

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** BGD35056 & BGD35105  
**Country:** Bangladesh  
**Date:** 7 July 2009

Keywords: Bangladesh – BGD35056 – Biharis – Citizenship – Rights – Discrimination – Geneva Camp

This response was prepared by the Research & Information Services 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. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

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**Questions**

- 1. Please provide an update on the nationality status of Biharis born in Bangladesh.**
- 2. The US Committee for Refugees and Immigrants wrote: “Half of the Biharis lived outside of camps, integrated into the local community, and were eligible to receive passports, to vote, and to attend college, and were able to exercise most of the rights of citizens.” Please confirm this advice.**
- 3. Do non-camp Biharis face discrimination or other problems, and if so, are they serious?**
- 4. Can post (or its contacts in Dhaka) provide information about Geneva Camp, Mohammadpur?**
- 5. Deleted.**
- 6. Is it known whether dispossessed Biharis seek to recover their property and/or face threats?**
- 7. Deleted.**

**RESPONSE**

- 1. Please provide an update on the nationality status of Biharis born in Bangladesh.**

Country information indicates that in May 2008 the Bangladesh High Court decided that Urdu-speaking Muslims/Biharis have the right to be included in the Voter List as Bangladeshi citizens. Refugee International reported that the High Court held that “any Urdu speaker born in Bangladesh, or whose father or grandfather was born in Bangladesh, and who was a permanent resident in 1971 or who has permanently resided in Bangladesh since 1971 is a citizen ‘by operation of law’”. Sources also state, however, that not all Biharis favoured accepting citizenship.

On the May 2008 High Court decision to the UK Home Office wrote:

On 18 May 2008, the High Court declared valid a claim that Biharis should be included in the Voter List as citizens of Bangladesh. The ruling applied to those who were minors when Bangladesh became independent in 1971, or were born thereafter – some 150,000 people. Following the High Court’s decision, the Caretaker Government granted citizenship to the Biharis to enable them to vote in the elections of December 2008. However, not all Biharis residing in camps were in favour of accepting Bangladeshi citizenship (UK Home Office 2009, *Operational Guidance Note – Bangladesh*, 6 February, para. 3.9.4 <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/bangladesh.pdf?view=Binary> – Accessed 26 June 2009 – Attachment 1).

According to Refugees International:

A High Court judgment in 2003 acknowledged the citizenship rights of certain members, but the May 2008 High Court decision confirmed the group’s right to Bangladesh citizenship, ending – at least in a legal sense – nearly four decades of political and socio-economic exclusion (Refugees International 2009, *Nationality Rights For All*, March, p.16 [http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report\\_FINAL\\_031109.pdf](http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf) – Accessed 24 June 2009 – Attachment 2).

Refugees International continued:

In May 2008, the Bangladesh High Court held that any Urdu speaker born in Bangladesh, or whose father or grandfather was born in Bangladesh, and who was a permanent resident in 1971 or who has permanently resided in Bangladesh since 1971 is a citizen “by operation of law.” This essentially confirmed the citizenship of most members of this community. Persons who affirm or acknowledge allegiance to a foreign state (such as Pakistan) may be disqualified (Refugees International 2009, *Nationality Rights For All*, March, p.40 [http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report\\_FINAL\\_031109.pdf](http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf) – Accessed 24 June 2009 – Attachment 2).

And:

Over time, some community members, particularly young people, considered themselves Bangladeshi and became frustrated with the living conditions and dearth of economic opportunities available to them as effectively stateless persons. With the help of sympathetic attorneys, they brought petitions to the courts, and won successive legal battles concerning property, voting, and citizenship rights of specific members of the community. Together these cases set the stage for resolving whether such rights applied to the entire community in the May 2008 decision, *Sadakat Khan et al. v. The Chief Election Commissioner*. The court held that any Urdu speaker born in Bangladesh, or whose father or grandfather was born in Bangladesh, and who was a permanent resident in 1971 or who has permanently resided in Bangladesh since 1971 is a citizen “by operation of law.” Persons who affirm or acknowledge allegiance to a foreign state (such as Pakistan) may be disqualified. The court also directed the Bangladesh Election Commission to enroll majority age Urdu speakers who wish to be registered and to issue them national identity cards (IDs)...(Refugees International 2009, *Nationality Rights For All*, March, p.17 [http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report\\_FINAL\\_031109.pdf](http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf) – Accessed 24 June 2009 – Attachment 2).

