

Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

Responses to Information Requests

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14 March 2014

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China: Ability of ethnic Tibetans who are Chinese citizens to obtain passports from inside of China and from embassies abroad (August 2013-September 2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

The Exit and Entry Administration Law of the People's Republic of China, in force since July of 2013, states that Chinese nationals must apply for passports to exit the country, and provides rules and conditions for the entry and exit of Chinese citizens from China (China 2013, Ch. 2). A copy of Chapter 2 of the law is attached to this Response.

2. Reports of Denial of Passports

The US Department of State's *Country Reports on Human Rights Practices for 2013* reports that difficulties in obtaining new passports or renewing passports were faced by "[m]any Tibetans, particularly prominent religious and cultural figures, scholars, and activists, as well as those from rural areas" (27 Feb. 2013, 99). *Country Reports 2013* adds that, in the Tibetan Autonomous Region (TAR)

and Tibetan areas of Qinghai, Gansu, and Sichuan provinces, ethnic Tibetans experienced great difficulty acquiring passports. The unwillingness of Chinese authorities in Tibetan areas to issue or renew passports for ethnic Tibetans created, in effect, a ban on foreign travel for a large segment of the Tibetan population. Han residents of Tibetan areas did not experience the same difficulties. (ibid., 41)

In correspondence with the Research Directorate, a representative of the International Campaign for Tibet, an organization that "works to promote human rights and democratic freedoms for the people of Tibet" (ICT n.d.), also describes the denial of passports to Tibetans in Qinghai, Sichuan and Gansu (13 Mar. 2014).

According to a 22 February 2013 *New York Times* article, human rights advocates and lawyers have reported that the denial of passports to Tibetans and Uighurs "has soared in recent years," and, the article says that human rights groups have suggested that "at least 14 million people - mostly those officially categorized as ethnic Uighurs and Tibetans - have been directly affected by the restrictions, as have hundreds of religious and political dissidents". Radio Free Asia (RFA) reports that, according to a researcher at the Office of Tibet in Taiwan, an official agency of the "Dalai Lama and the Central Tibetan Administration" (CTA 17 Feb. 2014), Tibetans have not been issued new Chinese passports since February or March 2012, and "'those in the TAR were hit hard by the move'" (RFA 20 Jan. 2013). The same source reports that, in April 2012, Chinese authorities "introduced tough travel rules" in the TAR, which led to "hardly any" passports being issued to Tibetans (ibid.). RFA reports that these procedures were introduced after the "'Kalachakra' religious gathering in India in 2012 presided over by exiled Tibetan spiritual leader the Dalai Lama" (ibid.). RFA adds that the April

2012 procedures issued by the TAR authorities were also implemented to tighten "security measures following self-immolation protests by Tibetans" (20 Jan. 2013). The Huffington Post reports that security has been "smothering" since 2008, when "tensions boiled over in Tibet, and deadly rioting broke out in the capital, Lhasa, and sparked an uprising across large swaths of ethnically Tibetan areas ... Tibetans started setting themselves on fire in protest" (3 Aug. 2013). Such acts of self-immolation in Tibet reportedly total more than 100 since 2009 (NPR 19 Feb. 2013; Huffington Post 3 Aug. 2013), most of which occurred in 2012 (ibid.).

RFA reports that, according to an anonymous source, some Tibetan officials have received passports, but, according to a researcher at the Office of Tibet in Taiwan, "[f]or most Tibetans with no official connections, they cannot get a passport at all" (20 Jan. 2013).

Media sources report Tibetans being denied passports (Huffington Post 3 Aug. 2013; RFA 4 Oct. 2013). Sources report that a Tibetan poet who was to be given an award in the United States was not able to attend the ceremony because she was denied a passport (US 27 Feb. 2014, 41; Huffington Post 3 Aug. 2013). The Huffington Post indicates that she was denied a passport "for many years," including in 2012, because "she's deemed a threat to state security, presumably because of her activism"; her work included documentation of Tibetan acts of self-immolation (ibid.).

Sources report Tibetan students who had been admitted to foreign schools being denied passports (US 27 Feb. 2014, 99; RFA 4 Oct. 2013). According to RFA, some Tibetan students who had been approved to study in Japan and the United States were not issued passports (ibid.). RFA indicates that these students are mostly from "poor nomadic families" in Qinghai province (ibid.).

3. Reports of Confiscation of Passports

Several sources report that some Tibetans have had their passports confiscated (NPR 19 Feb. 2013; RFA 20 Jan. 2013; US 27 Feb. 2014, 99). *Country Reports 2013* reports the revocation of passports from "individuals who had traveled to India" (ibid.). Similarly, RFA states that, according to a Tibetan businessman, the passports of "many" Tibetans who attended the Kalachakra festival in India had their passports confiscated by the Chinese authorities and have not received any replacement passports (20 Jan. 2013). According to an interview with the *Atlantic*, a Washington-based news source, Professor Robert Barnett, the Director of the Tibet Studies Institute at Columbia University, similarly indicated that passports were confiscated from Tibetans who went to India to attend teachings by the Dalai Lama (*The Atlantic* 31 Jan. 2013). Barnett adds that these Tibetans had permission to travel legally to Nepal in December 2011, and upon return from the Dalai Lama event in India, they were detained for two months (ibid.). Barnett also says that the passports of "all the Tibetans whom they suspected of having gone to these Buddhist teachings" were confiscated (ibid.).

