

Response to Information Request

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Subject: India: Situation of Tibetan refugees and those not recognized as refugees;  
including legal rights and living conditions

Regional  
Office: 2



From: Research Directorate, Immigration and Refugee Board, Ottawa

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This Extended Response provides information on the current situation of Tibetans and Tibetan refugees living in India. It covers their legal rights as well as living conditions in India. Further information on Tibetans in India can be found in Response to Information Request ZZZ32810.E found in the Regional Documentation Centres, the REFINFO database and on the IRB Website at <<http://www.irb.gc.ca>>.

### **Introduction**

Recent reports indicate that there are between 98,000 and 110,000 Tibetans currently living in India (*Country Reports 1998 1999*, 1903; US Dept. of State Aug. 1998; USCR 1999). The original group of refugees included 80 - 85,000 Tibetans who fled to India with the Dalai Lama in 1959 (The Government of Tibet in Exile 1996, 1.1.1; Central Tibet Administration Apr. 1997, 2; USCR 1999; TIN 4 Feb. 1998). These Tibetans were granted official refugee status by the Government of India (USCR 1997; *The Tibet Journal* 1997, 24). The second major wave of Tibetans arriving in India began in late 1979-80, "after the liberalization of Chinese policy ... made travel to India legally feasible and escape a realistic possibility" (The Government of Tibet in Exile 1996, 1.1.3.1; Central Tibetan Administration Apr. 1997, 2).

Tibetans in India live in 37 different settlements and 70 scattered communities (The Government of Tibet in Exile 1996 Table 1.1.3). The settlements are official Tibetan communities established on land granted by the Government of India (ibid., 3A.1.1) in Himachal Pradesh, Ladakh, Arunachal Pradesh, Karnataka, Uttar Pradesh, Madhya Pradesh, South Sikkim, West Bengal, Maharashtra and Orissa (ibid. 29 Jan. 1996). Of the settlements, close to half are based on agriculture, while one-third are agro-industrial and a fifth are handicraft-based (The Government of Tibet in Exile 1996 1.1.2). The scattered communities consist of smaller groups of Tibetans outside of the official settlements who were not willing, or not able, due to limited resources, to be accommodated in the settlements (ibid. 3A.1.1). Of the Tibetans who arrived between 1959 and 1979, the Government of Tibet in Exile states that 9,845 are not legally recognized by India, have not been given "rehabilitation facilities" such as land and housing and are considered to be "unsettled" (ibid., 3A.1.2, 3B.1.1). According to a senior researcher with the Resource Information Center of the United States Immigration and Naturalization Service (INS) with extensive experience regarding Tibetan asylum claims, the number was estimated in 1996 to be slightly higher at 11,045 (INS 22 Dec. 1999).

### **Recent Tibetan Arrivals in India**

The Central Tibetan Administration (CTA), the administrative branch of the Government of Tibet in Exile, states that 31,293 Tibetans arrived in India between 1979 and 1997 (Central Tibetan Administration Apr. 1997, 3; USCR 1997). According to Maura Moynihan, a consultant to Refugees International, who testified before the US

Senate Foreign Relations Committee Hearing on Tibet in May 1997, approximately 25,000 Tibetans arrived in India between 1986 and 1996, increasing the Tibetan population in India by 18 per cent. In their 1999 annual report, the US Committee for Refugees (USCR) states that 3,100 new Tibetan refugees arrived in India in 1998 alone (1999). Previous USCR annual reports state that 2,000 and 2,843 Tibetans arrived in 1997 and 1996 respectively (ibid. 1998; ibid. 1997). The increase in the number of Tibetans in India since 1979 has overwhelmed the resources available within the Tibetan community and the Central Tibetan Administration (The Government of Tibet in Exile 1996 3A.1.2).