The UNHCR reported the status of the stateless Biharis had been resolved by Bangladeshi citizenship:

The status of an estimated 250,000 members of the stateless Bihari/Urdu-speaking community has been resolved through the grant of Bangladeshi citizenship; they are being

registered as voters and issued national identity cards (UNHCR (undated), *Country Operations Profile – Bangladesh* <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487546> – Accessed 24 June 2009 – Attachment 3).

The *BBC* also reported that the High Court had ruled that “Urdu-speaking Muslim refugees have the right to be Bangladesh citizens”. It was noted in the *BBC* article that the judgment did “not cover refugees who were adults at the time of independence” (“Citizenship for Bihari refugees’ 2008, *BBC*, 19 May [http://news.bbc.co.uk/1/hi/world/south\\_asia/7407757.stm](http://news.bbc.co.uk/1/hi/world/south_asia/7407757.stm) – Accessed 29 April 2009 – Attachment 4).

Estimates on the number of Biharis who would be granted citizenship vary. The UNHCR estimated that the status of 250,000 Biharis was resolved through granting Bangladeshi citizenship. According to *Reuters India* Bangladesh Home Ministry officials had estimated “about 140,000, or nearly half of the Biharis, who were born in Bangladesh and have expressed loyalty to the country, would be granted citizenship” (UNHCR (undated), *Country Operations Profile: Bangladesh* <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487546> – Accessed 24 June 2009 – Attachment 3; Majumder, Azad 2008, ‘Bangladesh citizenship right divides Biharis’, *Reuters India*, 20 May <http://in.reuters.com/article/southAsiaNews/idINIndia-33670220080520?sp=true> – Accessed 24 June 2009 – Attachment 5).

Some Biharis have reportedly expressed concerns on being granted Bangladesh citizenship. The *Times Online* stated:

The decision to allow the Urdu-speakers the vote appears to have split the community, some of whom still cling to the dream of moving to Pakistan. Some also fear that they will lose the small privileges they enjoy in the camps, including free electricity. “We respect the verdict, but this will not be fruitful for us,” said Shoukat Ali, the headmaster of the Surovi school and leader of the Stranded Pakistani General Repatriation Committee. “We must be rehabilitated properly” (Page, Jeremy and Blakely, Rhys 2008, ‘Bangladesh Muslims in limbo given Urdu voice for return to democracy’, *Times Online*, 29 December <http://www.timesonline.co.uk/tol/news/world/asia/article5409135.ece> – Accessed 24 June 2009 – Attachment 6).

In addition, the *Human Rights in Bangladesh 2008* report, published by Ain o Salish Kendra (ASK), a Bangladesh national legal aid and human rights organisation, reported that “There is accompanying anxiety about whether a future elected Government will respect the decisions taken to enroll Urdu-speakers as voters and to grant them citizenship” (Ain o Salish Kendra (undated), ‘Chapter 17: Rights of Linguistic Minorities’ in *Human Rights in Bangladesh 2008* [http://www.askbd.org/hr\\_report2008/17\\_LINGUSTIC.pdf](http://www.askbd.org/hr_report2008/17_LINGUSTIC.pdf) – Accessed 3 July 2009 – Attachment 7).

**2. The US Committee for Refugees and Immigrants (USCRI) wrote: “Half of the Biharis lived outside of camps, integrated into the local community, and were eligible to receive passports, to vote, and to attend college, and were able to exercise most of the rights of citizens.” Please confirm this advice.**

The quoted statement is sourced to US Committee for Refugees and Immigrants (USCRI) annual reports released before the 2008 High Court decision on Bangladeshi citizenship for Urdu-speakers/Biharis, although after a 2003 decision on citizenship. Definitive information on the number of Biharis living inside and outside camps was not found in the sources

consulted. Various sources estimate that about half of the Biharis live outside camps. Some information in the sources consulted make a distinction between those living outside the camps and those inside. However, sources also may make a distinction between Urdu-speakers/Biharis who have Bangladeshi citizenship and those that do not. Sources indicate the Urdu-speakers/Biharis with Bangladeshi citizenship have the right to equal access to education, medical services, employment, foreign travel and land ownership. Refugee International has also noted that it will need “dedicated action” from the Bangladesh government and the international community for Biharis to gain such access.