RFA reports that, according to "Tibet-watcher Gonpo," Chinese authorities started to implement a "nationwide electronic passport scheme" in 2012, and "Tibetans in TAR had to surrender their passports even before expiration and were subject to thorough investigation and screening procedures" (20 Jan. 2013). Information on Tibet-watcher Gonpo could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Barnett also indicates that passport restrictions "seem to have extended ... to all Tibetans in Tibet, using the excuse that their passports -- even if they are valid and even if they're about to travel somewhere -- have to be replaced by new-issue electronic passports" (*The Atlantic* 31 Jan. 2013). RFA reports that, according to the article source, Tibet-watcher Gonpo, "[m]any Tibetans with passports wanting to re-enter Tibet from Nepal were stranded in the border due to the change to electronic passports" (20 Jan. 2014). Barnett states in the 2013 *Atlantic* article that Tibetans that have had their passports taken, have not yet been given their passports back (31 Jan. 2013).

4. Obstacles to Obtaining a Passport

Sources indicate that, according to law, passports must be issued to citizens within 15 days (*Global Times* 19 Dec. 2012; RFA 20 Jan. 2013). However, RFA reports that, according to a researcher at the Office of Tibet in Taiwan, the process of attempting to obtain a passport is more difficult for Tibetans than Chinese nationals, and includes waiting "for years for their applications to be processed," and possibly bribing officials (20 Jan. 2013). *Country Reports 2013* also states that some Tibetans were issued passports only after "paying substantial bribes or making promises not to travel to India" (US 27 Feb. 2014, 99).

RFA reports that, according to a researcher at the Office of Tibet in Taiwan, "Tibetans have to first submit their passport applications to local government offices in the areas where they reside. The documents are scrutinized at the village, district, and county levels and then finally by the TAR police bureau" (20 Jan. 2013). The *Global Times*, an English-language national Chinese newspaper (Factiva n.d.), similarly reports that, according to "a deputy researcher in the Sociology Department at the Xinjiang Academy of Social Sciences in Urumqi, Xinjiang Uyghur Autonomous region," ethnic minorities must be assessed by a police station before they can apply for a passport (*Global Times* 19 Dec. 2012). The same source adds that ethnic

minorities require "more documents" to apply for a passport, such as a letter inviting them to the foreign country (ibid.).

The *Global Times* reports that, according to an official from the Exit-Entry Administration Department in Hami Xinjiang,

those belonging to ethnic groups who have a Beijing household registration permit but who have not stayed there for 10 years need proof from their original hometowns that they are eligible for a passport. "The police in the place of the original household registration will investigate, including the criminal record and the date of transferring the household registration" ... Following the requirement of the police, passport applications in northwest parts of the country, including Xinjiang, Tibet Autonomous Region and Qinghai Province, are processed according to whether the applicant has reason to go abroad, not simply the applicant's demand ... (ibid.)

RFA reports that, according to a researcher at the Office of Tibet in Taiwan, when a passport is obtained, a Tibetan must "sign a document guaranteeing that he will not engage in any 'illegal activities' or activities that are 'harmful to the nation' while abroad" (20 Jan. 2013). Barnett also indicates that Tibetans who are able to obtain passports "must make a written declaration not to do anything while abroad that might threaten China's national security" (*The Atlantic* 31 Jan. 2013). The same sources also state that Tibetans must report to the police to be interviewed upon their return (ibid.; RFA 20 Jan. 2013).

RFA reports that, according to the researcher at the Office of Tibet in Taiwan, Tibetans who have obtained a passport must return the passport to authorities within one week of their return from their travels (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Ability to Obtain Passports from Embassies Abroad

Information on the ability of ethnic Tibetans to obtain passports from Chinese embassies abroad could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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.

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Additional Sources Consulted

Oral sources: Attempts to contact the following organizations were unsuccessful within the time constraints of this Response: China – Embassy in Canada; Office of Tibet in New York; Tibet Justice Center.

Internet sites, including: Amnesty International; China – Embassy in the Federal Democratic Republic of Nepal, Official Government Web Portal; China Tibet Online; *ecoi.net*; Freedom House; Human Rights Watch; Minority Rights Group International; *People's Daily*; Tibet Fund; Tibet Justice Center; United Nations – Development Program, Integrated Regional Information Networks, Office of the High Commissioner for Human Rights, Refworld; Xinhua News Agency.

Attachment

China. 2013. "Chapter 1 General Provisions," "Chapter 2 Exit and Entry of Chinese Citizens." *Entry and Exit Administration Law of the People's Republic of China*. <<http://calgary.china-consulate.org/eng/lsw/qzsq/t1069778.htm>> [Accessed 12 Mar. 2014]

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[Top of Page](#)

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