According to the Government of Tibet in Exile, the most recent Tibetan arrivals in India include political prisoners and prisoners of conscience, monks and nuns escaping religious persecution, pilgrims hoping to meet the Dalai Lama, people seeking to visit family members living in India and youth and young children in search of an education in Tibetan culture and language which is not available in Tibet (1996, 3A.1.3; Central Tibetan Administration Apr. 1997, 4; *The Tibet Journal* 1997, 22). Approximately 45 per cent of arrivals in India since the 1980s are monks or nuns (The Government of Tibet in Exile 1996, 3A.1.3; US Senate Foreign Relations Committee Hearing on Tibet 13 May 1997). Moynihan stated before the Senate Committee that 30 per cent are children seeking an education (ibid.); according to Central Tibetan Administration statistics, 44 per cent of arrivals are between the ages of 14 and 25 and 17 per cent are 13 years old or less (The Government of Tibet in Exile 1996, 3A.1.3; *The Tibet Journal* 1997, 22). According to USCR, the Central Tibetan Administration encourages Tibetans who come

to India on pilgrimages or to study, to return to Tibet afterwards to maintain the Tibetan population in Tibet in the face of increasing Chinese migration and to ease the pressure on Tibetan settlements in India (1999). In January 1995, the Central Tibetan Administration established new regulations concerning the length of time recent arrivals in India could remain in the country (*The Tibet Journal* 1997, 47). According to *The Tibet Journal*, monks between the ages of 16 and 25 can stay in India for six months before having to write and pass their college exams (*ibid.*). Those who fail the exams are obliged, by the CTA, to return to Tibet (*ibid.*). Tibetans between the ages of 6 and 13 can stay and study in schools, 14 to 17 years-olds can study in the Tibetan Children's Villages, and those between the ages of 18 and 30 can study for one year, after which they are obliged to return to Tibet (*ibid.*). Tibetans who can prove that they were subject to harassment in Tibet are exempted from the above rules (*ibid.*). Of the 2,843 Tibetans who arrived in 1996, the Central Tibetan authority requested 1,200 to go back to Tibet because the resources required to help them settle in India were non-existent (USCR 1997). Further information about those who were requested to return to Tibet was not available in the sources consulted by the Research Directorate at the time of publication. In their 1997 report on India, USCR states that 60 per cent of Tibetans who arrived since 1979, have stayed for at least "some period" and an unspecified number returned after completing their studies. Tibetans who return from India to China often face harassment and work and travel restrictions (US Senate Foreign Relations Committee Hearing on Tibet 13 May 1997). According to the Tibet Information Network (TIN), in March 1997, more than 60 Tibetan tour guides in Lhasa were prohibited from working in the travel

industry after having illegally left Tibet for India without permission (27 Mar. 1997). In 1996, a returned musician was accused of being a spy and sentenced to 18 years in prison (ibid.). Further information on this case could not be found among the sources consulted by the Research Directorate. In 1993, Chinese authorities imprisoned a Tibetan tour guide who had returned from India (ibid.). The guide was jailed for eight months for "stealing state secrets" and was only released after the international community pressured the Chinese government (ibid.). In the same article, TIN stated that since 1995, increased security in Tibet has allowed police in Tibet to identify most returnees; many of whom are "detained and interrogated for up to three months upon their return to Tibet (ibid).

## **Country Conditions in India**

### **Housing**

In the original agricultural settlements, the majority of which are located in southern India, each family of five was given five acres of land and a two to three-room house (The Government of Tibet in Exile 1996, 1.1.2; INS 22 Dec. 1999). Because of the natural growth of the Tibetan population and the influx of new Tibetans, a serious problem of overcrowding in the settlements has developed (The Government of Tibet in Exile 1996, 3B.1.2). An average of eight people are housed in each unit which was designed for five; in some cases there can be as many as ten (ibid., 3B.1.2, 3B.4.3; INS 22 Dec. 1999). In many cases, the original houses have not been renovated since the 1960s even though they were designed and built as temporary structures (The Government of Tibet in Exile 1996, 3B.1.2). According to the senior researcher with the INS, as of 1996 no new houses had been built since 1959 in at least two settlements (22

Dec. 1999). Tibetans who arrived in India after the initial settlement did not receive official refugee status from the Indian government; they were neither allocated land for housing or farming nor provided with government assistance (The Government of Tibet in Exile 1996, 3A.1.2; INS 22 Dec. 1999). Because of a lack of resources and the remoteness of some of the scattered communities, the approximately 10,000 unsettled Tibetans do not have adequate housing and often live in poor conditions (ibid., 3B.1.1).