Information is provided under the following headings:

[The USCRI statement](#)

[Bihari numbers](#)

[Citizenship rights](#)

### **The USCRI statement**

The USCRI statement:

Half of the Biharis lived outside of camps, integrated into the local community, were eligible to receive passports, to vote, and to attend college, and were able to exercise most of the rights of citizens...

is from past USCRI annual reports: *World Refugee Survey 2007: Bangladesh* and *World Refugee Survey 2006: Bangladesh* which were published before the May 2008 High Court Decision and after a 2003 decision on citizenship (US Committee for Refugees and Immigrants (undated), *World Refugee Survey 2007: Bangladesh*, p.32 – Attachment 8; US Committee for Refugees and Immigrants (undated), *World Refugee Survey 2006: Bangladesh* – Attachment 9).

The statement is not in the more recent *World Refugee Survey 2008: Bangladesh* and *World Refugee Survey 2009: Bangladesh* (US Committee for Refugees and Immigrants (undated), *World Refugee Survey 2008: Bangladesh*

<http://www.refugees.org/countryreports.aspx?id=2119> – Accessed 19 June 2008 –

Attachment 10; US Committee for Refugees and Immigrants (undated), *World Refugee Survey 2009: Bangladesh*

[http://www.refugees.org/countryreports.aspx?\\_\\_VIEWSTATE=dDwtOTMxNDcwOTk7O2w8Q291bnRyeUREOkdvQnV0dG9uOz4%2BUwqzZxIYLI0SfZCZue2XtA0UFEQ%3D&cid=2318&subm=&ssm=&map=&searchtext=](http://www.refugees.org/countryreports.aspx?__VIEWSTATE=dDwtOTMxNDcwOTk7O2w8Q291bnRyeUREOkdvQnV0dG9uOz4%2BUwqzZxIYLI0SfZCZue2XtA0UFEQ%3D&cid=2318&subm=&ssm=&map=&searchtext=) – Accessed 26 June 2009 – Attachment 11).

The following statements on the rights of Biharis in USCRI’s *World Refugee Survey 2007: Bangladesh* and *World Refugee Survey 2006: Bangladesh* refer to those with citizenship or “stateless Biharis”. However, the reports do not specify whether the Biharis lived inside or outside the camps.

On voting and citizenship:

...In 2003, the Bangladesh High Court accepted the application of the right of vote of ten young members of the community, most of whom were born after the creation of Bangladesh. **The court’s ruling reaffirmed their claim to be citizens. Under the court’s directive, the National Election Commission enrolled them as voters.** The Government, however,

refused to acknowledge the Biharis as a community as Bangladeshis on the grounds that they acknowledged allegiance to a foreign state because they sought resettlement in Pakistan in the 1970s (US Committee for Refugees and Immigrants (undated), *World Refugee Survey 2007: Bangladesh*, pp.31-32 – Attachment 8).

On employment, property ownership, trading and banking:

Authorities prohibited Biharis from owning property or obtaining trade licenses. Banks required citizen certificates from Ward Commissioners to open accounts, excluding both refugees and **stateless Biharis** (US Committee for Refugees and Immigrants (undated), *World Refugee Survey 2007: Bangladesh*, p.33 – Attachment 8).

And:

Authorities tolerated Bihari work in the informal sector but excluded them from public service and prohibited them from owning property or obtaining trade licenses (US Committee for Refugees and Immigrants (undated), *World Refugee Survey 2006: Bangladesh* – Attachment 9).

However, in the more recent *World Refugee Survey 2008: Bangladesh* USCRI referred to the employment of Biharis with Bangladeshi citizenship that lived inside camps:

Stateless Biharis in camps were not eligible for public sector jobs, or for the employer-required commissioners' certificates or character references. **The Government denied jobs even to Bihari to whom the High Court had granted citizenship when it learned they lived in a camp.** Most of those who worked did so in the informal sector (US Committee for Refugees and Immigrants (undated), *World Refugee Survey 2008: Bangladesh* <http://www.refugees.org/countryreports.aspx?id=2119> – Accessed 19 June 2008 – Attachment 10).

