

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Country:** India  
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**Questions**

- 1. What is the current situation of Tibetans in India? In your opinion, is the human rights situation changing?**
- 2. How are Tibetans treated by the authorities in India? Are they subject to mistreatment and would they be likely to receive effective state/police protection?**
- 3. Are there restrictions on accessing and renewing residence and travel permits for Tibetans in India? What residence/re-entry rights do these documents give the holder?**

**RESPONSE**

The above questions were emailed to Professor John Powers from the Centre for Asian Societies and Histories at Australian National University (ANU) on 3 November 2009. Professor Powers responded on 5 November 2009 with the following advice:

1. What is the current situation of Tibetans in India ? In your opinion, is the human rights situation changing?

Yes, the situation is becoming more problematic for Tibetans, particularly new arrivals. For those who have resided in India for more than ten years, the situation is much the same as it has been. They are stateless persons and must apply to the Indian government for travel papers, but if they have a residence in India they have few problems with the Indian authorities if they refrain from political activism. Those who are involved in activism, particularly anti-China protests, may face significant problems. New arrivals are finding it increasingly difficult to obtain Indian government permission to remain or to gain refugee status. Many new arrivals are being forcibly sent back to China, where they face a near certainty of incarceration and torture. India is fearful of China's territorial ambitions and is trying to placate China, but this only makes China more assertive. In recent months China has strongly demanded that India curtail Tibetan's rights of

speech and protest, and the Indian government has complied. The situation appears to be deteriorating.

2. How are Tibetans treated by the authorities in India ? Are they subject to mistreatment and would they be likely to receive effective state/police protection?

As stateless persons, Tibetans have little hope of protection by Indian police. Most Tibetans live in Tibetan settlements in south India (the largest are Mundgod and Bylakuppe), where they are largely autonomous, but there is a constant Indian military presence. Tibetans must carry official papers with them at all times, and new arrivals are finding it increasingly difficult to obtain them, which means that there is a growing underground population that lives in secret among the Tibetan community and is profoundly marginalized. There is some mistreatment of Tibetans by Indian authorities, but this is mainly directed at those who are politically active, who engage in anti-China protests. The situation is much worse in Nepal, where the government is actively suppressing Tibetans, forcing them to leave the country, repatriating refugees, and allowing Chinese troops to control the Nepal border up to fifty kilometers inside Nepali territory. Repression of Tibetans is increasing there and is likely to get much worse.

3. Are there restrictions on accessing and renewing residence and travel permits for Tibetans in India ? What residence/re-entry rights do these documents give the holder?

The Indian government is increasingly reluctant to issue residence permits to new arrivals from Tibet due to Chinese sensitivities and the numbers of those escaping. Every year over 3,000 Tibetans escape, and India is the most frequent destination. This is a huge embarrassment for China, which has demanded that India end its open door policy toward Tibetan refugees. India appears to be complying and is making it very difficult for new arrivals to get residence permits. Those who leave the country are generally not allowed to return, and so a Tibetan in Australia with an Indian residence permit would probably not be allowed into India. If he/she were sent back to India, it is likely that India would force a return to Tibet, where torture and incarceration would be a virtual certainty (Powers, J. 2009, Email to RRT Research & Information: 'Re: Request for information from the Refugee Review Tribunal, Sydney', 5 November – Attachment 1; for the email which elicited this response, see: RRT Research & Information 2009, Email to J. Powers 'Request for information from the Refugee Review Tribunal, Sydney', 3 November – Attachment 2).

A further email was sent to Professor Powers on 12 November 2009 to ask if he had any further information or could recommend any studies on this issue, most especially on the forcible return of Tibetans from India to China. On 12 November 2009, Professor Powers provided the following response:

I'm not aware of anything that's been published on this yet. My information comes from Tibetan refugees and other academics researching in this area. One major problem is that many Tibetans have to get their residence permits through bribery, so they're not really valid. If they leave and try to come back Indian authorities won't let them and will probably send them back to China. If someone enters the country illegally, they may also be sent back. If that happens torture and incarceration are a virtual certainty (Powers, J. 2009, Email to RRT Research & Information: 'RE: Request for information from the Refugee Review Tribunal, Sydney', 12 November – Attachment 3; for the email which elicited this response, see: RRT Research & Information 2009, Email to J. Powers 'RE: Request for information from the Refugee Review Tribunal, Sydney', 12 November – Attachment).

## **List of Sources Consulted**

Dr. John Powers, Centre for Asian Societies and Histories, Australian National University

## **List of Attachments**

1. Powers, J. 2009, Email to RRT Research & Information: 'Re: Request for information from the Refugee Review Tribunal, Sydney', 5 November.
2. RRT Research & Information 2009, Email to J. Powers 'Request for information from the Refugee Review Tribunal, Sydney', 3 November.
3. Powers, J. 2009, Email to RRT Research & Information: 'RE: Request for information from the Refugee Review Tribunal, Sydney', 12 November.
4. RRT Research & Information 2009, Email to J. Powers 'RE: Request for information from the Refugee Review Tribunal, Sydney', 12 November.