### **Health**

The Department of Health of the Central Tibetan Administration is responsible for managing the Tibetan health care system in India and has established Primary Health Care Centres in almost every Tibetan community (ibid., 6.1.1). According to the senior researcher with the INS, these 65 centres follow guidelines set by the World Health Organization (WHO) (22 Dec. 1999). In addition to the Primary Health Care Centres, the Central Tibetan Administration runs eight hospitals and 37 traditional "Tibetan medicine" clinics (ibid.). The Tibetan Medical and Astrological Institute (TMAI) provides curative services, trains doctors in traditional Tibetan medicine, operates a pharmacy where Tibetan medicine is made and conducts research involving Tibetan medicine (The Government of Tibet in Exile 1996, 6.1.1). Physicians working in the traditional clinics in the settlements were trained at TMAI (ibid.). In 1993, the Department of Health of the CTA established a medical treatment and rehabilitation program for torture victims (ibid., 3A.2.2). The department also provides vaccinations, especially against tuberculosis, for new arrivals and food to newly-arrived women who are pregnant (ibid.).

Many Tibetans in India suffer from gastro-enteric, diarrhoeal, skin, and respiratory diseases (ibid., 1.1.3.4, Table 6.1.1.B). These afflictions are mainly the result of poor sanitation and a lack of hygiene, which are exacerbated by the inadequate water supply available in both the settlements and the scattered communities (ibid., 1.1.3.4; INS 22 Dec. 1999). According to the Government of Tibet in Exile, the settlements are, on average, able to fulfil two-thirds of their needs for water for drinking and washing (1996, 1.1.3.4). Some settlements are only able to meet half, or less than half, of their drinking water needs (ibid.).

Tuberculosis (TB) is a serious problem in the Tibetan communities of India (The Government of Tibet in Exile 1996 1.1.3.4; INS 22 Dec. 1999). Although 35,000 cases of TB have been reported in the Tibetan community since 1959, the Government of Tibet in Exile states that the detection and treatment of TB has improved in recent years (1996, 1.1.3.4). Overcrowded housing conditions exacerbate the spread of TB and other health related problems (INS 22 Dec. 1999). However, the health of Tibetans in the Hunsur settlement has improved with lower incidences of ailments caused by poor sanitation (ibid.).

### **Education**

The Government of Tibet in Exile estimates that 80 per cent of Tibetan children attend Tibetan schools (1996, 1.1.3.3, 5.1.1). The percentage of children being educated rises to an estimated 85 to 90 per cent of the school-aged population when the number of children attending non-Tibetan schools is included (ibid., 5.1.1). There are three types of Tibetan schools in India: those run by the Central Tibetan Schools Administration

(CTSA), an independent institution under the Ministry of Human Resource Development of the Government of India; those run by the Department of Education of the Central Tibetan Administration; and those run by private charitable organizations including the Tibetan Children's Village and the Tibetan Homes Foundation (ibid., 5.2.1, 5.2.2, 5.2.3).

Like other facilities, the Tibetan education system has been stressed by the growth of the Tibetan community and the continual arrival of new Tibetans (ibid., 1.1.3.3; USCR Oct. 1996). In a 1996 interview with USCR, the Dalai Lama stated that Tibetan schools have been "seriously affected" by the influx of new school-aged Tibetans (ibid.).

According to Maura Moynihan, the schools in Tibet are "seriously overcrowded" and are in need of textbooks, educational materials, and space for classes and dormitories in order to accommodate the increasing number of Tibetan children seeking an education (Senate Foreign Relations Committee Hearing on Tibet 13 May 1997).

Although a limited number of scholarships are available to Tibetan students who wish to further their education, the majority of Tibetans who graduate from high school are unable to continue studying due to financial constraints (The Government of Tibet in Exile 1996, 5.2.4, 1.1.3.3; INS 22 Dec. 1999). Through the CTSA, the Indian government grants 20 scholarships a year to Tibetan students graduating from the CTSA schools while the Indian government reserves several seats in various Indian institutions for Tibetans studying engineering, medicine, pharmacy, and printing technology (ibid., 5.2.4). The Indian government also provides two scholarships a year to Tibetans studying medicine or dentistry (INS 22 Dec. 1999). The Department of Education of the Central Tibetan Administration, the Tibet Children's Village and the Tibetan Homes Foundation

also provide a limited number of scholarships for Tibetans to study either in India or abroad (The Government of Tibet in Exile 1996, 5.2.4). The Tibetan community in India has also founded monastic Tibetan universities, including Deprung University, located in Doeguling, Karnataka (IPS 15 Jan. 1999).

