HUMAN RIGHTS WATCH

ONE PASSPORT, TWO SYSTEMS

China's Restrictions on Foreign Travel by Tibetans and Others

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Map i

Summary 1

Recommendations 6

Methodology 7

I. Passport Applications in China: Two Systems 8

Types of Passports 9

II. The Slow-Track System: Areas with Substantial Tibetan or Muslim Populations 11

III. Passport Restrictions and Limitations on Religious Travel 15

IV. Restrictions in the TAR 20

Chinese Government Claims 25

Travel by Ethnic Chinese Residents of the TAR 28

Evidence from Xinjiang 29

V. International Legal Standards 31

Appendix I 34

Appendix II 38

Appendix III 43

Appendix IV 47

Appendix V 52

Acknowledgments 53

RUSSIA
KAZAKHSTAN
MONGOLIA
HEILONGJIANG
INNER MONGOLIA
AUTONOMOUS REGION
JILIN
KYRGYZSTAN
XINJIANG UIGHUR
AUTONOMOUS REGION
LIAONING
GANSU
Beijing
TIANJIN
N.
KOREA
TAJIK.
HEBEI
NINGXIA
HUI
A.R.
SHANXI
S.
KOREA
PAKISTAN
QINGHAI
SHANDONG
SHAANXI
HENAN
JIANGSU
TIBET
AUTONOMOUS REGION
ANHUI
JAPAN
SICHUAN
HUBEI
SHANGHAI
ZHEJIANG
NEPAL
HUNAN
JIANGXI
BHUTAN
GUIZHOU
FUJIAN
BANGLA.
YUNNAN
GUANGXI
ZHUANG A.R.
GUANGDONG
INDIA
TAIWAN
BURMA
VIETNAM
LAOS
HAINAN
THAILAND
CAMBODIA
PHILIPPINES
N
500
1000 KM

MAP OF CHINA

Summary

> Getting a passport is harder for a Tibetan than getting into heaven. This is one of those "preferential policies" given to us Tibetans by [China's] central government.
> —Post by a Tibetan blogger on a Chinese-language website, October 2012

This report focuses on the way that passports are issued in China. It shows that since 2002, a two-track system has been gradually put in place: one that is quick and straightforward, and another that is extremely slow. The fast-track system is available in areas that are largely populated by the country's ethnic Chinese majority, while the slow-track system has been imposed in areas populated mainly by Tibetans and certain other religious minorities.

In the parts of China with the fast-track system, a passport application only requires approval from one office—the local branch of the Exit and Entry Administration under the Ministry of Public Security—and these offices are required either to issue a passport to any citizen within 15 days of an application or to explain the delay.[1] But residents of areas with slow-track processing are subjected to extremely long delays, often lasting several years, before passports are issued, or are routinely denied passports for no valid reason.

The two-track passport system thus allows residents of ethnic Chinese areas of China to travel abroad easily, but denies residents of Tibetan, Uyghur, and some Hui areas equal access to foreign travel.

Official documents from Tibetan and other areas with slow-track processing show that these restrictions, though also affecting ethnic Chinese residents of those areas, were initially designed in part to stop Tibetan Buddhists, Uyghurs, and Hui Muslims from religiously motivated travel—for Tibetans, attendance at teachings of the Dalai Lama in India; for certain Muslims, independent pilgrimages to Mecca. Chinese authorities appear

[1] "Passport Application Guide" (护照办理指南), Shunyi District government internet portal, July 16, 2014, http://www.bjshy.gov.cn/Item/6786.aspx (accessed June 24, 2015). The 15-day response rule is also listed in "What is provision of passports on demand?," Shenchuan tourism information, October 28, 2014, http://serve.shenchuang.com/20141028/122540_2.shtml (accessed June 24, 2015). The 15-day rule applies to applications made to county-level offices, but in higher-level cities passport applicants are to receive a response within 10 working days, or within 5 days where they have applied for expedited processing.

to regard these forms of travel as a potential cover for subversive political activity and in some Tibetan areas attending certain religious teachings abroad has been proscribed by law since 2012 as a separatist political activity (see Appendices I and III).

