

Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca.

9 January 2015

NPL105032.E

Nepal: Situation of Tibetans with a Refugee Identity Card (RIC) [Refugee Card (RC); Refugee Identification Certificate (RC)], including social, legal, and mobility rights; conditions and instances under which status given by the RIC is lost; requirements and procedures for replacing a lost or stolen RIC; impact of obtaining a travel document on the status granted by the RIC, including exit and return to the country.

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview of Situation of Tibetans in Nepal

Nepal is not party to the 1951 Refugee Convention or its 1967 protocol (Gamble and Ringpapontsang 2013, 37; Nepal 3 Apr. 2014; Nepal 31 Mar. 2014, 18; US 27 Feb. 2014, 14), and has no laws concerning refugees or asylum seekers (*ibid.*; Nepal 31 Mar. 2014, 18). The US Department of State's *Country Reports on Human Rights Practices for 2013* notes that "the government has not established a system for providing protection to refugees and does not provide for local integration as a durable solution" (US 27 Feb. 2014, 14). A 2002 report by the Tibet Justice Center (TJC), a "non-profit membership group" that "promotes human rights, environmental protection and peaceful resolution of the situation in Tibet," notes that refugees in Nepal have no legal status and are viewed as foreigners and non-citizens (TJC June 2002, 47).

Sources indicate that there are between 15,000 and 20,000 Tibetans currently living in Nepal (Human Rights Watch Mar. 2014, 3-4; UN 4 June 2013), many of whom were part of the initial wave of refugees who arrived from Tibet following the Lhasa Uprising of 1959 (*ibid.*; Human Rights Watch Mar. 2014, 3-4). According to Human Rights Watch, Tibetans crossing the border to Nepal as refugees were "recognized and registered" by the Nepali government from 1959 to 1989 (*ibid.*, 4). According to the Integrated Regional Information Networks (IRIN), more than half of the Tibetans who arrived in Nepal prior to 1990 lack any form of documentation, which prevents them from accessing education and legal employment (UN 4 June 2013).

According to sources, Nepal began denying refuge to Tibetans arriving after 1989; consequently, the majority of Tibetans began transiting through Nepal on their way to India (US 27 Feb. 2014, 15; ICT Oct. 2012, 57; Gamble and Ringpapontsang 2013, 37). Sources also report that Nepal entered into an informal agreement with the United Nations High Commissioner for Refugees (UNHCR) that allowed Tibetans to travel through Nepal in order to get to India (*ibid.*; ICT 2012, 57). Sources suggest that since 2008, increased pressure from China has led to a reduction in the number of Tibetans able to cross the Tibet-Nepal border and transit through to India (US 27 Feb. 2014, 15; Human Rights Watch Mar. 2014, 37; *The Economist* 17 Mar. 2012).

In 2014, Human Rights Watch issued a report, *Under China's Shadow: Mistreatment of Tibetans in Nepal*, which details the alleged increase in, and impact of, pressure from China on Nepal's domestic policies regarding Tibetans (March 2014). In response to the publication, the Nepal Ministry of Foreign Affairs stated that the report is "ill-founded" and adds that though Nepal is not party to the UN Convention Relating to the Status of Refugees,

it is hosting refugees on humanitarian ground and would continue to do so despite its own socio-economic situation that does not allow the country to take up an additional burden of refugees. Nepal has been respecting the principle of non-refoul[e]ment. The refugees resident in Nepal are enjoying rights as per the prevailing laws and they are expected to respect the laws of the land. (Nepal 3 Apr. 2014)

2. Refugee Identity Card (RIC)

According to the TJC report, "because Nepal does not grant Tibetans legal status, refugee identity cards... allows such Tibetans to remain in Nepal" (TJC 2002, 58). The International Campaign for Tibet (ICT), an organization that "works to promote human rights and democratic freedoms for the people of Tibet," with offices in Europe, the US and India (ICT n.d.), notes that the RIC document served to "distinguish between those Tibetans who were allowed to remain in Nepal, and those who were obliged to pass through Nepali territory onward to India" (ICT Oct. 2012, 59).