In addition to the limited ability of Tibetan students to study at a post-secondary level, the Tibetan Settlements in turn, have a limited ability to absorb graduates from colleges and technical institutes (ibid., 1.1.3.3). As a result, educated Tibetans often have to look for work outside of their own communities and settlements (ibid.).

### **Traditional Learning Centres**

Monks and nuns constitute approximately 45 per cent of all Tibetans who arrived in India since the 1980s (The Government of Tibet in Exile 1996, 1.1.3.1; US Senate Foreign Relations Committee Hearing on Tibet 13 May 1997). Monastic students constituted 60 per cent of all Tibetan arrivals between 1986 and 1996 (INS 22 Dec. 1999). Although some Tibetans return to Tibet after completing their monastic studies, many remain in India (USCR 1997) and consequently the monastic population in India has more than doubled since 1980 (The Government of Tibet in Exile 1996, 3A.1.3). This increase has strained resources in monasteries and nunneries and has led to overcrowding and an increase in incidents of disease (ibid. 1.1.3.1, 3A.1.3). Because monks and nuns do not participate in income-generating activities such as farming or carpet-making, they are dependent on the rest of the Tibetan community, international organizations and NGOs for support (USCR Oct. 1996; INS 22 Dec. 1999).

**Employment**

Agricultural production and animal husbandry account for 30 per cent of primary employment among Tibetans in India (The Government of Tibet in Exile 1996, 4.1.3). This proportion rises to 50 per cent of economic activity in the settlements (ibid., Table 4.1.1.A). Trading and sweater-selling account for another 30 per cent of activity in the Tibetan community as a whole and for 40 per cent of economic activity in the scattered communities (ibid., Table 4.1.3). The rest of the Tibetan population relies on the service industry, handicraft making, carpet weaving and other cottage industries and employment in the Central Tibetan Administration for income (ibid., Table 4.1.3). As many of the settlements are located on drought-prone land and only five per cent of the total amount of land in the settlements is irrigated, there is only one crop per year (US Senate Foreign Relations Committee Hearing on Tibet 13 May 1997). Therefore, many Tibetans who work in agriculture also spend several months a year selling sweaters in cities outside the settlements to supplement their income (The Government of Tibet in Exile 1996, 1.1.3.2).

Tibetans are free to work in the Indian economy (Tsering 6 Nov. 1999; USCR 1997; US Dept. of State Aug. 1998), however, as non-citizens it is often difficult for them to find jobs (USCR 1997). Thubten Samdup, president of the Canada-Tibet Committee, states that access to employment is limited since employers often prefer to hire Indian nationals (21 Oct. 1999). Recent arrivals have greater difficulty in securing employment due to the fact that they do not have officially recognized refugee status (INS 22 Dec. 1999). According to the Tibetan Welfare Office of the Department of Home, which is part of the CTA, Tibetans do not have the right to hold jobs in the Indian government (1998). Although many Tibetans are economically self-sufficient (USCR 1999), the

unemployment rate for Tibetans between the ages of 16 and 50 is 18.5 per cent (The Government of Tibet in Exile 1996, Table 4.1.4A). According to USCR, elderly people, woman-headed households, and recent arrivals continue to struggle economically (1999). In her testimony, Maura Moynihan quoted a survey conducted by Indian sociologists which estimated the average annual income of Tibetans to be US\$150, as compared to US\$350, for an Indian national (US Senate Foreign Relations Committee Hearing on Tibet 13 May 1997).