This system of restrictions on foreign travel for members of certain religious minorities has been taken to an extreme in the Tibet Autonomous Region (TAR). Since 2012 the TAR authorities have ordered the confiscation of all ordinary passports held by registered residents of the region, over 90 percent of whom are Tibetans,[2] and appear to have issued no replacements for them. This has prevented nearly all of the three million residents of the region from any foreign travel since that time, except for those who are regarded as traveling on official government business.

Restrictions on access to the region and lack of publicly available data make it impossible to assess the full extent of these restrictions. But our study of a wide array of official documents, websites, and news sources; our review of social media traffic on the question; and our face-to-face interviews with 12 people from the region, some well versed in conditions in the TAR as a whole, found no evidence of a confiscated ordinary passport being returned or replaced in the TAR, or of a new ordinary passport being issued there, since 2012.

Although all areas in China with slow-track passport processing require lengthy delays before passports are issued, Human Rights Watch is unaware of any other area in China besides the TAR where a near-total ban on the issuance of ordinary passports is in force.

These policies and their implementation do not apply to all Tibetans, Uyghurs or Muslims in China, since those registered as residents of cities such as Beijing or Chengdu can obtain passports in the same way as any other resident of that area. Rather, they apply only to certain areas in China that have substantial Tibetan or Muslim populations. Within those areas, these policies are discriminatory whether in intent or effect and impose burdensome requirements that place restrictions on freedom of movement across borders and that contravene international law. By explicitly prohibiting certain forms of pilgrimage, the policies and practices also violate the right to freedom of religion.

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[2] We found two cases of Tibetan passport-holders in the TAR whose passports had not been recalled, apparently because of bureaucratic oversight, so there have been some exceptions.

The TAR authorities implemented the near-total ban on foreign travel for ordinary residents of the TAR by taking advantage of China's nationwide rollout of "ePassports." The Chinese government began issuing these new passports, which include biometric data stored on an embedded chip, across the country to replace expiring old-style passports in May 2012.[3] Since then, passport holders in China are routinely issued ePassports once their old passports have expired.

But in the TAR, the authorities used the rollout of the new passports as an opportunity to demand that all ordinary passports in the TAR be handed in immediately to the authorities. On April 29, 2012, just days before the national rollout began, the TAR authorities issued an internal instruction, Notice No. 22 (see Appendix II), which stated that "using the opportunity of the national launch of ePassports in May of this year, all still-valid ordinary passports in our region shall be withdrawn without exception."[4] The TAR government then required all residents of the region to hand in their passports, even if these remained valid for several years before expiring, supposedly to be replaced by ePassports. This demand was never made public. Instead, it was communicated orally through visits by local officials to individual passport-holders. Old-style passports that were not handed over after such a visit were cancelled.

Since that time, the TAR authorities are not known to have issued any replacement passports or new passports except for travelers on official business. Notice No. 22 stated that ordinary passports "shall be reissued … following strict review and approval" and instructed officials to "strictly control approvals for the issuance of ordinary passports" (see Appendix II).[5] The Notice also outlined a new passport application procedure for residents of the TAR that is onerous and appears effectively impossible to complete. It requires passport applications to go through 10 separate stages. Approval has to be obtained from different authorities or offices at each stage, ranging from the applicant's Neighborhood Committee or Village Committee to the top-most level of the Public Security Bureau in the region, before a final decision can be made on each passport application (see box on p. 22 below).

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[3] "An official with the Ministry of Public Security replies to journalists' questions about the launch of new ePassports" (公安部有关负责人就电子普通护照签发启用答记者问), May 3, 2012, http://www.mps.gov.cn/n16/n1252/n1702/n2347/3231970.html (accessed June 24, 2015).

[4] "Notice on Printing 'Suggestions on Further Strengthening Our Region's Passport Handling, Approvals and Issuance Management Work,'" TAR Party Committee General Office Implementation Measure No. 22 (2012), issued on April 29, 2012. For an unofficial translation, see Appendix II.

