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TIBETAN REFUGEES IN INDIA

Tibetan refugees, numbering about 100,000 now live in India. They but do not have the rights of Indian citizens such as voting or carrying an Indian passport, but they are free to work on the Indian economy or in the numerous Tibetan settlements established by the Indian Government. They can marry Indian citizens, although few do.

Most Tibetans who do work are small shopkeepers, food stand owners and peddlers. They are subject to the same rules governing the purchase of property as are other non-Indian citizens, i.e. they must first obtain the permission of the Reserve Bank of India. Tibetans are known to own land and houses in India. Most Indian citizens are provided with food ration cards which allow them to purchase government-subsidized necessaries at greatly reduced cost.

Tibetan refugees also receive ration cards, usually from the governments of the states in which they reside. Village health centers can by State governments and subsidized by the Indian Health Minister also provide free health care to rural Indians. Tibetan refugees can avail themselves of this free health care, although the demand for medications frequently exceeds available supplies. Health care providers generally require sub rosa payment of some sort.

While there have been isolated anti-Tibetan incidents (usually in the form of attacks by Indian criminals), Tibetan refugees in India are generally able to lead productive, peaceful lives in India. The Government of India does not harass or mistreat Tibetans, nor does it threaten to return Tibetans to Tibet. Stories of government mistreatment contained in asylum applications are not consistent with country conditions.

Beginning at age 18, Tibetan refugees in India receive a Residential Certificate issued by the Home Ministry through the District Superintendent of Police in the locality where the individual resides. The certificates are valid for one year and renewable. Tibetans must carry the Residential Certificate when travelling within India. For international travel, Tibetan refugees resident in India use an “Identity Certificate” issued by the Home Ministry valid for two years and renewable. When stamped with a “no objection to return to India stamp” (NORI) these documents permit the bearer to travel internationally and to return to India. Our understanding is that the Government issues NORI stamps after clearance with the government of the state in which the individual lives. Refusal to issue such stamps is rare, although bureaucratic delays have sometimes resulted in de facto refusals.

We are not aware that the Government of India has forced any Tibetan refugees to return to Tibet, although some Tibetans visit India and then return voluntarily to Tibet. We do not generally consider that travel to Tibet is a viable option for a Tibetan who has legally left China. According to our Embassy in New Delhi and our knowledge of conditions and practices in China, the Chinese government considers Tibetan refugees living in India to be Chinese. A Tibetan refugee wishing to travel legally to Tibet must obtain a travel document from the Chinese Embassy in New Delhi by completing a form identifying the individual as a Chinese citizen living outside China. The Indian Government then places an exit stamp in the Chinese-issued document. Tibetans do not travel to Tibet from India on an Indian-issued identification Certificate.
INDIA

Regarding citizenship in general, Tibetans are not citizens of China or India or Nepal, but nor do they appear "stateless" in the same way we view Palestinians. Once abroad, they may and usually do return to India or Nepal without problem. India apparently does offer citizenship to Tibetans; the International Campaign for Tibet (Ackerly) says India has a standing offer of citizenship, and that it can happen; this seems consistent with Indian law, but does not seem to in practice. China too has an offer of citizenship to any Tibetan. Most choose not to assume it, wanting to retain their "Tibetan" nationality, such as it is.

Most Tibetans can be considered settled in India, unless recently arrived. In the case that they have recently arrived from Tibet and have only passed through India or Nepal, they have no right to return to those countries. If this is the case, it is possible that they will be found to have a fake for return to China. (do not get into conditions in Tibet here.)

Recently arrived Tibetans would not include those who arrived in India during the late 1950's and 1960's with the first wave of exiles who accompanied the Dalai Lama. These were actually resettled in India, and given land and housing. Their children attend superior Central schools. Those who arrived later (Ackerly says after 1960) did not get housing or land, and establishing oneself became harder.

Recent arrivals appears to include those who, according to Ackerly, arrived in India after 1980 (approximately); they aren't recognized as refugees in India, and may try to claim they had been in India earlier. Their case for a residency permit may be made by the Central Tibetan Administration (once ten years in India has been reached).