### **Relations with the Local Population**

In an interview with USCR, the Dalai Lama stated that in general, relations between Tibetans and Indians are good (Oct. 1996). Sources state that the local population does not resent the Tibetan community, although there have been isolated incidents of anti-Tibetan violence (US Dept. of State Aug. 1998; *The Tibet Journal* 1997, 46). In November 1999, it was reported that the Dalai Lama was considering relocating some offices of the Tibetan administration and his personal residence to the Faridabad region "as the growing tension between the locals and the Tibetans is becoming a cause of worry " (Tribune 25 Nov. 1999). However, one week later, it was reported that the Dalai Lama had "ruled out" moving to Faridabad (ibid. 1 Dec 1999). The tensions which prompted consideration of the move occurred in July 1999, when approximately 140 Tibetan shops and market stalls in Manali were attacked and burned by Indian rioters after an Indian youth was killed by a Tibetan, following a disagreement between the Tibetan and three Indians (*The Tribune* 6 July 1999). According to a report in *The Tribune*, a well-known Tibetan market was "razed to the earth" during the riots (ibid.).

The deputy police commissioner has requested a magisterial inquiry into the rioting and looting and has stated that efforts will be made to provide protection to the Tibetans (ibid.). *The Tribune* described the situation in Manali as "tense, but under control" (ibid). In a similar incident in 1994, an Indian mob burned Tibetan offices in Dharamsala after another Indian youth was allegedly stabbed and killed by a Tibetan (Reuters 30 Apr. 1994; *The Tibet Journal* 1997, 46).

In 1995, an anti-outsider campaign and a motion by the state of Arunachal Pradesh to expel approximately 12,000 Tibetans carried a lot of popular support, although the federal government was angered by the local government's decision (*The Tibet Journal* 1997, 32, 46). Both the US Department of State and the Dalai Lama stated that despite random and isolated incidents, Tibetans in India are able to lead peaceful lives (US Dept. of State Aug. 1998; USCR Oct. 1996). Thubten Samdup, of the Canada-Tibet Committee, emphasizes the point that India is a tolerant and compassionate country that has gone out of its way to accommodate Tibetans (21 Oct. 1999).

## **Legal Rights**

### **Identification, Documentation and Citizenship**

Tibetans who arrived in India in the late 1950s and early 1960s were accorded official refugee status by the Indian government even though India is not party to the 1951 UN Convention Relating to the Status of Refugees nor the 1967 Protocol (USCR 1997; *The Tibet Journal* 1997, 24). These Tibetans were issued Registration Certificates (RC) which must be renewed on an annual or semi-annual basis, depending on where the certificate was issued (Samdup 22 Oct. 1999; Tsering 6 Nov. 1999; US Dept. of State

Aug. 1998; Office of Tibet in New York 20 Dec. 1995). Tibetans over the age of 18 who were born in India are also eligible to obtain a Registration Certificate (Samdup 12 Nov. 1999). In 1963 the Indian government stopped recognizing new Tibetan refugees (US Senate Foreign Relations Committee Hearing on Tibet 13 May 1997). According to UNHCR Canberra, new arrivals are allowed to remain in India as long as they do not become involved in political activities (22 Nov. 1995). For more information on Registration Certificates, please refer to Response to Information Request CHN30745.E of 2 December 1998, available in the Regional Documentation Centres, the REFINFO database and the IRB Website at <<http://www.irb.gc.ca>>.

Although the Government of India unofficially continues to allow Tibetans to enter the country, it has not afforded them the same legal status as the first wave of Tibetans (USCR 1997). In a statement made to the editor of *The Tibet Times* in Dharamsala in late 1996, Sonam Tobgyal, minister for the Department of Home of the Central Tibetan Administration, stated that post-1979 Tibetan arrivals in India are not officially recognized and therefore their presence in the country is against the "law of the land" (27 Nov. 1996). However, some Tibetans who arrived in the second-wave were able to obtain their Registration Certificates by claiming that they were born in India (Samdup 12 Nov. 1999). In a February 1998 press release, the Tibet Information Network (TIN) states that of the 12,000 Tibetans who arrived in India between 1993 and 1998, few have been able to receive "legally obtained documentation from the Indian authorities" (4 Feb. 1998). Tibetans without legal status are not provided with government assistance, nor are they permitted to live in the settlements without official authorization (USCR

1997; INS 22 Dec. 1999). According to the senior researcher with the INS, post-1979 arrivals are dependent on the Tibetan community and have a more difficult time earning a livelihood, as do approximately 10,000 unsettled pre-1979 arrivals without status (22 Dec. 1999).

