and even domestic legislation that prohibit non-refoulement and regulate the treatment of FDPs. However, this research, through its analysis of primary and secondary sources, finds that a robust FDP governance framework could in fact, minimise national security concerns surrounding irregular migration while allowing for the fulfilment of Sri Lanka's international law obligations. By allowing for a systematic identification and registration process for FDPs, Sri Lanka would be able to distinguish victims of human trafficking and smuggled migrants from FDPs through a coordinated governance framework that brings together the existing legal and institutional mechanisms relevant to FDP governance. This would minimise the uncertainty surrounding the procedures relating to FDP governance, particularly in relation to the identification, registration and long-term provision of accommodation and resettlement solutions. As such, the research finds that through the establishment of a comprehensive FDP

governance framework, the State would be able to reconcile its international law obligations with the exercise of autonomy over migration policy and national security.

References

- Ada Derana. (2015, June 16). *Sri Lanka to treat migrants as 'victims' of smugglers*. <https://adaderana.lk/news/31273?nid=31273>
- Ada Derana. (2024, September 05). *Navy rescues 11 human trafficking victims, including children, stranded off Talaimannar*. <https://adaderana.lk/news/cmtod4stk0000356pq5gszsm0>
- Ada Derana. (2024, September 29). *Supreme Court rejects petition to halt deportations*. <https://adaderana.lk/news/28279>
- Al Jazeera. (2022, December 19). *Sri Lanka navy rescues over 100 Rohingya adrift in rough seas*. <https://www.aljazeera.com/news/2022/12/19/sri-lanka-navy-rescues-over-100-rohingya-adrift-in-rough-seas>
- Al Jazeera. (2024, December 20). *Sri Lanka Navy rescues over 100 Rohingya adrift in the Indian Ocean*. <https://www.aljazeera.com/news/2024/12/20/sri-lanka-navy-rescues-over-100-rohingya-adrift-in-the-indian-ocean>
- Attanayake, D. (2023, January 06). *Sri Lanka: Refugees anguish as UNHCR office set to close*. DW. <https://www.dw.com/en/sri-lanka-refugees-anguish-as-unhcr-office-set-to-close/a-65790656>
- BBC. (2020, January 23). *Myanmar Rohingya: What you need to know about the crisis*. <https://www.bbc.com/news/world-asia-41566561>
- Chan, P.C.W. (2006). The Protection of Refugees and Internally Displaced Persons: Non-Refoulement under Customary International Law? *The International Journal of Human Rights*, 10(3), 231 - 239. <http://dx.doi.org/10.1080/13642980600828552>
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10, 1984, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>
- Convention relating to the Status of Refugees, July 28, 1951, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>
- Convention on the Rights of the Child, November 20, 1989, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- Daily FT. (2025, January 9) *Govt. to deport Rohingya people if they are victims of human trafficking*. <https://www.ft.lk/news/Govt-to-deport-Rohingya-people-if-they-are-victims-of-human-trafficking/56-771619>
- Fernando, R. (2025, January 20). *Rohingyas: Why are They in Sri Lanka and What Should We Do?* Ground Views. <https://groundviews.org/2025/01/20/rohingyas-why-are-they-in-sri-lanka-and-what-should-we-do/>

Forced Migration Review, (n.d). *Legal protection of refugees in South Asia*. <https://www.fmreview.org/abrar/>

Global Commission on International Migration. (2005). *Irregular migration, state security and human security*. <https://www.iom.int/sites/g/files/tmzbd12616/files/2018-07/TP5.pdf>

Global Detention Project. (2023, February 2). *Robingya Refugees Detained in Sri Lanka*. <https://www.globaldetentionproject.org/02-february-2023-sri-lanka>

Gopallawa, S. (2024, July 30). *Combating Child Trafficking in Sri Lanka*. *Save the Children*. <https://www.savethechildren.net/blog/combating-child-trafficking-sri-lanka>

Grizold, A. (1994). The Concept of National Security in the Contemporary World. *International Journal on World Peace*, 11(3), 37 - 53, <https://www.jstor.org/stable/20751984>

Herath, P. (2025, April 24). *Illegal migration of Refugees and the National Security Dilemma of Island Nations*. Institute of National Security Studies. <https://ceylontoday.lk/2025/04/24/illegal-migration-of-refugees-and-the-national-security-dilemma-of-island-nations/>

