



Nepal – Researched and compiled by the Refugee Documentation Centre of Ireland on 15 January 2019

Information on the treatment of, Bhutanese refugees of Nepalese ethnicity in Nepal. Whether Bhutanese refugees of Nepalese ethnicity who were stripped of Bhutanese citizenship and became stateless were granted or afforded the opportunity to apply for Nepalese citizenship, and how many were granted or did apply. Whether there are any stateless Bhutanese refugees of Nepalese ethnicity left in Nepal, and their current living conditions and enjoyment of civil and political rights.

A report from IRIN states:

“After failed attempts to convince Bhutan to let the refugees return, the UN refugee agency, UNHCR, started helping them resettle in third countries.

Begun in 2007, it has been one of the agency's most successful resettlement programmes, and UNHCR said recently that it had found a home for its 100,000th refugee. But that still leaves about 12,000 people in three remaining camps - and their options are running out as the programme winds down by the end of this year.

Kevin Allen, UNHCR's representative in Nepal, said refugees interested in pursuing resettlement were given numerous opportunities to declare their interest, and the large-scale resettlement programme was initially supposed to conclude in December 2015.” (IRIN (7 October 2016) *No way home: time runs out for Bhutanese refugees in Nepal*)

A report from the UN Committee on the Elimination of Racial Discrimination (CERD), in a section titled “Bhutanese and Tibetan Refugees” (paragraph 64), states:

“Nepal is not a party to the Refugee Convention, 1951 and its Protocol, 1967. However, it has provided shelter for Tibetan and Bhutanese refugees on humanitarian grounds. It is not in a position to accept any further refugees because of its internal capacity constraints and other ground realities. The refugees who entered into Nepal before 1990 had been provided refugee status and are free to enjoy the rights and liberty in accordance with the prevailing laws of Nepal. The Ministry of Home Affairs issues travel documents on their request to travel to third countries. So far, more than 4,000 travel documents have been issued. The Government of Nepal, in consideration of the prevailing socio-economic condition in the country, has not been able to accept any further refugees or asylum seekers. Nevertheless, it is making efforts to facilitate the right to education of the foreigners temporarily sheltered in Nepal.” (UN Committee on the Elimination of Racial Discrimination (CERD) (20 February 2017) *Consideration of reports submitted by States parties under article 9 of the Convention, Seventeenth to twenty-third periodic reports of States parties due in 2008 : Nepal*, p.16)

See also paragraph 65 which states:

“The Government of Nepal is very sensitive towards the issues and problems of refugees and is doing its level best to provide them necessary support on humanitarian ground. In this respect, it is working closely with the UNHCR Nepal office. Out of around one hundred fifty thousand Bhutanese refugees, more than 100,000 have been already resettled in the third countries and the remaining are in the process of being resettled. For those who do not wish to resettle in third countries and want to participate in voluntary repatriation, the GON is working closely with UNHCR and IOM to resolve their issues.” (ibid, p.16)

An article from Forced Migration Review states:

“More than 100,000 Bhutanese refugees have been found homes in third countries. The other side to the story of this successful resettlement programme, however, is the failure to tackle the impact it has had on the remaining camp populations.

At present, the refugee camps in eastern Nepal are composed of both first-generation and second-generation refugees. Despite not being party to the 1951 Refugee Convention, Nepal has hosted refugees from Bhutan for more than two decades. In 2007, a group of eight countries – Australia, Canada, Denmark, New Zealand, the Netherlands, Norway, the United Kingdom and the United States – agreed to take their share of international responsibility for the Bhutanese refugees and resettle them. However, there are more than 10,000 remaining who are either ineligible for resettlement or not willing to be resettled in a third country; they remain in the refugee camps, living with the consequences of the resettlement programmes.

As the Bhutanese refugees and the host community of Nepal share cultural, linguistic and ethnic affinity, some people chose to marry outside the refugee community; the result is commonly known as a 'mixed marriage'. According to the prevailing resettlement standard operating procedure applicable in Nepal, a refugee man of a mixed marriage is eligible for resettlement whereas a female refugee of a mixed marriage is not, unless she is divorced. This situation reflects the Nepali Citizenship Act 2006 which states that a foreign woman married to a Nepali man can acquire citizenship but there is currently no provision for citizenship for a foreign man who marries a Nepali woman.” (Forced Migration Review (8 February 2017) *A 'successful' refugee resettlement programme: the case of Nepal*)

The 2017 US Department of State country report for Nepal, in a section titled “Access to Asylum”, states:

“The law does not provide for the determination of individual refugee or asylum claims or a comprehensive legal framework for refugee protection. The government recognized large numbers of Tibetans as refugees and supported resettlement to foreign countries of certain refugees claiming Bhutanese citizenship. The government does not provide for local integration as a durable solution.

The government officially restricted freedom of movement and work for the approximately 10,000 refugees asserting claims to Bhutanese citizenship residing in the two remaining refugee camps in the eastern part of the country, but those restrictions were largely unenforced for this population. The government officially does not allow these refugees to work or have access to public education or public health clinics, but it allows UNHCR to provide parallel free education and health services to refugees in the camps. In 2007 the government agreed to permit third-country resettlement for these refugees. Since resettlement began more than 109,000 refugees claiming Bhutanese citizenship have been resettled in foreign countries.” (US Department of State (20 April 2018) *2017 Country Reports on Human Rights Practices*, p.18)

An overview of the world’s refugee crises by Helena Frischtak, in a section titled “Bhutanese Camps”, states:

“In total, seven UNHCR camps were created in eastern Nepal: Beldangi I, Beldangi II, Beldangi II extension, Goldhap, Khudunabari, Timai, and Sanischare. Together, they comprised a population of 107,000 people at their peak in 2006, spread out between 17,000 huts. Bhutanese camps are close to each other geographically, established at a similar point in time, and all run by the same organization, so may be considered as a single entity.