[5] Notice No. 22 (2012) of the TAR Party Committee General Office and the TAR Government General Office, April 29, 2012.

The main elements of this internal order, including the new passport application process, were issued as a public regulation on May 6, 2012 (see Appendix III).[6] That document made it clear that all passport applicants in the TAR must face the rigorous new application system if they wished to obtain a new passport.[7] The May 6 regulations, however, made no mention of the internal order one week earlier recalling all existing ordinary passports in the TAR.

Figures for the number of passports issued in the TAR as a whole have not been made public, but in Chamdo (Ch.: Changdu), one of the seven prefecture-level administrations in the TAR, only two passports were issued in all of 2012, according to a report on the TAR government's main Internet portal.[8] The prefecture has a population of over 650,000 people. According to the same report, 222 passports were confiscated from individuals in Chamdo Prefecture in 2012 for "safekeeping," and a further 106 passports were confiscated from residents in the prefecture who had traveled abroad to attend religious teachings by the Dalai Lama in India that year.

The TAR authorities have denied that there is a ban on the issuance of ordinary passports in the region. Instead, they say there are simply delays in processing applications.[9] Our research indicates, however, that the few residents of the TAR who have been allowed to travel since 2012 have almost all been government officials or businessmen with strong connections to the authorities, who were issued semi-official "public affairs passports" as opposed to "ordinary passports." These passport-holders are required to hand their passports back to the authorities immediately after they return.[10]

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[6] "TAR Regulations on Strictly Forbidding Leaving the Country to Participate in Splittist Activities Such as the Dalai Clique's 'Kalachakra,'" (西藏自治区关于严禁出境参加达赖集团"法会"等分裂活动的规定), Promulgation of Tibet Autonomous Region People's Government, May 6, 2012, Order No. 110（2012 年 5 月 6 日西藏自治区人民政府令第 110 号公布 自公布之日起施行. Source: State Council Legislative Affairs Office Main Site (来源：法制办主站 发布时间), October 29, 2012, http://www.chinalaw.gov.cn/article/fgkd/xfg/dfzfgz/201210/20121000377283.shtml (accessed June 24, 2015). The regulations combine parts of both the April 26 internal notice (which only applies to Communist Party members) and the April 29 notice (which also applies to ordinary citizens), but in inconsistent ways.

[7] The new requirements concerning passport applications are applicable to all "personnel" (Ch.: *renyuan*), a term which here appears to refer to all residents..

[8] "Chamdo Prefecture pursued five aspects when properly carrying out border management," TAR People's Government internet portal, April 3, 2013, http://www.xizang.gov.cn/xzshfz/65280.jhtml (accessed June 24, 2015).

[9] "The problem of getting a passport and HK travel permit with a Lhasa residence permit" (信件标题; 关于拉萨户口办理护照及港澳通行证的问题), Lhasa City government internet portal, April 1, 2014, http://www.lasa.gov.cn/Government/Letter/LetterView.aspx?LetterId=1981 (accessed June 24, 2015).

[10] Tibetans from the TAR who have been registered as students in inland areas of China are able to obtain passports from the inland area where they study as long as they apply while they are still students. Since such passports are registered with passport offices in inland areas, they are not confiscated by the TAR authorities when the students graduate and return to live in the TAR.

There are increasing reports of similar restrictions on foreign travel by Uyghurs and other residents of the Xinjiang Uyghur Autonomous Region (XUAR). The question of access to passports in Xinjiang is not studied in this report, but on April 30, 2015, all residents holding ordinary passports in the Ili Kazakh Autonomous Prefecture in the XUAR were ordered to hand their passports in to their local police station or face cancellation of the passports (see Appendix V). The prefecture has a population of about three million, of whom 65 percent are members of Muslim minorities. The announcement suggests that further restrictions on foreign travel for residents of Xinjiang are likely.