## **Bihari numbers**

A range of sources estimate that about half of the Biharis live outside camps.

The UK Home Office has stated that there are an “estimated 300,000 Biharis living in Bangladesh” and “around half of Biharis live outside the camp and are integrated into the wider society” (UK Home Office 2009, *Operational Guidance Note – Bangladesh*, 6 February, paras. 3.9.2, 3.9.9

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/bangladesh.pdf?view=Binary> – Accessed 26 June 2009 – Attachment 1).

In May 2008 *The Daily Star* newspaper in Bangladesh cited the following UNHCR estimates:

According to a survey conducted by the United Nations High Commissioner for Refugees (UNHCR), there are around 250,000 to 300,000 Urdu-speaking people in Bangladesh. Of them, around 160,000 are languishing in camps (Parveen, Shahnaz 2008, ‘Citizenship debate comes to end but doubts and worries remain’, *The Daily Star*, 26 May [http://www.thedailystar.net/pf\\_story.php?nid=38148](http://www.thedailystar.net/pf_story.php?nid=38148) – Accessed 22 June 2009 – Attachment 12).

Another article on *The Daily Star*, dated 24 July 2008, reported that:

About 3 lakh<sup>1</sup> Urdu-speaking people are living in Bangladesh at present and of them 1.6 lakh live in the camps set up by the ICRC. Many of them were born after 1971 or were minor at that time ('Bangladesh poll body moves to register 160,000 Urdu speaking people as voters' 2008, *BBC Monitoring South Asia*, source: *The Daily Star*, 24 July – Attachment 13).

In 2008 Farzana, a PhD candidate at the University of Singapore, wrote on Biharis outside the camps as follows:

...Being frustrated with the camp life, sometimes the Bihari people escape from the camp and try to integrate themselves within the local community. Among them, very few are fortunate enough to survive and ultimately become able to give their children education. In most cases, they fail to survive by themselves and eventually return to the camps due to their inability to adjust to the social and economic conditions (Farzana, Kazi Fahmida 2008, 'The Neglected Stateless Bihari Community in Bangladesh: Victims of Political and Diplomatic Onslaught', *Journal of Humanities & Social Sciences*, Vol. 2, Iss. 1, p.5 <http://www.scientificjournals.org/journals2008/articles/1313.pdf> – Accessed 26 June 2009 – Attachment 14).

### **Citizenship rights**

Various sources indicate that Biharis without citizenship did not have equal access to rights such as employment, medical services, education, land ownership and foreign travel. Refugee International has also noted that it will need "dedicated action" from the Bangladesh government and the international community for Biharis to gain such access. The sources also did not make a distinction between those living outside the camps and those living inside.

Refugees International noted that "200,000 or more" Urdu-speakers in Bangladesh who did not have citizenship did not have "equal access to education, health services, and livelihoods":

Refusal of any state to recognize the Urdu speakers of Bangladesh as citizens left 200,000 or more of them in extreme poverty, without equal access to education, health services, and livelihoods for 37 years...(Refugees International 2009, *Nationality Rights For All*, March, p.16 [http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report\\_FINAL\\_031109.pdf](http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf) – Accessed 24 June 2009 – Attachment 2).

However, Refugees International also noted that it will need "dedicated action" from the Bangladesh government and the international community for Urdu-speakers/Biharis as Bangladeshi citizens to gain equal access to rights:

For the first time since Bangladesh gained independence in 1971, Urdu speaking minorities will be eligible to vote in December's [2008] parliamentary elections. A High Court judgment last May confirmed the group's rights to Bangladeshi citizenship, ending nearly four decades of political and socio-economic exclusion. But it will take dedicated action by the Bangladeshi government, with the support of international donors and organizations, to ensure that these people integrate fully into society and gain equal access to education, employment, health services, and other rights and obligations of citizenship...(Refugee International 2008, 'Maintain momentum to guarantee citizenship rights', 25 September

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<sup>1</sup> One lakh equals 100,000

<http://www.refugeesinternational.org/content/article/detail/10850> – Accessed 26 September 2008 – Attachment 15).

The UNHCR reported that it was working “to ensure that the approximately 300,000 people belonging to the Bihari/Urdu-speaking community were able to exercise their rights as citizens of Bangladesh” (UNHCR 2009, *Global Report 2008 – Bangladesh*, June <http://www.unhcr.org/4a2d05252.pdf> – Accessed 1 July 2009 – Attachment 16).