Sources refer to the RIC by different names: Refugee Identity Card (ICT Oct. 2012, 59; Global Press Journal 27 Aug. 2014; TJC 2002, 58); Refugee Card (RC) (UN 4 June 2013; McCall 27 Sept. 2014, 1175); or Refugee [Identity] Certificate (Gamble and Ringpapontsang 2013, 37; Human Rights Watch Mar. 2014, 11).

2.1 Issuance of RICs

Sources indicate that RICs were supposed to have been given to Tibetans who arrived prior to 1989 (TJC June 2002, 58-59; UN 4 June 2013; ICT Oct. 2012, 59). Information on the year that the government stopped issuing RICs to Tibetans varies among sources consulted. Sources list the year as 1994 (ICT Oct. 2012, 59), 1995 (UN 4 June 2013; TJC June 2002, 59) and 2002 (Global Press Journal 27 Aug. 2014). Human Rights Watch states that between 1995 and 1998, Nepal also stopped issuing new RICs to children of RIC holders, leaving those who came of age (16) after 1998 without documentation (Human Rights Watch 2014, 75). For additional information on the issuance of RICs to Tibetans in Nepal, please see Response to Information Request NPL104549.E.

2.2 Access to Rights, and Services

According to *Country Reports 2013*, even those Tibetans in Nepal with an RIC had no legal rights beyond the ability to remain in the country, and the Nepal-born children of Tibetans with legal status often lacked documentation. ... Tibetan refugees had no entitlement to higher education, the right to work, business ownership or licenses, bank accounts or legal transactions, including documentation of births, marriages, and deaths. (US 27 Feb. 2014, 15)

In correspondence with the Research Directorate, the Executive Director of the TJC similarly noted that: Tibetans with an RC are granted very few actual rights - they are allowed to reside in Nepal and travel within Nepal, although this latter provision is restricted in areas along the Nepal-China (Tibet) border. RC holders are able to apply for a refugee travel document for travel outside Nepal. (TJC 8 Jan. 2015)

In correspondence with the Research Directorate, a representative from the Tibetan Refugee Welfare Office [1] in Kathmandu stated that, to the best of their knowledge, there is "no major problem" for Tibetans with an RIC to reside in Nepal (Tibetan Refugee Welfare Office 29 Dec. 2014). Without providing details, the same source also noted that some social services can be accessed by Tibetan refugees (ibid.).

Sources note that Tibetans do not need to provide an RIC to access hospitals (ICT Oct. 2012, 63; McCall 27 Sept. 2014, 1175).

According to an article by Chris McCall, published in the *Lancet*, a UK-based peer reviewed medical journal, Tibetans in Nepal can access some services with a green card [Green Book] [2] (which is issued by the Central Tibetan Administration (CTA) of the Tibetan Government-in-Exile, based in Dharamsala (India)), such as

a network of Tibetan schools and health clinics around Nepal, all run at arm's length from the Tibetan Government-in-exile. Most basic health services to the Tibetan community are provided through Snow Lion Foundation, an organisation registered in Nepal. (ibid.)

The representative from the Tibetan Refugee Welfare Office also noted that it is almost impossible for Tibetans to gain access to higher education in Nepal, as it requires proof of Nepali citizenship (29 Dec. 2014). According to sources, Tibetan-specific schooling at the primary and middle levels is provided by the Tibetan Government-in-Exile through the Snow Lion Foundation, an NGO established in 1972 by the Swiss Development Cooperation and the Department of Education of the Tibetan Exile Government (ICT Oct. 2012, 66; CTA n.d.c). According to the CTA, the NGO was created to "look after the health, education and social

welfare of the Tibetan refugees in Nepal" (ibid.). In correspondence with the Research Directorate, a representative from the CTA Department of Education indicated that the Snow Lion Foundation financially supports 12 schools in Nepal, noting that the Foundation has "no permanent source of income but raise[s] the fund[s] through contributions from foreign organizations and individual donors" (8 Jan. 2015).

