QUESTIONs

1. (U) WHAT ARE THE ETHNIC TENSIONS, BOTH IN INDIA DURING 1/26/66 AND THE COMMANDMENT OF THE CITIZENSHIP ACT OF 1966?


3. (U) WHAT IS THE HONORABLE CONTRIBUTION OF THE TIBETAN LIBERTY MOVEMENT FUND, WHAT IS THE PURPOSE OF THIS BOOKLET?

4. (U) IS ANY TIBETAN WOMAN USER, DOCUMENTS EXPLAINED HEREIN, AS IS A BRIEF AMD PROGRAM OF OUR MISSION, REJOICE IN THE U.S. ACTION TO INDIA?
5. (Q) WHAT SECURITY MEASURES, IF ANY, ARE TAKEN BY THE OFFICE OF THE REPRESENTATIVE OF THE DALAI LAMA WHEN ISSUING "BIRTH CERTIFICATES" OR "MARRIAGE CERTIFICATES" TO ENSURE THE INFORMATION THEREIN IS ACCURATE?

QUESTIONS FOR KATHMANDU:

1. (Q) PLEASE PROVIDE THE FULL TEXT OF THE NATURALIZATION LAW IN NEPAL.

2. (Q) ARE ETHNIC TIBETANS PERMITTED TO Engage IN ANY FORM OF PEACEFUL POLITICAL EXPRESSION IN NEPAL?

3. (Q) CAN ETHNIC TIBETANS, WHOSE TRAVEL DOCUMENTS EXPIRE WHILE IN THE U.S., RETURN TO NEPAL?

4. (Q) CAN YOU PROVIDE A DETAILED DESCRIPTION OF THE PROCEDURES IN PLACE FOR ACQUIRING A RESIDENCY CARD OR AN IDENTITY CERTIFICATE IN NEPAL?

5. (Q) HOW MANY NEPALESE PASSPORTS WITH VALID VISA, WHERE APPLICANTS CLAIM TO HAVE OBTAINED ILLEGITIMATELY, CAN YOU SHOW ANY LIGHT ON THE PROCESS OF WHICH VALID PASSPORTS ARE BEING OBTAINED "ON THE STREET"?

6. (Q) CAN A PERSON WHO WAS NEVER IN TIBET, NOW MOVED TO NEPAL AS A MOTHER AND RECEIVED NO DOCUMENTATION, RETURN TO NEPAL AFTER TRAVELLING ABROAD?

7. (Q) WHAT IS THE SIGNIFICANCE OF A NEPALESE REFUGE CERTIFICATE ALREADY
New Delhi, India

September 20, 1973

To: The Indian High Commissioner
From: The United States Department of State

Subject: Request for Information: Tibetan Asylum Claims

Dear High Commissioner,

I am writing to request information regarding the status of Tibetans in India. Specifically, I would like to know if Tibetans born to Tibetan parents in India cannot apply for Indian citizenship or if they must apply for citizenship after five years of residency in India. Additionally, I am interested in learning about the steps that a Tibetan must take to qualify for Indian citizenship.

Your cooperation in providing this information is greatly appreciated.

Sincerely,

[Signature]

[Title]

United States Department of State
ABROAD. IN PRACTICE, TIBETANS WITHOUT LEGAL STATUS IN INDIA REGULARLY TRAVEL BETWEEN THE THICKLY-POPULATED AREAS OF INDIA, NEPAL, BUTAN, AND THIMPU. THE GOVERNMENT OF INDIA HAS AN OFFICIAL POLICY OF ALLOTTING THEM TIBETAN REFUGEE STATUS, BUT IT IS NOT APPLIED UNIFORMLY BY LOCAL AUTHORITIES IN NEPAL, BANGLADESH, AND PAKISTAN. HOWEVER, DOES NOT AFFECT THEIR LEGAL STATUS.

5. REPRESENTATIVES OF THE CENTRAL TIBETAN ADMINISTRATION AGREE THAT THERE ARE NO LEGAL AND REGULATORY REQUIREMENTS FOR THE ISSUE OF A MARRIAGE LICENSE. A MARRIAGE LICENSE IS ISSUED AS ONLY A REQUIREMENT FOR TRAVEL ABROAD. TIBETANS DO NOT REGISTER THEIR MARRIAGE WITH THE GOVERNMENT-MADE EXISTING TIBETAN AND NEPALESE REGISTRATION THROUGH THE INDIAN COURTS SYSTEM. RECORDS FOR CHILDREN BORN IN INDIA ARE VERIFIED BY NEPALESE WELFARE OFFICERS. IN THE CASE OF TIBETANS Born OUTSIDE OF INDIA, WELFARE OFFICERS MUST VERIFY BIRTH DETAILS THROUGH A REVIEW OF DOCUMENTS HELD BY THE GOVERNMENT-IN-EXILE OR PRESERVED BY THE PETITIONER.
Subject: Re: Pad: RIC Query
Author: John D Evans at USRIC
Date: 1/29/98 12:07 PM

Query, dated today, just arrived on my workstation...Sorry, but we really can’t be expected to do a 24 hour turn-around. If this issue is not critical to your assessment, then you’d better cancel the pick-up and go the case on hold. As luck would have it, my Africa specialist is in Baltimore this morning and my SE Asia specialist is in DC at the Carnegie until at least 2:30 today. They will get the requests this afternoon. I should also add that this kind of turn-around isn’t likely to happen.

A quick look at the WORLD Legal Database seems to indicate that a person born in India cannot acquire citizenship by birth, at least between 1950 and 1986. Afterwards, it appears one of the parents needs to be a citizen of India.

Citizenship by birth:

(1) Except as provided in sub-section (2), every person born in India —
(a) on or after the 26th day of January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1986;
(b) on or after such commencement and either of whose parents is a citizen of India at the time of his birth, shall be a citizen of India by birth.

(2) A person shall not be such a citizen by virtue of this section if at the time of his birth:
(a) his father possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India; or
(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

However, in the Country database, Canadian RÉFINFO response IND1239 quotes the Indian representative in Ottawa in 1992 with directly contradictory information:

"According to the High Commission of India in Ottawa, Tibetan refugees do not have the right to acquire Indian nationality, even if they were born in India (20 July 1992)." This latter info seems pretty definitive, but we will have to continue researching to address the apparent conflict between the Citizenship Law and the diplomatic interpretation. This is exactly why we need more time. More later, unless you tell us to stop?