Hlatky, R. (2026, January 19). State Capacity, Refugee Reception, and Attitudes towards Refugees. *Comparative Political Studies*. <https://journals.sagepub.com/doi/10.1177/00104140251414014>

Human Rights Commission of Sri Lanka. (2025, January 31). *Report on the Status of Rohingya Asylum Seekers Detained in Mullaitivu, and Related Issues*. https://www.hrcsl.lk/wp-content/uploads/2025/01/HRCSL-Report-on-Rohingya-Asylum-Seekers_January-2025.pdf

Human Rights Commission of Sri Lanka. (2025, June 26). *HRCSL Engages Civil Society in Dialogue on Refugee Protection* [Press release]. https://www.hrcsl.lk/wp-content/uploads/2025/06/HRCSL-Press-Notice-26_06_2025.pdf

Human Rights Commission of Sri Lanka. (2024, June 20). *Statement of the Human Rights Commission of Sri Lanka on World Refugee Day 2024* [Press release]. <https://www.hrcsl.lk/wp-content/uploads/2024/06/HRCSL-Statement-on-World-Refugee-Day-2024.pdf>

Human Rights Commission of Sri Lanka. (n.d). *History*. <https://www.hrcsl.lk/about/history/>

Immigrants and Emigrants Act No. 20 of 1948, as amended by No. 27 of 2021, <https://lankalaw.net/wp-content/uploads/2025/02/1956Y11V351C.html?srsltid=AU7gw4WQ6jb52b4b1nN91SnjcuAX-hjM2qnpdDhaB41fp1qaGRpMuRdX>

Institute of Policy Studies. (2025, July 15). *Dr Bilesha Weeraratne Highlights the Need for a Muti-sectoral Approach to Address Irregular Labour Migration Issues*. <https://www.ips.lk/dr-bilesha-weeraratne-highlights-the-need-for-a-muti-sectoral-approach-to-address-irregular-labour-migration-issues/>

International Committee of the Red Cross. (2024, February 01). *Humanitarian Law, Human Rights and Refugee Law – Three Pillars*. <https://www.icrc.org/de/stellungnahme/humanitarian-law-human-rights-and-refugee-law>

[refugee-law-three-pillars](#)

International Committee of the Red Cross. (2022). *What is international humanitarian law?* [Fact Sheet]. <https://www.icrc.org/en/document/what-international-humanitarian-law>

International Committee of the Red Cross. (2024, February 01). *Humanitarian Law, Human Rights and Refugee Law – Three Pillars*. <https://www.icrc.org/de/stellungnahme/humanitarian-law-human-rights-and-refugee-law-three-pillars>

International Convention for the Protection of All Persons from Enforced Disappearance, December 20, 2006, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>

International Convention for the Protection of All persons from Enforced Disappearance Act No. 05 of 2018, https://www.srilankalaw.lk/gazette/2018_pdf/05-2018_E.pdf

International Federation of Red Cross and Red Crescent Societies (2023). *Sri Lanka Population Movement 2022 - Final Report*. <https://reliefweb.int/report/sri-lanka/sri-lanka-population-movement-2022-final-report-mdrlk016>

Janmyr, M. (2021). The 1951 Refugee Convention and Non-Signatory States: Charting a Research Agenda. *International Journal of Refugee Law*, 33(2), 188–213, <https://doi.org/10.1093/ijrl/eeab043>

Kerwin, D. (2016). How Robust Refugee Protection Policies Can Strengthen Human and National Security. *Journal on Migration and Human Security*, 4(3), 83 - 140, <https://www.onlinelibrary.iihl.org/wp-content/uploads/2020/05/2016-C1-2.pdf>

Lambert, H. (2021). Customary Refugee Law. In C. Costello, M. Foster and J. McAdam (Ed.), *The Oxford Handbook of International Refugee Law* (pp. 240-247). Oxford University Press.