Human Rights Watch indicates that Tibetan refugees with RICs are typically employed "as camp staff or local business employees" within Tibetan refugee settlement camps and "outside the camps either in the tourism, food, religious artifacts, and carpet industry sectors" (Human Rights Watch Mar. 2014, 81). According to the representative from the Tibetan Refugee Welfare Office, Tibetans in Nepal "can't apply for Nepal government job[s]. Many Tibetan[s] use[d] to work at Tibetan owned schools, offices and other private job [s]" (5 Jan. 2015). Sources report that in some cases, Tibetans are able to work in tourism and trekking industries, though those jobs are formally restricted to citizens (Human Rights Watch Mar. 2014, 81; ICT Oct. 2012, 71).

Sources report that without Nepali citizenship, Tibetans are unable to own property or a business (ICT Oct. 2012, 64; US 27 Feb. 2014, 15; Human Rights Watch Mar. 2014, 81). According to sources, the land upon which the settlements are located is owned by the Nepali Red Cross and held in trust for Tibetan refugees (ibid., 80; ICT Oct. 2012, 61). Other sources note that it was the International Committee for the Red Cross that own the settlements (Marwah and Soni June 2010, 267; CTA n.d.d) in collaboration with the Royal Government of Nepal, the Swiss government, the Services for Technical Co-operation-Switzerland, the Australian Refugees Committee and other voluntary organizations (ibid.). According to sources, motorbikes have been an exception to property ownership for Tibetans, though a more recent requirement for proof of citizenship for a drivers licence has made obtaining a license difficult for some (ICT Oct. 2012, 65; Human Rights Watch Mar. 2014, 82).

2.3 Renewal of RICs

According to sources, while Nepal has stopped issuing new RICs, they do continue to renew them (Global Press Journal 27 Aug. 2014; TJC June 2002, 59). Renewal is done on an annual basis (ibid.; Global Press Journal 27 Aug. 2014; Nepal n.d).

In describing the renewal procedure for existing and expired RICs, the representative from the Tibetan Refugee Welfare Office in Kathmandu noted that renewal is done in-person and that, typically, official staff from the Chief District Office (CDO)[3], with arrangements made by the Tibetan Refugee Welfare Office, would renew the RICs at the local settlement office, requiring that

every individual has to present [themselves] personally for the R[IC] renew[al]. No excuse will be entertained except very old age and sick person having [a] doctor approval letter. Only three year expired R[IC] can be renew[ed] at CDO with reasonable excuse after paying the penalty that is five hundred NRC [CAD\$5.79]. More than three years expired R[IC] must have followed up more complicate[d] procedure at Home Ministry as well [as] at CDO. (29 Dec. 2014)

In its 2002 report, the TJC stated that RICs are to be renewed annually and that Nepalese officials usually visit the settlements "once each year to extend the validity of RCs already issued ... Tibetans not present at the time of these visits must go to their local central district office to renew their R[IC]s" (TJC June 2002, 59). The Nepali Ministry of Home website also notes that RICs are renewed on an annual basis with officials from the District Administration Offices [Central District Offices] (Nepal n.d.). The TJC report notes that renewal is difficult for those not present at the settlement on the renewal day, or for those that live off-settlement "because it is the settlement officers who generally confirm the status of the refugees and pay the fees on their behalf" (TJC June 2002, 60).

In contrast, the ICT states that

[i]n 1994, the Nepal government stopped issuing and renewing RCs to eligible Tibetans. This did not signify a change in official policy towards Tibetans who could carry on living in Nepal, using their out-dated RCs as proof of their right to reside there, but it did considerably weaken their status. (ICT Oct. 2012, 59)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence with the Research Directorate, the Executive Director of the TJC, speaking on her own behalf, noted that to her knowledge, the Nepali government "still renews RICs" and that "RICs have a one-year validity and must be renewed annually" (8 Jan. 2015).

