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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

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to a representative of the South Asia Human Rights Documentation Centre (SAHRDC), citizens of Nepal may reside, work, attend school and access health services in India, due to "a long standing bilateral agreement between the governments of India and Nepal" (24 Nov. 2008). The SAHRDC Representative also stated that because of this agreement between India and Nepal, citizens of Nepal residing in India are not considered "illegal" residents (SAHRDC 24 Nov. 2008).

On 31 July 1950, the governments of India and Nepal signed the *Treaty of Peace and Friendship* (No. 1302) (India/Nepal 31 July 1950). Article seven of this treaty states that

[t]he 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. (ibid., Art.7)

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 (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

British Broadcasting Corporation (BBC). 15 September 2008. Sunil Raman. "Nepal Maoists Seek New Order with India."
<http://news.bbc.co.uk/2/hi/south_asia/7616316.stm> [Accessed 17 Nov. 2008]

India. 1 August 2008. Bureau of Immigration. "Instructions for Foreigners Coming to India."
<http://www.immigrationindia.nic.in/instructions_foreigners.htm> [Accessed 24 Nov. 2008]

India/Nepal. 31 July 1950. No. 1302 - *India and Nepal: Treaty of Peace and Friendship*. (United Nations Treaty Collection)
<http://untreaty.un.org/unts/1_60000/3/9/00004432.pdf> [Accessed 17 Nov. 2008]

South Asia Human Rights Documentation Centre (SAHRDC). 24 November 2008. Correspondence with a representative.

Additional Sources Consulted

Oral sources: Officials at the High Commission of India in Ottawa did not provide information within the time constraints of this Response. Attempts to reach officials at the Embassy of India in Washington, DC and the Bureau of Immigration in New Delhi were unsuccessful.

Internet sites, including: Amnesty International (AI), *Asia Times*, Asian Human Rights Commission (AHRC), Asian Legal Resource Centre (ALRC), European Country of Origin Information Network (ecoi.net), Global Integrity, *The Hindu* [Chennai], India Ministry of Home Affairs, *Kantipur Daily*, Nepal Institute of Foreign Relations, Nepal News, Non-Resident Nepali Association (NRNA), Refugees International, United States Committee for Refugees and Immigrants (USCRI).

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