The US Committee for Refugees reports that the Indian authorities have not offered them (those who arrived after 1979) the same status as the earlier groups, and have not sanctioned their moving into established Tibetan settlements without authorisation. They have not, however, taken any steps to prevent them from entering or remaining in India.

Most Tibetans with Indian residential certificates can easily return to India and few if any face any risk upon return to India. However Tibetans in general do what they can to not upset their Indian "hosts". The Government of India would prosecute those who seriously harass Tibetans.
You have, in the Tibetan binder of 1/98, some documentation from State describing, somewhat, the issuance of Indian home ministry issued registration certificate, and the identity certificate from external affairs used for travel abroad (this document containing a no objection to return to India (NOO) stamp). These documents may be obtained through kyibery.

Generally India issues residency documents readily unless one is openly politically active in India; such a person may be barred from returning to India (See DOS cable 22 April 1996). This has applied to certain high monks, those affiliated with them, and those affiliated with certain Tibetan sects on which I have no information at the moment. Most monks can not return to Tibet under any circumstances owing to their affiliation with the Dalai Lama.

Residency permits for India are granted after 10 years in India, and citizenship is supposedly available 5 years thereafter - few Tibetans take citizenship. Residency is renewed usually without restriction. Those who remain outside of India for more than one year, however, may face some restrictions when trying to renew their residency permit.

Restrictions on Tibetans in India, legal or otherwise, are few, but opportunity is limited as well. Most Tibetans who have been in India for ten years or more should know some English.

For those Tibetans recently arrived in India from Tibet, they have no legal right to remain, although they are unlikely to be deported from India while there. Their right to return to India appears to be contingent on a NOO or No objection to Return Stamp placed in the Identity Certificate by the Passport Office. State says that occasionally NOO stamps may be withheld if an individual has been convicted of unlawful activities including political activities.

Tibetans who are politically active in India may be barred from reentering. The State Department says their names could appear on which lists consulted at entry, or by Indian embassies issuing visas.

Residency permits from India are likely to be renewed automatically.

One of the best indications that a Tibetan is a refugee would be the Green book which is a book of "taxes" or contributions paid to the Tibetan Government in exile.

NEPAL

There are more restrictions on Tibetans in Nepal. If a Tibetan was born in Nepal they have residency there. If born in Tibet, they are living illegally in Nepal if there after 1989. and have no status there and are supposed to proceed to India, staying no more than a week in Nepal (opportunities for resettlement in Nepal are few; but, if they are pre-1989. they are likely to have residency in Nepal)

Tibetans from Tibet with permission to enter Nepal often travel to India for a brief visit then return to Tibet; they may travel on a UNHCR document issued in Nepal for the India part of the trip. This document would of course not be used for the return to Tibet.

There is a backlog of approx. 4,000 Tibetans in Nepal waiting for their residency permits; thus we cannot necessarily make a blanket statement that Tibetans from Nepal automatically have residency rights there, and for other reasons this may be true. Also, Tibetans frequently travel on fake Nepali passports. This is especially true of those who use the names: Lama, Sherpa, or Shresta, being names of ethnic Nepalis.
NOTED: Holders of these Nepali passports may in fact have recently arrived from Tibet. In that case they may not be entitled to residency in India or Nepal, and their cases should be heard as if from Tibet. Some Tibetans who are unrepresented or ill-advised may not realize that this Nepali document may deny them the chance to gain asylum (as we must otherwise assume they are from Nepal, and can go back there), and may not admit to having a fake document, being too scared to admit it to an immigration officer these facts. Elicit information related to a Nepali document if you see one as their claim may be stronger if it is in fact fake. Genuine Tibetans frequently underestimate their claims, according to refugee workers.

Permission to visit Nepal from Tibet can be given, but family members are often watched as "collateral" to be sure the individual returns. For Tibetan monks, this is usually a one way trip. Out of Tibet. Few return and if so, they are at risk. For those Tibetans returned to China, their presence will be known to the government. There are no accounts disputing the risk a Tibetan may face if returned to China.