2.3.1 Renewal in the Case of Lost or Stolen RIC

In the case of a lost or stolen RIC, the representative from the Tibetan Refugee Welfare Office stated that they "can be replaced at [the] CDO office with [the] proper application. If [the] applicant name and R[IC] number matches the office records then the new one will be reissued" (Dec. 29 2014). The TJC Executive Director, speaking on her own behalf, similarly detailed this process, noting that a photocopy of the RIC is typically shown to demonstrate the name and number and "if the tibetan person in question does not have a photocopy of their RC, or a copy of the details, then the replacement process will be much more complicated and will take longer" (8 Jan. 2015).

3. Foreign Travel and Re-entry for Tibetans Residing in Nepal

Sources indicate that if an individual has a valid RIC they may apply for a refugee travel document; the process is lengthy and expensive and the issuance of the document is subject to the discretion of officials (US Feb. 27 2014, 15; TJC June 2002, 65; ICT Oct. 2012, 87-88). The representative from the Tibetan Refugee Welfare Office in Kathmandu similarly noted that the application process is lengthy, challenges to obtaining the travel document may include paying bribes to officials, and that the travel document is only valid for one year and it cannot be renewed from abroad (29 Dec. 2014). According to the ICT, the travel document is valid for one trip in one year (ICT Oct. 2012, 87). The 2002 TJC report states that the documents are valid for one year and are non-renewable (TJC June 2002, 65).

Both the TJC report and Human Rights Watch state that in order to qualify for a travel document, the applicant must present an RIC as well as documents detailing the purpose of the trip and pay a fee (TJC June 2002, 65-66; Human Rights Watch Mar. 2014, 78). The ICT notes that the applicant must now be able to produce a police letter certifying a clean criminal record, an invitation letter, the invitee's bank statement and passport copy, an air ticket, a letter with details about the trip and an RC. Kathmandu's Chief District Officer is required to verify all the documents and issue an approval letter. The travel document, with a validity of one trip in one year, is issued by the Central Passport Office in Kathmandu. (ICT Oct. 2012, 87)

According to the TJC Executive Director, speaking on her own behalf, Tibetans with a valid travel document may re-enter Nepal and that a travel document is only valid for one year and "cannot be renewed. It is thus highly conceivable that a Tibetan with an expired travel document might be refused entry into Nepal, although we have no concrete examples of this happening" (8 Jan. 2015). The representative of the Tibetan Refugee Welfare Office stated that when departing and returning with a valid travel document, a Tibetan who left Nepal would not be denied re-entry (Dec. 29 2014).

Nepal's 1994 *Immigration regulation clause 3, 1994*, states the following:

Power to refuse to issue visa or to grant permission to enter into Nepal:

Notwithstanding anything contained elsewhere in these Rules, the Immigration Officer may, at the every entry point, refuse to issue a visa to, or to grant permission to enter into Nepal, to the following foreigners:

1. Whose passports and visas have been found doubtful,
2. Who have been expelled for the commission of any acts contrary to the Act or these Rules, or who have been prohibited from entering into Nepal.
3. Who have already expended the period of stay according to this regulation.
4. The traveling documents of the foreigner willing to enter, seems doubtful. (Nepal 1994)

According to the representative of the Tibetan Refugee Welfare Office, when we make the travel document [application] our RC has to [be] submit[ted] at the home ministry office, we can collect the RC after coming back from the tour [trip], our travel document has to [be] return[ed] back to home ministry office [and] after that our RC will be given back to us. Seeking re[-]entry... travel document must be valid. (5 Jan. 2015)

The TJC Executive Director, speaking on her own behalf, also noted that when Tibetans with RICs successfully apply for and are issued with a travel document, they must hand over their RIC to the CDO office in exchange for their travel document. They can only regain their RIC when they return...and hand over their used travel document to the CDO office. (8 Jan. 2015)

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 for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Tibetan Refugee Welfare Office in Kathmandu is one of The Offices of Tibet, which are the official agencies of His Holiness the Dalai Lama and the Central Tibetan Administration based in Dharamshala, North India (CTA n.d.b). Human Rights Watch states that since 2008 the Office has been operating in an unofficial capacity (Human Rights Watch Mar. 2014, 7). McCall's 27 September 2014 article, quotes a representative from the Welfare Office as saying that the Office is responsible for processing new arrivals from China.

