

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: IND31042
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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT 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.

Questions

- 1. What is the policy of the Indian Government in regard to Tibetans (monks) – are they returned?**
- 2. What is the usual practice in regard to issuing the relevant documents to Tibetans when they travel to India?**
- 3. Does the fact that there are errors in the documents issued in India jeopardise a person's return?**

RESPONSE

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In its 2006 World Refugee Survey for India, the US Committee for Refugees and Immigrants states that the Indian government recognised Tibetans from China as refugees and “issued them identity documents”. However, “newly arrived Tibetans had difficulty obtaining them” (US Committee for Refugees and Immigrants (USCRI) 2006, *World Refugee Survey 2006 – India*, 14 June <http://www.refugees.org/countryreports.aspx?subm=&ssm=&cid=1588> – Accessed 27 November 2006 – Attachment 1).

Advice was sought from the Department of Foreign Affairs and Trade (DFAT) on 30 November 2006 in relation to legal documentation for Tibetans in India and the Indian government's treatment of Tibetans holding fraudulent documents or documents containing errors. The following response was received from DFAT on the 28 December 2006:

A. Is it Indian policy to return Tibetan monks who have no residency status and/or who have no legal documentation, and have the rules concerning asylum conditions of such monks changed recently?

2. Deputy Chief of Mission, UNHCR, Carol Batchelor, stated that all the information held by the UNHCR indicates that there is no forced return of any Tibetans for any reasons, regardless of status in India. Ms Batchelor stated that while there can always be exceptions to the rule, in principle, India provides protection to Tibetans, once in India.

3. This information was supported by Mr Tempa Tsering, Representative of His Holiness the Dalai Lama, DLO, who stated that it is not/not Indian policy to return Tibetan monks who have no residency status and/or legal documentation. Mr Tsering said that in the last forty seven (47) years, the Government of India has never returned a Tibetan monk and that there have been no/no changes to asylum conditions. If a Tibetan monk without residency status arrives in India he will be given a Special Permit at the point of entry and he can apply for his Registration Certificate before the expiry of his Special Permit.

4. The Protocol Officer, FRRO, advised that a Tibetan monk who departed India on an Indian travel document (Identity Certificate), would be allowed to re-enter and settle in India as a refugee if they enter India on an Indian travel document. Such refugees are given refugee status and they can stay and work in India. In an instance where a Tibetan monk did not hold an Indian travel document, they could approach the nearest Indian diplomatic mission and obtain one to leave that country. The FRRO representative stated that there has been no/no change to the rules applying to the asylum conditions of such monks. Tibetan refugees who depart India on travel documents other than Indian documents are not/not accepted by the Indian government as refugees.

B. Will errors in the applicant's documents issued in India jeopardise the person's return – would the applicant be detained by Indian authorities and returned to China?

5. The Protocol Officer, FRRO, advised that minor discrepancies in background details occur in Identity Certificates of some Tibetan refugees but that major discrepancies do not occur because the certificates are issued only after a thorough vetting by Tibetan community representatives of the DLO in the locality of the applicant. The FRRO representative stated that in the event of a major discrepancy, including through intentional fraud, the Office of the Dalai Lama reported the matter to Indian authorities. In the opinion of the Protocol Officer, FRRO, such cases are not seriously pursued by the Indian authorities.

6. The FRRO representative said that the FRRO questioned each Tibetan applicant thoroughly before granting a Registration Certificate and that if the information provided by the applicant was inconsistent, the applicant was liable to be deported back to Tibet. The FRRO representative noted, however, that in actual practice, deportations were rare and were conducted only if there was adverse intelligence information about the applicant. The FRRO representative added that deportation did not occur if there were only minor discrepancies in the information furnished by the applicant (such as the wrong date of birth or the wrong place of birth).

7. This information was corroborated by the Representative of His Holiness the Dalai Lama, who stated that there have been errors in applicants' documents through ignorance, negligence and sometimes deliberate acts. He stated that the Government of India has been very generous in this regard and applicants have been given opportunity to provide the reason for error, and they have never been detained or returned to China (Department of Foreign Affairs and Trade 2006, *DFAT Report 581 – RRT Information Request IND31042*, 28

December – Attachment 2; RRT Country Research 2006, ‘Country Information Request: IND31042’, 30 November – Attachment 3).

List of Sources Consulted

Department of Foreign Affairs and Trade

Internet Sources:

Google search engine <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. US Committee for Refugees and Immigrants (USCRI) 2006, *World Refugee Survey 2006 – India*, 14 June <http://www.refugees.org/countryreports.aspx?subm=&ssm=&cid=1588> – Accessed 27 November 2006.
2. Department of Foreign Affairs and Trade 2006, *DFAT Report 581 – RRT Information Request IND31042*, 28 December.
3. RRT Country Research 2006, ‘Country Information Request: IND31042’, 30 November.