These developments take place at a time when already-limited respect for human rights, including the rights to freedom of expression, religion, and to a fair trial, is further threatened in the TAR. Since unprecedented protests in the TAR capital, Lhasa, and across the plateau in March 2008, access to Tibetan areas for journalists, diplomats, and other independent observers has become exponentially more difficult, and movement of Tibetans in and out of the region far more restricted. Chinese authorities monitor and censor telecommunications, Internet activity, and messaging, and have increased limitations on access to foreign Tibetan language broadcasts through the jamming and confiscation of satellite reception dishes. They have also stepped up efforts to prevent neighboring countries, particularly Nepal and India, from assisting or accepting asylum claimants from Tibet, and have harassed Tibetan communities in Nepal involved in documenting or protesting conditions in the TAR and adjoining provinces within China which have significant Tibetan populations.

Human Rights Watch urges the Chinese government to immediately ensure that criteria and procedures for the issuance of passports and foreign travel for residents of the TAR, the XUAR, and other minority areas are the same as those for residents in the rest of China. The government should end discriminatory passport practices on the basis of religion or ethnicity and take appropriate action against officials who fail to do so. The government should also ratify the International Covenant on Civil and Political Rights and incorporate the right to freedom of movement into domestic law.

Recommendations

The Government of China should:

- Ensure that the criteria and procedures for issuing passports for foreign travel are the same for all citizens of China, including Tibetans, Uighurs, and Hui.
- Immediately implement fast-track passport processing in the Tibet Autonomous Region, the Xinjiang Uyghur Autonomous Region, and other areas where it has not been introduced to ensure equal rights to freedom of movement.
- Allow all passport-holders to retain and use their passports until their validity has expired and return valid passports being held by the authorities without lawful justification.
- Investigate and take appropriate disciplinary or prosecutorial action against any official who has implemented passport regulations on a discriminatory basis, including for reasons of religious belief or ethnicity, resulting in delays in the issuance of passports or the prevention of foreign travel.
- Cease treating attendance at religious events or teachings abroad, including those conducted by the Dalai Lama and other Tibetan religious figures, as unlawful activities.
- Ratify the International Covenant on Civil and Political Rights without reservations and incorporate international law on the right to freedom of movement into domestic law.

Methodology

Human Rights Watch research for this report is based primarily on official documents issued by the TAR authorities, supplemented by interviews with Tibetans and others from the region. Extensive information about passport procedures in the TAR and other Tibetan areas was also obtained from publicly available, official, online sources in China, including local government websites, official online newspapers, and online chat-rooms run by local government agencies to answer questions from the public. Some public bulletin boards and social media in China were also accessed. A search of academic articles in Chinese on this topic was made, but did not produce usable results. The online sources and documents cited in this report were in almost all cases published in Chinese or Tibetan and translated into English by Human Rights Watch.

Interviews were conducted in Tibetan and then translated into English by Human Rights Watch researchers. No incentives or inducements were offered to the interviewees, who agreed to speak to Human Rights Watch on the sole condition that their anonymity was assured. Since the number of Tibetans from the TAR who are now able to travel abroad is so small, and in order to protect interviewees from repercussions to the greatest possible extent, the report does not include biographical details of the interviewees or the location of the interviews.

The scope of this research was necessarily limited by constraints imposed by the Chinese government. The government is hostile to research by international human rights organizations, and strictly limits the activities of domestic civil society organizations on a variety of subjects, particularly those related to human rights violations.

A copy of the two internal notices on travel restrictions issued by the TAR authorities in 2012, which are cited in this report, was provided to Human Rights Watch by a third party. A separate translation of one of the notices was published by the Tibetan Center for Human Rights and Democracy (TCHRD), an advocacy group based in India, as part of a report issued on May 5, 2015,[11] after research for this report had been completed.

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[11] Tibetan Centre for Human Rights and Democracy, "Discriminatory Chinese passport regulations violate Tibetans' right to travel," May 5, 2015, http://www.tchrd.org/2015/05/discriminatory-chinese-passport-regulations-violate-tibetans-right-to-travel/ (accessed June 25, 2015).