[2] The Green Book is issued by the Central Tibetan Administration (CTA) to Tibetans who contribute to *chatrel*, a voluntary monthly donation (CTA n.d.a). According to the CTA, it has "in effect become the passport of the exiled Tibetans to claim their rights from the CTA. ... Today, it is used for school admission, school or university scholarship, and employment within the exiled community. Payment of the voluntary contribution is a condition to gain voting rights in parliamentary elections" (ibid.).

[3] Central District Offices (CDOs) are described by the TJC as "branches of the Home Ministry" (TJC June 2002, 63). The Nepal Ministry of Home Affairs notes on its website that refugees are "required to renew their identity cards every year from the concerned District Administration Offices" (Nepal n.d.).

References

Central Tibetan Administration (CTA). Department of Education. 8 Jan. 2015. Correspondence from a representative to the Research Directorate.

_____. N.d.a. "Green Book (Chatrel)" <<http://tibet.net/support-tibet/pay-green-book/>> [Accessed 6 Jan. 2014]

_____. N.d.b. "Offices of Tibet" <<http://tibet.net/contact/offices-of-tibet/>> [Accessed 8 Jan. 2014]

_____. N.d.c. Education Department. "Snowlion Foundation Schools (Nepal)." <<http://sherig.org/schools/snowlion-foundation/>> [Accessed 30 Dec. 2014]

_____. N.d.d. Department of Home. "Tibetan Refugee Settlements: Nepal." <<http://www.centraltibetanreliefcommittee.org/settlements/nepal/settlements-in-nepal.html>> [Accessed 5 Jan. 2015]

The Economist. 17 March 2012. "Calling the Shots: Chinese Influence in Nepal Grows." <<http://www.economist.com/node/21550315>> [Accessed 30 Dec. 2014]

Gamble, Ruth and Tenzin Ringpapontsang. 2013. "Uncertain Success: The Tibetan Refugee Community in South Asia." *Social Alternatives*. Vol. 32, No. 3. [Accessed 30 Dec. 2014]

Global Press Journal. 27 August 2014. Shilu Manandhar. "Lack of Papers Prevents Tibetan Refugees from Starting New Lives in Nepal." <<http://www.globalpressjournal.com/asia/nepal/lack-papers-prevents-tibetan-refugees-starting-new/page/0/1>> [Accessed 17 Dec. 2014]

Human Rights Watch. March 2014. *Under China's Shadow: Mistreatment of Tibetans in Nepal*. <http://www.hrw.org/sites/default/files/reports/nepal0314_ForUpload_2.pdf> [Accessed 19 Dec. 2014]

_____. January 2012. Country Summary: Nepal. <http://www.hrw.org/sites/default/files/related_material/nepal_2012.pdf> [Accessed 31 Dec. 2014]

International Campaign For Tibet (ICT). October 2012. *Dangerous Crossings: Conditions Impacting the Flight of Tibetan Refugees, 2011*. <http://www.savetibet.org/wp-content/uploads/2013/06/Dangerous-Crossings_2011-Update.pdf> [Accessed 17 Dec.2014]

_____. N.d. "About ICT." <<http://www.savetibet.org/about-ict/>> [Accessed 7 Jan. 2015]

Marwah, Reena and Sharad K. Soni. June 2010. "Tibetans in South Asia: a Research Note." *Asian Ethnicity*. Vol. 11, No. 2. [Accessed 29 Dec. 2014]