In January and February 1998, Indian officials in Dharamsala arrested and imprisoned 21 Tibetans who did not have valid Registration Certificates (TIN 4 Feb. 1998; USCR 1999). The Tibetans were released after several days and according to USCR, no further arrests were made during 1998 (*ibid.*). One of the imprisoned Tibetans, Lobsang Lungtok, a former political prisoner in China, was detained for more than 20 days (TIN 4 Feb. 1998). According to USCR, the Tibetan administration claimed that the arrests were the result of Indian authorities trying to apprehend and deport Chinese-sponsored Tibetan infiltrators (1999). The Tibet Information Network (TIN) acknowledged that three asylum-seekers from Tibet had been arrested in December 1995 and accused of spying for China (4 Feb. 1998). However, in a statement made to TIN, Lobsang Nyandak, director of the Tibetan Centre for Human Rights and Democracy in Dharamsala, said that the detainees were not suspected of espionage and that their detention was random (*ibid.*). In its press release, TIN stated that prison conditions for the detainees were satisfactory (*ibid.*).

Tseten Samdup, a representative of the Office of Tibet in London, states that Tibetan refugees, even those of the second and third generation, are not allowed to apply for or receive Indian citizenship (22 Oct. 1999). However, in a statement made to the Country Information Service of the Australian Department of Immigration and

Multicultural Affairs (CISNET), UNHCR Canberra claims that although few have taken up the offer, citizenship has been offered to second-generation Tibetans in India (22 Nov. 1995). According to *The Tibet Journal*, there "appears to be no legal impediment" for Tibetans who wish to apply for citizenship (1997, 32-33). Very few Tibetans marry Indian nationals (US Dept. of State Aug. 1998) or seek Indian citizenship (*Christian Science Monitor* 18 Sept. 1998, 9; *The Tibet Journal* 1997, 33). Without citizenship, Tibetans are unable to vote, work for local or federal governments or carry an Indian passport (Tseten Samdup 22 Oct. 1999; Thubten Samdup 21 Oct. 1999; US Dept. of State Aug. 1998; Tsering 6 Nov. 1999). Several sources also state that as non-citizens, Tibetans are not allowed to own land (Central Tibetan Administration 1998; Tseten Samdup 22 Oct. 1999; Thubten Samdup 21 Oct. 1999). However, according to Thubten Samdup, in practice, Tibetans do purchase land through Indian friends (21 Oct. 1999). Two sources state that Tibetans can purchase land after obtaining special permission from the Reserve Bank of India; a regulation which also applies to non-Indian citizens (US Dept. of State Aug. 1998; Tsering 6 Nov. 1999). For more information on citizenship, please refer to Response to Information Requests IND31502.E of 8 March 1999, IND30746.E of 23 December 1998, CHN30745.E of 2 December 1998, IND30398.E of 2 November 1998 and IND11239.E of 20 July 1992 available in the Regional Documentation Centres, the REFINFO database and the IRB Website at <<http://www.irb.gc.ca>>.

### **Freedom of Movement**

Tibetans are able to travel within India as long as they obtain permission from Indian authorities and report back to local police upon their return (Tseten Samdup 22

Oct. 1999; Office of Tibet in New York 20 Dec. 1995). They must also carry their Registration Certificate with them while travelling within India (US Dept. of State Aug. 1998; Tsering 6 Nov. 1999). Even when in possession of an RC, Tibetans are not allowed to visit certain restricted and protected areas in the country (Office of Tibet in New York 20 Dec. 1995).

For international travel, Tibetans must obtain an Identity Certificate (IC) from the Indian government (Tsering 6 Nov. 1999; ICT 20 Nov. 1998; US Dept. of State Aug. 1998; *The Tibet Journal* 1997, 32; Office of Tibet in New York 20 Dec. 1995). In order to apply for an IC, Tibetans must have a valid Registration Certificate and a Green Book (Tseten Samdup 6 Nov. 1999; Tsering 12 Nov. 1999; Office of Tibet in New York 20 Dec. 1995). According to Tseten Samdup of The Office of Tibet in London, it would be difficult to obtain an IC without these two documents (12 Nov. 1999). For more information on Green Books, please refer to Response to Information Request CHN30745.E of 2 December 1998 available in the Regional Documentation Centres, in the REFINFO database and on the IRB Website at <<http://www.irb.gc.ca>>. In a November 1998 correspondence with the Research Directorate, the President of the International Campaign for Tibet (ICT) stated that because the second wave of Tibetans is not recognized by the Indian government, they are technically not able to obtain the Identity Certificate (20 Nov. 1998). As a result, many Tibetans lie about their date of arrival (ibid.) or say that they were born in India in order to obtain an RC, which in turn allows them to get an IC (Samdup 12 Nov. 1999). The President of ICT also stated that