*The Daily Star* also stated on citizenship and rights:

Without citizenship the community did not have the right to vote, own property and travel outside the country. They have very little access to resources and employment. They lack proper schooling and healthcare facilities (Parveen, Shahnaz 2008, ‘Citizenship debate comes to end but doubts and worries remain’, *The Daily Star*, 26 May [http://www.thedailystar.net/pf\\_story.php?nid=38148](http://www.thedailystar.net/pf_story.php?nid=38148) – Accessed 22 June 2009 – Attachment 12).

In July 2008 the *BBC News* reported that many younger Urdu-speakers considered themselves Bangladeshis “in all but name”. It cited a community leader who stated that if a Bihari had the right to vote they will have “the right to citizenship, government jobs, medical care, education, land ownership and foreign travel”. *BBC News* reported:

In any case, many of the younger Urdu-speakers say they are Bangladeshis in all but name.

“There is no question of returning us to Pakistan. We haven’t seen that country, we don’t know that country, we were born and brought up here and we want to die here in dignity,” Sadakat Khan, a community leader said.

He now hopes things will pick up for the Urdu-speakers after winning a historic victory in Bangladesh’s Supreme Court last month.

The court ruled that anyone born in the country who did not refer to himself or herself as a “Stranded Pakistani”, could vote in this year’s upcoming elections.

And if they have the right to vote, Mr Khan says, the Urdu-speakers will then have the right to citizenship, government jobs, medical care, education, land ownership and foreign travel.

“We were deprived of the rights of a state for 36 years, but now we are getting them,” he said. “With this ruling, the future of our children has been saved.”

He hopes that nearly four decades of life as a stateless, unwanted people has finally come to an end (Dummett, Mark 2008, ‘Bangladesh’s unwanted people’, *BBC News*, 11 July [http://news.bbc.co.uk/2/hi/south\\_asia/7497119.stm](http://news.bbc.co.uk/2/hi/south_asia/7497119.stm) – Accessed 22 June 2009 – Attachment 17).

### **3. Do non-camp Biharis face discrimination or other problems, and if so, are they serious?**

Definitive information was not found in the sources consulted on whether non-camp Biharis face discrimination. Some information in the sources consulted make a distinction between those living outside the camps and those inside. However, sources also may make a distinction between Urdu-speakers/Biharis who have Bangladeshi citizenship and those that do not. Sources have noted that the May 2008 High Court judgment alone is not sufficient to

end discrimination. Difficulties have reportedly been experienced in obtaining passports or registering births for Biharis living inside camps.

Refugees International wrote on access to social services after registering for a national identification card:

In August 2008, the Election Commission aggressively began to register the Urdu-speaking communities in the settlements around Dhaka. After registering to vote, individuals were instructed on how to register for national IDs. Although a national ID card is said to give access to 22 social services, Urdu speakers' reactions to the registration processes were ambivalent. Some felt the ID cards would help their children enter public schools and obtain jobs, while others expressed concerns that they might be evicted from their homes in camps if they obtained an ID (Refugees International 2009, *Nationality Rights For All*, March, pp.17-18

[http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report\\_FINAL\\_031109.pdf](http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf) – Accessed 24 June 2009 – Attachment 2).

However, Refugees International also indicated that the May 2008 High Court decision alone is not sufficient to end discrimination:

RI's visit to Bangladesh in August 2008 revealed that a court judgment confirming citizenship rights, while significant, is itself insufficient to end nearly four decades of poverty and discrimination. For Urdu speakers to overcome what the court called "constant deni[al] of their constitutional rights," and to become full citizens of Bangladesh, they will need public, unequivocal acknowledgement of their citizenship status in Bangladesh and robust support for integration into society from the government, civil society, UNHCR, other UN agencies, and donors. Such a policy will be difficult in a country with serious political challenges and widespread poverty, but it is necessary in order for Bangladesh to overcome its past and to remedy a serious human rights violation against a minority group (Refugees International 2009, *Nationality Rights For All*, March, pp.17-18

[http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report\\_FINAL\\_031109.pdf](http://refugeesinternational.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf) – Accessed 24 June 2009 – Attachment 2).

