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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

India, Nepal, and China: Return of Tibetans from India and Nepal to China, including treatment of Tibetan returnees by Chinese authorities; return of Tibetans from China to Nepal and India (2013-April 2015) [ZZZ105134.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Return of Tibetans from India to China

A 2013 report on the Tibetan community in India by the Swiss Federal Office for Migration, citing an interview with Indian authorities, states that "Tibetans are never actually forced to leave India. Instead, they would be left behind at the border area or outside the district frontiers, but not handed over to Chinese authorities" (Switzerland 30 June 2013, para. 3.3.4). Citing an interview with security officials from the Central Tibetan Administration (CTA), the same report states that a Tibetan man who had been living in India without a registration certificate was "arrested on criminal charges and taken to the Nepali border and asked to cross" (*ibid.*). Additional and corroborating information on cases of Tibetans being deported to China from India could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

See Response to Information Request IND105009 for further information on the treatment of Tibetans in India without Registration Cards (RCs), or with expired RCs, including deportation to China.

2. Return of Tibetans from Nepal to China

Citing a 2013 interview with a former senior Nepali Home Ministry official, Human Rights Watch reports that local Nepali border police have "pushed back or repatriated Tibetans found at or near the border" if they were determined not to be "legitimate refugees, although no formal process was undertaken to make such a determination" (Human Rights Watch Mar. 2014, 33). *The New York Times* reports that China's efforts to block Tibetans from entering Nepal "increased in 2008 after a widespread Tibetan uprising" and, in reference to the reduced numbers of Tibetans transiting through Nepal to reach India, "Tibetans suspect that the low numbers of refugees reaching [the reception center in] Kathmandu could be in part a result of guards sending back Tibetans they catch" (*The New York Times* 13 Apr. 2013). The same source further states that "Tibetans blame tighter Chinese security in Tibet, as well as Chinese-trained Nepal border guards, for the reduced migration" (*ibid.*). A 2014 article in the *Hindustan Times*, an Indian English-language daily newspaper, detailing increased ties between China and Nepal, states that China "does not want Nepal to allow Tibetans to use their territory to go to Dharamsala or return from there" (*Hindustan Times* 28 Dec. 2014).

According to a 2013 shadow report about Nepal's implementation of the International Covenant on Civil and Political Rights (ICCPR) [1], Tibetans in Nepal are often subjected to harassment and identity checks by police and local officials, after which some receive threats of deportation unless a bribe is given (HRTMCC et al. May 2013, 45). Without providing further details, a report by the UK Foreign and Commonwealth Office states that there were reports in 2012 of Tibetans "being deported to China from neighbouring countries, with some subsequently receiving long prison sentences on charges such as inciting separatism" (UK Apr. 2013, 144).

Further and corroborating information on cases of Nepal deporting Tibetans from Nepal to China could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Return of Tibetans from China to Nepal and India

Sources indicate that China does not accept the return of Tibetan exiles (*The Guardian* 5 June 2014; Asia Times 4 Dec. 2013). According to Human Rights Watch's 2014 report entitled *Under China's Shadow: Mistreatment of Tibetans in Nepal*, citing information provided by the NGO Human Rights Organization of Nepal (HURON) [2], on 23 August 2012, Chinese police returned five Tibetans to Nepali immigration officials after they crossed into China and were detained there for several months (Human Rights Watch Mar. 2014, 41). The report further states that one of the Tibetans had left to attend teachings by the Dalai Lama in Dharamsala, while the other four "had spent several years living in India" (ibid.). According to the report, all five were fined by the Nepali Department of Immigration and then sent back to India (ibid.). Radio Free Asia (RFA), an organization that provides "news and information to Asian countries whose governments prohibit access to a free press" (RFA n.d.), similarly reports that on 23 August 2012 a group of five Tibetans, four of whom had "lived and studied in India for several years," were denied entry into China after attempting to rejoin "their parents and families inside Tibet" and were returned to Nepal (30 Aug. 2012).

RFA states that in May 2012, a group of nine Tibetans were detained at the Nepal-China border, "severely beaten for two days by the Chinese border police," and then returned to Nepalese authorities (RFA 7 June 2012). Quoting a representative of HURON, RFA further reports that the group faced fines for "illegal entry" and were to be sent to the Indian border, accompanied by a Nepalese immigration official, once the fines were paid (ibid.). RFA also reports that in August of 2012, a group of 11 men were denied re-entry into China and, as of the date of the article, "are now stateless, having had their residency papers for Tibet confiscated by Chinese police at the border with Nepal" (30 Aug. 2012).

Human Rights Watch states that three Tibetan men, who travelled to India in January 2012 to attend the Kalachakra teachings, were arrested upon their return to China, detained for several weeks, rearrested shortly after their initial release and imprisoned for six months (Human Rights Watch Mar. 2014, 41). The report further states that the men were handed over to Nepali officials, who then sent them to India (ibid.). The same source notes that in 2013 the three men attempted to return to China through Nepal and were again arrested and deported to India (ibid.).

Human Rights Watch also reports that in 2013 two Tibetan men, who had travelled from India through Nepal to Tibet, were caught by Chinese police, interrogated, detained, returned to Nepal and then deported back to India (ibid., 40).

Further and corroborating information on these cases could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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 report was prepared by "members of the committee on the ICCPR under the banner of HRTMCC [Human Rights Treaty Monitoring Coordination Center]" (HRTMCC et al. May 2013, 2). The HRTMCC, established in 2003, is a "coalition of human rights organisations established to monitor the implementation of ... treaties [Nepal] has ratified" (Interactions n.d.).

[2] HURON is described by the UN's Integrated Regional Information Networks (IRIN) as a "prominent rights group campaigning on behalf of Tibetan refugees" (UN 4 June 2013).

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Additional Sources Consulted

Oral sources: Attempts to contact the following were unsuccessful within the time constraints of this Response: Central Tibetan Administration; Tibet Bureau; Tibet Justice Center.

Internet sites, including: Al Jazeera; Amnesty International; British Broadcasting Corporation; Central Tibetan Administration; Factiva; *The Himalayan Times*; The Jamestown Foundation; Minority Rights Group International; The Tibet Bureau; The Tibet Post International; Tibet Watch; *The Times of India*; United States – Department of State; Unrepresented Nations and Peoples Organization; Xinhua News Agency.