Identity Certificates can be difficult to obtain as Indian authorities expect Tibetans to pay bribes which they often cannot afford (ibid.).

In order to return to India, the Identity Certificate must contain a "No Objection to Return to India" or NORI stamp (High Commission of the Republic of India 12 Nov. 1999; US Dept. of State Aug. 1998; Office of Tibet in New York 20 Dec. 1995).

According to two Tibetan sources, the Indian government is not obliged to re-issue the NORI stamp or accept the return of Tibetans with expired documents (Tseten Samdup 22 Oct. 1999; Thubten Samdup 21 Oct. 1999).

According to the senior researcher with the Resource Information Center of the United States Immigration and Naturalization Service (INS) with extensive experience regarding Tibetan asylum claims, a Tibetan living in India without documentation has no legal basis to return to the country from abroad (United States INS 15 Dec. 1999).

According to the senior researcher, in 1996 it was reported that NORI stamps were occasionally withheld by the Indian government in cases involving Tibetans convicted of illegal activities, potentially including demonstrations in front of the Chinese embassy in New Delhi (ibid.). The senior researcher further stated that he had received information to effect that "watch lists" with the names of perceived "troublemakers" were maintained by Indian immigration authorities. Thubten Samdup stated that it might be a problem for political activists to return to India, but that it would depend on each individual case (21 Oct. 1999).

For more information on Identity Certificates and the NORI stamp, please refer to Response to Information Requests CHN30745.E of 2 December 1998, IND19363.E of 20

December 1994, and IND19143.E of 12 December 1994 available in the Regional Documentation Centres, the REFINFO database and the IRB Website at <<http://www.irb.gc.ca>>.

**Political Participation and Protest**

Many reports exist of Tibetan demonstrations and protests in India ag

permission of the Indian police to hold a demonstration and that the police subsequently registered a case for the violation of the law which "prohibits the assembly of more than five people in [a] prohibited area" (ibid.). New Delhi police were unable to make any arrests since they arrived after the Tibetans had already fled the scene (ibid). In 1998, Indian police broke up an on-going demonstration by six Tibetan hunger-strikers in New Delhi (AFP 26 Apr. 1998; USCR 1999). According to Agence France Presse, three of the hunger-strikers were forced off the pavement by 200 police officers and forcibly taken to the hospital (26 Apr. 1998). In a statement made by Tseten Norbu, president of the Tibetan Youth Congress, the crackdown was an attempt by India "to appease China ahead of the arrival of General Fu Quanyou, head of the General Staff of the [Chinese] People's Liberation Army" (ibid.). During Jiang Zemin's November 1996 visit to India, Indian police detained 50 demonstrating Tibetans (Reuters 30 Nov. 1996). Earlier in Jiang's visit, approximately 300 Indian police with tear gas canisters and water cannons kept Tibetan protesters "in check" (ibid. 28 Nov. 1996b). In January 1999, the Chinese government expressed displeasure with the Indian government for not stopping Tibetans demonstrating in front of the Chinese embassy in New Delhi (AFP 8 Jan. 1999).

### **Treatment if Tibetans are repatriated to India**

According to *The Tibet Journal*, "the risk of persecution in India [to Tibetans deported from a third country] is low" (1997, 45). However, it stated that movements such as the anti-outsider campaign and overt anti-Tibetan sentiments in Arunachal Pradesh as well as the circumstances of each particular case would also affect the risk of persecution in India (ibid., 45-46). According to the Deputy Secretary of the CTA

Department of Home, Tpgyal Tsering, the Department of Home is unable to comment on the treatment of Tibetans repatriated to Indian as they unaware of any cases in which that has occurred (6 Nov. 1999).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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