Khalid Hussain, President of the Association of Young Generation of Urdu-Speaking Community, does not refer to Biharis outside the camps when he writes on discrimination in the *Forced Migration Review*:

Approximately 160,000 stateless Biharis live in 116 makeshift settlements in Bangladesh. Despite recent developments in voter and ID registration, they continue to live in slum-like conditions, facing regular discrimination (Hussain, Khalid 2009, 'The end of Bihari statelessness', *Forced Migration Review*, April, Iss. 32, p.30 – <http://www.fmreview.org/FMRpdfs/FMR32/FMR32.pdf> – Accessed 7 April 2009 – Attachment 18).

Also, the *Human Rights in Bangladesh 2008* report stated that although Urdu-speakers began to claim their rights after the May 2008 High Court decision they continue to face difficulties living in camps:

Following the High Court decision, Urdu speakers have begun to claim their rights as citizens in various spheres, but continue to face difficulties. For example, two Mohammadpur camp-dwellers applied for passports after receiving their voter ID cards, but the authorities refused because they lived in the Camps. Also, authorities initially refused to register any births;



however, with the advocacy and practical support provided by Al-Falah Bangladesh<sup>2</sup> this is now being undertaken (Ain o Salish Kendra (undated), 'Chapter 17: Rights of Linguistic Minorities' in *Human Rights in Bangladesh 2008* [http://www.askbd.org/hr\\_report2008/17\\_LINGUSTIC.pdf](http://www.askbd.org/hr_report2008/17_LINGUSTIC.pdf) – Accessed 3 July 2009 – Attachment 7).

A 2006 Refugee International report that the right to a basic education “has become a luxury for Bihari children”. It continued:

... This lack of education, combined with an already impoverished economy, provides little opportunity for employment either inside or **outside** the camps. Those able to find employment often face discrimination and harassment (Lynch, Maureen & Cook, Thatcher 2006, *Citizens of Nowhere: The Stateless Biharis of Bangladesh*, Refugees International, January, p.8 – Attachment 20).

Sources have also reported that “many Biharis” have alleged that they have had their passport applications rejected after obtaining citizenship and following proper procedures (Kumar, Arun 2009, ‘Urdu-speaking Bangladeshis yet to get passports’, *Indo-Asian News Service*, 26 January – Attachment 21; Parveen, Shahnaz 2009, ‘Biharis kept waiting for passport’, *The Daily Star*, 26 January <http://www.thedailystar.net/story.php?nid=72960> – Accessed 7 July 2009 – Attachment 22; Hussain, Khalid 2009, ‘The end of Bihari statelessness’ 2009, Media Monitors Network website, 7 April <http://world.mediamonitors.net/content/view/full/61268> – Accessed 24 June 2009 – Attachment 23).

It may be of some interest is that DFAT advised in September 2007 concerning the use of an address outside a camp to conceal ethnicity:

During the period 1991-2001, Biharis were generally unable to hold a Bangladesh passport due to the uncertainty surrounding their citizenship status, and there were no special administrative arrangements for granting Bangladesh passports to Biharis. There was no scope for Biharis to obtain a Bangladesh passport if they declared their ethnic backgrounds, however, members of the Biharis community may have been able to obtain a Bangladesh passport by concealing their ethnicity during the application process. **It is our understanding that Biharis often concealed their ethnic identity when seeking to access government services, most commonly by using a residential address which did not identify them as living in one of the Bihari settlements. Such a practice may easily have been extended to applying for a Bangladesh passport** (Department of Foreign Affairs and Trade 2007, *DFAT Report 699 – RRT Information Request: BGD32253*, 21 September – Attachment 24).

#### **4. Can post (or its contacts in Dhaka) provide information about Geneva Camp, Mohammadpur?**

RRT Research and Information Services approached DFAT on this question on 23 June 2009 in *Research Request BGD35105*. The DFAT report has now been received and is incorporated in this response (RRT Research & Information 2009, Email to DFAT: ‘RRT Country Information Request – BGD35105 – Geneva Camp’, 23 June, quest. A – Attachment 25).

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<sup>2</sup> Al-Falah Bangladesh is a non-governmental development and welfare organisation formed in 1980 (‘Al-Falah Bangladesh’ (undated), Al-Falah Bangladesh website <http://www.alfalah.com.bd/> - Accessed 3 July 2009 – Attachment 19).