These camps are dense, with shelters crammed together. Flooding following heavy rains is common in July. Shared latrines serve multiple shelters. Yet despite its crowding, water and sanitation are of good standard. In fact, the health and nutrition status of refugee Bhutanese in Nepal is better than that of the typical Nepalese citizen.” (Frischtak, Helena (February 2017) *The World’s Refugee Crisis: An Overview of Conflicts, Life in Camps, and Future Perspectives*)

This document also states:

“The story of Bhutanese refugees is a story of success. In 2007, eight countries came together and agreed to provide asylum to the Bhutanese refugees (US, Canada, Denmark, the Netherlands, Norway, the UK, Australia, and New Zealand). The US received almost 85,000 – by far the largest number of any country. Overall, 9 of every 10 refugees were resettled. Described as ‘one of the largest and most successful programs of its kind’ by UHNCR, and as ‘an extraordinary achievement,’ the seven original camps were reduced to two, and only 18,000 Bhutanese refugees remain in Nepal.” (ibid)

An article from US newspaper the Post Standard refers to conditions in Nepal’s refugee camps as follows:

“In the camps, the exiled Bhutanese lived in huts: a single space for a small family, or a double for larger families. There was no running water or toilets in the huts. Instead, water came from a communal tap and the toilets were shared outhouses.

A bit like primitive camping, families lived there for nearly 20 years in some cases.

The governments of Nepal and Bhutan formed a commission to try to work out the problems, but after 10 years and 16 meetings, Bhutan still did not want to take its citizens back.

The organizations that ran the camps provided schooling for children up to 10th grade. Nepal allowed older children to attend secondary schools and colleges outside the camps. But for the most part, families could not leave. Without Nepali citizenship, they could not get jobs outside of the camps.” (The Post Standard (2 July 2017) *Pushed from their homeland to live in huts*)

A report from the German press agency dpa international states:

“In the years since the mass exodus, Nepal has held talks with Bhutan, urging the Himalayan kingdom to take back its citizens. But Thimphu declined to accept them as its citizen. The refugees were left fighting against hunger, illness, monsoon rains and storms that threatened to tear apart their mud and bamboo huts.

Some 110,164 of them have been resettled in eight western countries, including the US, which has allowed in the largest number - 93,447, according to UNHCR.

Canada has resettled 6,826, while 6,669 Bhutanese refugees have found new homes in Australia. The rest are scattered across Europe in Britain, Norway, the Netherlands and Denmark.

Rai, now a 56-year-old camp secretary, is among 9,221 refugees who remain in the camp facing an uncertain future. He said many want to return to Bhutan.

Early last month, he mobilized dozens of refugees in a public rally to press Nepal for their repatriation. They marched inside their shrinking camps with placards that read: ‘We need global support,’ ‘We are hungry and sick’ and ‘We want go back to our country.’” (dpa international (17 September 2017) *Faced with camp closures, Bhutanese refugees fight to return home*)

A report from the UN Human Rights Council, in a section titled “Migration to Nepal” (paragraph 93), states:

“The Special Rapporteur was assured that of the 111,000 Bhutanese refugees, the majority had been resettled in third countries. In the course of his visit however, he was made aware that 8,500 Bhutanese were still residing in Nepal, with no permanent resolution of their status. He encourages the Government to ensure that their stay can be regularized, either through the provision of refugee documentation or citizenship, in order to protect them from statelessness and guarantee access to all their civil, political, economic, social and cultural rights.” (UN Human Rights Council (30 April 2018) *Report of the Special Rapporteur on the human rights of migrants on his mission to Nepal*, p.16)

A report from the Asia News Network states:

“The 6,500 Bhutanese refugees living in two camps in eastern Nepal face an uncertain fate with the decade-long third country resettlement programme

drawing to a close. The 26-year-old humanitarian assistance scheme conducted by the World Food Programme for the Bhutanese refugees will also come to an end by the end of this month. Presented with two options—repatriation to the country that exiled them decades ago, or assimilation in the host country whose constitution denies them citizenship—the émigrés living in the Beldangi and Sanischare camps in Jhapa are between a rock and a hard place.

The government, for its part, has always maintained that Nepal is in no position to assimilate them and hence, repatriation is the only way out. But the issue is more complex for the refugees themselves as there is no singular 'refugee experience'. True, the government must almost always engage in a complex balancing act. Ensuring security in the broadest sense of the term and maintaining social cohesion is a fundamental concern of all governments, but just as essential is protecting the vulnerable.

Since the early 1990s, some 108,000 refugees of ethnic Nepali origin from southern Bhutan have been living in Nepal after they were stripped of their citizenship and forced to flee. They took shelter in Nepal and lived in camps run by the Office of the United Nations High Commissioner for Refugees (UNHCR). To seek a more permanent solution to the refugee problem, the UNHCR offered three solutions: Third country settlement, repatriation to Bhutan, or assimilation in the host country. The UNHCR has resettled around 100,000 refugees in foreign countries since the launch of its resettlement programme in 2007." (Asia News Network (6 December 2018) *A place to call home*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit 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.

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