Mamiya, R. (2025, January 21). *Understanding the Duty to Rescue at Sea: Legal and Humanitarian Perspectives*. Foundation for Humanitarian Action at Sea. <https://www.fhas.ch/expertise/understanding-the-duty-to-rescue-at-sea-legal-and-humanitarian-perspectives>

Migration Data Portal. (2002). *Irregular migration*. <https://www.migrationdataportal.org/handbooks/chapter-4-introduction-key-concepts-and-definitions/irregular-migration>

Ministry of Defence. (2026, January 28). *Sri Lanka Unveils Five-Year National Action Plan to Strengthen Anti-Human Trafficking Efforts*. https://www.defence.lk/Article/view_article/28946

Mixed Migration Portal. (2026, July 23). *Smuggling*. <https://mixedmigration.org/4mi-data-explorer/en/smugglers?&start-period=2021-01-01&end-period=2025-12-31>

Mohanty, M. (2018). Migration and National Security Challenges. *The Indian Journal of Political Science*, 79(4), 1566 - 1570. <https://www.jstor.org/stable/26668742>

National Anti-Human Trafficking Task Force (n.d). *About us*. <https://nahttf.gov.lk/about.php>

Newswire. (2026, September 10). *Rohingya refugee in Sri Lanka appeals for release at UN Human Rights Council*. <https://www.newswire.lk/2026/09/10/rohingya-refugee-in-sri-lanka-appeals-for-release-at-un-human-rights-council/>

Nugent, H. (2022, July 05). *The number of people fleeing their homes has doubled in a decade. Why?* World Economic Forum. <https://www.weforum.org/stories/urban-transformation/global-displaced-conflict-refugees/>

Office to Monitor and Combat Trafficking in Persons. (2017, June 27). *Human Trafficking & Migrant Smuggling: Understanding the Difference* [Fact sheet]. U.S. Department of State. <https://2017-2021.state.gov/human-trafficking-migrant-smuggling-understanding-the-difference/>

Office to Monitor and Combat Trafficking in Persons. (2025). *2025 Trafficking in Persons Report: Sri Lanka*. U.S. Department of State. <https://2017-2021.state.gov/human-trafficking-migrant-smuggling-understanding-the-difference/>

Office to Monitor and Combat Trafficking in Persons. (2024). *2024 Trafficking in Persons Report: Sri Lanka*. U.S. Department of State. <https://2017-2021.state.gov/human-trafficking-migrant-smuggling-understanding-the-difference/>

Penal Code (Ordinance No. 2 of 1883), as amended by No. 25 of 2021, https://lankalaw.net/legislations/core-legislations/penal-code/?srsltid=AU7gw4XWIBH0gD_cg0jWW8mlsEQ1gavBpE5xgAr_lgT_xAKq9RENFCtr

Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva, Switzerland. (2018, August 15). *UNHCR invites Sri Lanka to play an active role in the organization*. <https://www.lankamission.org/migration-refugees/unhcr-invites-sri-lanka-to-play-an-active-role-in-the-organization>

Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-against-smuggling-migrants-land-sea-and-air>

Protocol relating to the Status of Refugees, December 16, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees>

Polaris Project. (2021, May 25). *Trafficking vs. Smuggling: Understanding the Difference*. <https://polarisproject.org/blog/2021/05/trafficking-vs-smuggling-understanding-the-difference/>

Reddy, P.A., Apoorva, S. (2019, April 24). *The necessity to develop a regional refugee framework for South Asia*. Völkerrechtsblog. <https://voelkerrechtsblog.org/the-necessity-to-develop-a-regional-refugee-framework-for-south-asia/>

Roberts, A., & Sivakumaran, S. (2024). The Theory and Reality of the Sources of International Law. In M. Evans (Eds.), *International Law* (pp. 93-123). Oxford University Press.

Saldanha, S. (2024, June 17). Migrants as threats to national security. Who benefits?. LSE International Development <https://blogs.lse.ac.uk/internationaldevelopment/2024/06/17/migrants-as-threats-to-national-security-who-benefits/>

Shaw, M. (2014). *International Law* (7th ed.). Cambridge University Press.

Shazuli, H. (2024, February 2). *Fear grips refugees after UNHCR says it will close Sri Lanka operations*. Al Jazeera. <https://www.aljazeera.com/news/2024/2/2/fear-grips-refugees-after-unhcr-says-it-will-close-sri-lanka-operations>

Sri Lanka Navy. (2020) *Maritime Doctrine of Sri Lanka (MDSL)*. https://www.navy.lk/assets/img/doctrine/br_01/mobile/index.html#p=3

Sunday Times. (2025, May 25). *Sri Lanka upholds its search and rescue duty*. <https://www.sundaytimes.lk/250525/news/sri-lanka-upholds-its-search-and-rescue-duty-599575.html>

The Visual and Data Journalism Team. (2019, September 23). *Displaced people: Why are more fleeing home than ever before?* <https://www.bbc.com/news/world-49638793>