From John Becker, State Department DRL, 1/98

LANGUAGE USED FOR TIBETAN REFUGEES RESIDENT IN INDIA:

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Most Tibetans who do work are small shopkeepers, food stand owners and peddlers. They are subject to the same rules governing the purchase of property as are other non-Indian citizens, i.e. they must first obtain the permission of the Reserve Bank of India. Tibetans are known to own land and houses in India. Most Indian citizens are provided with food ration cards which allow them to purchase government-subsidized necessities at greatly reduced cost. Tibetan refugees also receive ration cards, usually from the governments of the states in which they reside. Village health centers run by state governments and subsidized by the Indian Health Minister also provide free health care to rural Indians. Tibetan refugees can avail themselves of this free health care, although the demand for medications frequently exceeds available supplies. Health care providers generally require sub-rasa payment of some sort.

Beginning at age 18, Tibetan refugees in India receive a Residential Certificate issued by the Home Ministry through the District Superintendent of Police in the locality where the individual resides. The certificates are valid for one year and renewable. Tibetans must carry the Residential Certificate when traveling within India. For international travel, Tibetan refugees resident in India use an "Identity Certificate" issued by the Home Ministry valid for two years and renewable. When stamped with a "no objection to return to India" stamp (Hori) these documents permit the bearer to travel internationally and to return to India. Our understanding is that the Government issues Hori stamps after clearance with the government of the state in which the individual lives. Refusal to issue such stamps is rare, although bureaucratic delays have sometimes resulted in de facto refusals.

We are not aware that the Government of India has forced any
Tibetan refugees to return to Tibet. According to our Embassy in New Delhi and our knowledge of conditions and practices in China, the Chinese government considers Tibetan refugees living in India to be Chinese. A Tibetan refugee wishing to travel legally to Tibet must obtain a travel document from the Chinese Embassy in New Delhi by completing a form identifying the individual as a Chinese citizen living outside China. The Indian government then places an exit stamp in the Chinese-issued document. Tibetans do not travel to Tibet from India on an Indian-issued identification certificate.

Were the applicant to return to Tibet, it is virtually certain that he would be mistracted. We do not consider that travel to Tibet by this applicant is a viable option.

END LANGUAGE FOR TIBETANS RESIDENT IN INDIA

BEGIN LANGUAGE FOR TIBETANS RESIDENT IN NEPAL

The applicant's immigration status in Nepal is not clear from his file. The Nepal Ministry of Foreign Affairs issued the applicant a travel document, but that document does not indicate whether the applicant is eligible to return to Nepal or what the applicant’s immigration status in Nepal is. (LANGUAGE FOR RECENT ARRIVALS IN TIBET) The applicant claims that he was unable to obtain refugee status in Nepal, but submits no evidence to substantiate this claim. Nor does he indicate why he did not resettle in India, as do most Tibetan refugees who enter Nepal. It is highly unusual for a recent Tibetan refugee to remain in Nepal for that length of time. (END RECENT ARRIVAL LANGUAGE)

Roughly 20,000 Long-term Tibetan refugees reside in Nepal. Many went to Nepal with the Dalai Lama in 1959-60 and are well-integrated into local communities. About one-third remain in or near camps in Kathmandu and Pokhara. About 2000 Tibetan asylum-seekers passed through Nepal in 1994, up almost 50 percent from 1995. In April/May 1995, the Nepal Government (then headed by the Communist Party of Nepal United Marxist-Leninist Government) instructed border officials to return to Tibet all Tibetans intercepted as they attempted to enter Nepal. A change of government in September 1995 resulted in a reversal of this policy. There have been no reports of Tibetan refugee being returned since that change of policy.

Were the applicant to return to Tibet, it is virtually certain that he would be mistracted. We do not consider that travel to Tibet by this applicant is a viable option. His ability to return to Nepal would depend on the willingness of the Nepal Government to accept him.

END LANGUAGE NEED FOR TIBETAN REFUGEES RESIDENT IN NEPAL

Resources:

 Peg Tams (202-663-1035) was at the ZNY training and is in charge of the State Dept. assistance to Tibetan refugees in India & Nepal.

 ERO, Tracy Bulzir investigator (802-527-3107), who spotted the initial wave of Tibetan applicants when reviewing cases in 12/97. Also with John Becker (202-776-8508) from the State Dept. DRL, who has been reviewing these Tibetan cases as well.

John Ackery who was at the ZNY training also is the head of the International Campaign for Tibet here in DC, and is very interested in these claims and which