McCall, Chris. 27 September 2014. "Tibetans in Nepal Struggle to Access Health Care." *The Lancet*. Vol. 384 [Accessed 17 Dec. 2014]

Nepal. 3 April 2014. Ministry of Foreign Affairs. "Nepal's View on the Recently Published Report of the Human Rights Watch Entitled 'Under China's Shadow Mistreatment of Tibetans in Nepal'." <<http://www.mofa.gov.np/en/news/detail/560>> [Accessed 30 Dec. 2014]

_____. 31 March 2014. "Replies of Nepal to the List of Issues in Relation to the Second Periodic Report of Nepal." United Nations Human Rights Committee. (CCPR/C/NPL/Q2/Add.1)

- _____. 1994. *Rules and Regulations: Provisions of Immigration Regulation - 1994*. <http://www.nepalimmigration.gov.np/?page_id=112> [Accessed Dec. 17 2014]
- _____. N.d. Ministry of Home Affairs. "Major Activities". <<http://www.youngmindsdesign.com/projects/moha-responsive/02/home/pageDetails/22>> [Accessed 6 Jan. 2015]
- Nezer, Melanie. 2014. "An Overview of Pending Asylum and Refugee Legislation in the US Congress." *Journal on Migration and Human Security*. Vol. 2, No. 2. [Accessed 30 Dec. 2014]
- Reeves, Jeffrey. 2012. "Research Note: China's Self-defeating Tactics in Nepal." *Contemporary South Asia*. Vol. 20, No. 4. [Accessed 29 Dec. 2014]
- Tibet Justice Center (TJC). 8 January 2015. Correspondence from the Executive Director to the Research Directorate.
- _____. June 2002. *Tibet's Stateless Nationals: Tibetan Refugees in Nepal*. <<http://www.tibetjustice.org/reports/nepal.pdf>> [Accessed 17 Dec. 2014]
- Tibetan Refugee Welfare Office. 5 January 2015. Correspondence from a representative to the Research Directorate.
- _____. 29 December 2014. Correspondence from a representative to the Research Directorate.
- United Nations (UN). 2014. Committee on Economic, Social, and Cultural Rights (UNCESCR). Committee on Economic, Social and Cultural Rights Concludes Consideration of Report of Nepal. <[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/2C0FFECE42207465C1257D96004E2005?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/2C0FFECE42207465C1257D96004E2005?OpenDocument)> [Accessed 31 Dec. 2014]
- _____. 4 June 2013. Integrated Regional Information Networks (IRIN). "Tibetan Refugees in Nepal Crying out for Documentation." <<http://www.irinnews.org/report/98158/tibetan-refugees-in-nepal-crying-out-for-documentation>> [Accessed 17 Dec. 2014]
- _____. N.d. High Commission for Refugees (UNHCR). 2015 UNHCR subregional operations profile - South Asia. <<http://www.unhcr.org/pages/493487856.html>> [Accessed 23 Dec. 2014]
- United States (US). Feb. 27 2014. Department of State. "Nepal." Country Reports on Human Rights Practices for 2013. <<http://www.state.gov/documents/organization/220612.pdf>> [Accessed 17 Dec. 2014]

Additional Sources Consulted

Oral Sources: Attempts to contact the following individuals and organizations were unsuccessful within the time constraints of this Response: Nepal – Department of Immigration, Embassy of Nepal in Ottawa, Embassy of Nepal in Washington, DC; Office of Tibet, New York; Professor of human geography with a specialization in the region, Oxford University. The following individuals and organizations were unable to provide information within the time constraints of this Response: Tibet Bureau.

Internet sites, including: Al Jazeera; Amnesty International; Asian Human Rights Commission; eoi.net; Factiva; International Organization for Migration; *The New Yorker*; *The New York Times*; United Nations – Refworld; *The Tibet Post*; US Committee for Refugees and Immigrants.

[Tips on how to use this search engine.](#)

[Top of Page](#)

Date modified: 2014-06-11