DFAT advised:

DFAT's visit to the Geneva Camp confirmed that Shahjahan Road leads up to the Boys School and takes a left turn at the school gate. The Geneva Camp is situated on the right side of the road. There is no main road crossing through the Boys High School. There is a school and clinic situated inside the camp, but the location cannot be pin pointed, as the camp is a densely populated slum area (Department of Foreign Affairs and Trade 2009, *DFAT Report No. 1022 – RRT Information Request: BGD35105*, 6 July – Attachment 26).

Few other details about Geneva Camp, Mohammadpur were found in the sources consulted. However, the following two images of the camp, sourced to Google Earth, are available:

- 'Geneva Camp' 2009, Google Earth – Accessed 22 June 2009 – Attachment 27.
- 'Fig 4.1: Satellite image of Geneva camp. Source: Google Earth, 2007' in Islam, Md. Syful 2007, *Physical Density and Urban Sprawl: A Case of Dhaka City*, Master of Science Thesis, Department of Urban Planning and Environment, KTH Royal Institute of Technology, Stockholm, p.35  
<http://www.infra.kth.se/bba/MASTER%20THESISSES/SyfulFinal.pdf> – Accessed 1 July 2009 – Attachment 28).

In addition Md. Syful Islam, in his Master of Science thesis, has a description of Geneva Camp (Islam, Md. Syful 2007, *Physical Density and Urban Sprawl: A Case of Dhaka City*, Master of Science Thesis, Department of Urban Planning and Environment, KTH Royal Institute of Technology, Stockholm, pp.35-41  
<http://www.infra.kth.se/bba/MASTER%20THESISSES/SyfulFinal.pdf> – Accessed 1 July 2009 – Attachment 29).

## **5. Deleted.**

## **6. Is it known whether dispossessed Biharis seek to recover their property and/or face threats?**

Little information was found in the sources consulted on the recovery of homes and businesses taken from the Biharis. Sources have reported that following the 2008 High Court decision on citizenship the question of returning the properties was being debated. No information was found in the sources consulted of Biharis that seek to recover their homes/businesses were facing threats from the occupants and political figures.

According to a May 2008 *Daily Star* news article the question of returning property formerly owned by the Biharis was a subject of debate after the 2008 High Court decision:

After the HC ruling, the question of returning the property that once belonged to the Biharis is now being debated. Neaz Ahmed who arrived at the Geneva camp as an 8-year old, said, "My family had everything before the war. We had a home and land here in Dhaka. But I will probably end up in a slum if we lose shelter at the Geneva Camp."

Shoukat Ali, general secretary, Stranded Pakistanis General Repatriation Committee, said, "We respect the High Court ruling, but it is going to create a new chaos."

“Our assets and liabilities were declared enemy property after the war and these are now occupied by locals. Without addressing the property issue it is not possible to ensure rights of the Biharis,” he observed (Parveen, Shahnaz 2008, ‘Citizenship debate comes to end but doubts and worries remain’, *The Daily Star*, 26 May [http://www.thedailystar.net/pf\\_story.php?nid=38148](http://www.thedailystar.net/pf_story.php?nid=38148) – Accessed 22 June 2009 – Attachment 12).

*Human Rights in Bangladesh 2008* also reported that concerns have been raised as “to whether the Government will return their original properties”. It was stated:

Given conflicting claims over rights to the land on which the camps are based, and a potential legal quagmire, the SPGRC has raised legitimate concerns about the status of camp-dwellers and their rehabilitation once they register to get citizenship rights. These concerns relate to whether the Government will return their original properties, or allow them to continue living in the camps, or hold that by obtaining Bangladeshi citizenship they no longer have any right to inhabit the camps. They also relate to whether the Government will allow them to legally own, sell or buy their homes or land located within the Camps... (Ain o Salish Kendra (undated), ‘Chapter 17: Rights of Linguistic Minorities’ in *Human Rights in Bangladesh 2008* [http://www.askbd.org/hr\\_report2008/17\\_LINGUSTIC.pdf](http://www.askbd.org/hr_report2008/17_LINGUSTIC.pdf) – Accessed 3 July 2009 – Attachment 7).

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