The Constitution of the Democratic Socialist Republic of Sri Lanka: As amended up to 31st October 2022 (2023.). <https://www.parliament.lk/files/pdf/constitution.pdf>

The Permanent Mission of Sri Lanka to the United Nations and other International Organizations in Geneva. (2018, October 03), *69th Session of the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR)*. <https://www.unhcr.org/sites/default/files/legacy-pdf/5bb3bd524.pdf>

United Nations Convention against Transnational Organized Crime, November 15, 2000, <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

United Nations General Assembly. (2018). *Global Compact on Refugees*. <https://www.unhcr.org/sites/default/files/legacy-pdf/5c658aed4.pdf>

United Nations High Commissioner for Refugees. (n.d.). *What is the difference between population statistics for forcibly displaced and the population that UNHCR protects and/or assists?* <https://www.unhcr.org/refugee-statistics/insights/explainers/forcibly-displaced-pocs.html>

United Nations High Commissioner for Refugees. (2001, November 29). *Addressing Security Concerns Without Undermining Refugee Protection - UNHCR's Perspective*. <https://www.refworld.org/reference/research/unhcr/2001/en/21681>

United Nations High Commissioner for Refugees. (n.d.). *Who we Protect: Asylum-Seekers*. <https://www.unhcr.org/about-unhcr/who-we-protect/asylum-seekers>

United Nations High Commissioner for Refugees. (2005). *Global Trends: Forced Displacement in 2025*. <https://www.unhcr.org/sites/default/files/2026-06/global-trends-report-2025.pdf>

United Nations High Commissioner for Refugees. (2024, February 04). *Refugee Protection: A Case for Balance Between National Security & Humanitarian Concerns*. <https://www.unhcr.org/in/news/speeches-and-statements/refugee-protection-case-balance-between-national-security-humanitarian>

United Nations High Commissioner for Refugees. (2019, October 10). *Assistant High Commissioner for Protection – Statement to the 70th session of the Executive Committee of the High Commissioner's Programme (Geneva, 7-11 October 2019)*. https://www.unhcr.org/publications/assistant-high-commissioner-protection-statement-70th-session-executive-committee-high?utm_source=chatgpt.com

United Nations Human Rights Council Working Group on Arbitrary Detention. (2018). *Report of the Working Group on Arbitrary Detention on its visit to Sri Lanka*. <https://digitallibrary.un.org/record/1639474?ln=en&v=pdf>

United Nations Office on Drugs and Crime. (n.d). *Human Trafficking*. <https://www.unodc.org/unodc/en/human-trafficking/human-trafficking.html>

United Nations Office on Drugs and Crime. (n.d). *Migrant Smuggling*. <https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/migrant-smuggling.html>

United Nations. (n.d.). *The Foundation of International Human Rights Law*. <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>

United Nations. (2026, September 03). *Myanmar's Rohingya and other minorities face renewed terror, illicit economies boom*. <https://www.ohchr.org/en/stories/2026/09/myanmars-rohingya-and-other-minorities-face-renewed-terror-illicit-economies-boom>

Velmurugu v. The Attorney General and Another, SLR 406 (1981) <https://www.slcat.org/wp-content/uploads/2021/08/038-SLLR-SLLR-1981-1-VELMURUGU-v.-THE-ATTORNEY-GENERAL-AND-ANOTHER.pdf>

Vijayakumar, V. (2001). A Critical Analysis of Refugee Protection in South Asia. *Refuge: Canada's Journal on Refugees*, 19(2), 6 - 16. <https://www.jstor.org/stable/45411754>

Vladoiu, I. (2024, December 18) Understanding the Difference Between International Humanitarian Law and Human Rights Law in 2025. *US Institute of Diplomacy and Human Rights*. <https://usidhr.org/post/understanding-the-difference-between-international-humanitarian-law>

Warusavitarana, S. (2019, April 1). *Migrants, refugees and asylum seekers: the Sri Lankan context*. United Nations Development Programme. <https://www.undp.org/srilanka/blog/migrants-refugees-and-asylum-seekers-sri-lankan-context>

Weeraratne, B. (2025, January 22). *Balancing Borders: How Should Sri Lanka Manage the Rohingya Influx?*.
<https://www.ips.lk/talkingeconomics/2025/01/22/balancing-borders-how-should-sri-lanka-manage-the-rohingya-influx/>