



India – Researched and compiled by the Refugee Documentation Centre of Ireland on 21 July 2010

Information regarding the position of Nepalese immigrants in India.

Article 7 of the *Treaty of Peace and Friendship* signed by the governments of India and Nepal in 1950 states:

“The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.” (United Nations Treaty Collection (31 July 1950) *INDIA and NEPAL: Treaty of Peace and Friendship*)

In a document published in 2005 *Refugees International* states:

“As a result of the nine-year Maoist conflict in Nepal, greater numbers of Nepalis are going to India and these new arrivals are being confronted with the same protection concerns that have plagued generations of Nepalis in India. Under the 1950 Peace and Friendship treaty between Nepal and India, Nepalis have the right to live and work in India and have been coming for decades to India in search of employment opportunities. In theory, Nepalis in India have the same rights as Indian citizens, with the exception of voting rights, yet they are often denied their basic legal rights and are vulnerable to labor rights violations and various forms of exploitation.” (Refugees International (25 July 2005) *India: Nepali migrants in need of protection*)

An *Immigration and Refugee Board of Canada* response to a request for information on Nepali citizens living in India states:

“According to a British Broadcasting Corporation (BBC) article, approximately five million citizens of Nepal work and own property in India and do not require visas or work permits to cross the 1,800 km open border (BBC 15 Sept. 2008). The article further states that Nepalese citizens ‘have all the rights of an Indian citizen’ (ibid.). The Bureau of Immigration in India corroborates that citizens of Nepal do not require visas to enter India, unless they are entering India from China (India 1 Aug. 2008). The Bureau of Immigration in India further states that citizens of Nepal, when entering India by land or air from Nepal, do not require a passport, but do require valid identification.” (Immigration and Refugee Board of Canada (18 December 2008) *ZZZ103009.E – Nepal/India: Nepali citizens living in India; whether they are legally entitled to reside, work, attend school, and access health care services; whether there are any repercussions for “illegal” residence, or whether illegal status is tolerated or ignored by Indian authorities*)

In a section headed “Refoulement/Physical Protection” the 2008 *US Committee for Refugees and Immigrants* (USCRI) survey for India states:

“India treated refugees differently, depending on their nationality. It generally granted protection to Tibetans and Sri Lankan Tamils. Tibetans received government authorization closest to a residence permit. Nepalis could enter freely; those with documentation enjoyed most of the rights of Indian citizens under the 1950 Indo-Nepali Peace and Friendship treaty.” (US Committee for Refugees and Immigrants (19 June 2008) *World Refugee Survey 2008 – India*)

The Introduction to the 2009 *USCRI* survey states:

“An estimated 30,000 Afghans remained although only about 9,000 held UNHCR mandate status. Around 25,000 Bhutanese refugees also resided in India as more left Nepal for the Indian States of West Bengal, Sikkim, and Bihar and about 25,000 Nepalis remained in fear of Maoists now in the Government of Nepal.” (US Committee for Refugees and Immigrants (17 June 2009) *World Refugee Survey 2009 – India*)

In a section headed “Right to Earn a Livelihood” this survey states:

“Even recognized refugees cannot work legally although Nepalese and Bhutanese nationals could do so under friendship treaties and the Government rarely punishes employers formally for hiring refugees illegally.” (ibid)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre 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. Please read in full all documents referred to.

References:

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Refugee Documentation Centre Query Database

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