I. Passport Applications in China: Two Systems

> Border entry and exit administration structures within Public Security agencies should issue ordinary passports within 15 days of receiving the application materials. When a passport is not issued due to non-compliance, a formal written explanation should be provided, and the applicant should be informed of their right to pursue an administrative review of the application or to file a civil suit.
> —Regulations on passport processing in Shunyi District (Beijing)[12]

> There are many bright young Tibetan businessmen in Lhasa and other cities in TAR. Some of them are yuan millionaires running all sorts of businesses, but none have the opportunity to set up a business overseas, as the [ethnic] Chinese do. None have bought a house or opened a bank account overseas, not even in Hong Kong.
> —Tibetan businessperson from Lhasa, February 2015

Before 2002, applicants for passports in China were required to compile a significant volume of documentary material in support of their applications. Before being allowed to apply for a passport, they underwent a lengthy and protracted procedure that included completing a "political examination" (Ch.: *zhengzhi shencha*). In late 2002, the Entry and Exit Administration under the Ministry of Public Security, the agency responsible for issuing passports, initiated a new system with the stated intention of simplifying the passport application process and bringing it "into line with international standards." The new system was launched by declaring Shanghai Municipality as the country's first "area where passports are provided on application" (Ch.: *anxu shenling huzhao diqu*), a system also known as "passport application on demand."

This "on demand" procedure has since been extended to the vast majority of localities: by 2014, 89 percent of the 339 prefecture-level areas in China had received permission from the Ministry of Public Security to implement fast-track passport processing. All that is required to apply for a passport in one of these areas is a valid identity card and a

[12] "Passport Application Guide" (护照办理指南), Shunyi District government Internet portal, July 16, 2014, http://www.bjshy.gov.cn/Item/6786.aspx (accessed June 25, 2015).

household registration document (*hukou*), in addition to a completed application form and the relevant processing fees.

However, a number of prefecture-level areas in China have not been granted permission to use the fast-track passport application system and are still required to use the pre-2002 system. They are officially referred to as "areas where passports are supplied not on application" (Ch.: *fei anxu shenling huzhao diqu*) or as areas where "passports are supplied conditionally on application" (Ch.: *an tiaojian shenling huzhao*).

As of October 2014, just 36 of the 339 prefecture-level administrations and 8 of the 2,853 county-level administrations were still using the old, slow-track passport application system and had not received permission to use the new "on demand" system.

Types of Passports

China issues four types of passports. Diplomatic passports (Ch.: *waijiao huzhao*) and service passports (Ch.: *gongwu huzhao*) are issued to senior national government and diplomatic figures and entitle the holders to diplomatic immunity and other privileges under international law.

"Public affairs passports" (Ch.: yingong putong huzhao) are given to several categories of people. According to an explanation on the website of the Ministry of Foreign Affairs, they include "persons from state-owned and collective enterprises, institutions and non-governmental organizations who go abroad to engage in such activities as non-intergovernmental and non-governmental trade, and technical, cultural, educational, health and religious exchanges, including publicly dispatched students for overseas study, and persons engaging in advanced studies or academic exchanges."

"Ordinary passports" (Ch.: *yinsi putong huzhao*) are in theory available to all citizens who apply, aside from defendants in a pending criminal case or those who are considered a "threat to state security," and so forth. It is passports of this type that TAR authorities required residents to hand in to local police stations in 2012 and that have not been returned or replaced.

Applicants from these areas are required to provide far more extensive documentation in support of their passport applications than elsewhere in China. For them, the passport application process still includes many of the time-consuming and bureaucratic requirements that were in place prior to 2002. These include the "political examination" prior to application and the presentation of extensive documentary materials in support of each application. In many cases such areas impose additional restrictions on travel for their residents, such as allowing them to travel as tourists only if they join groups organized by certain travel companies that are officially registered with the government in their locality.[13]

[13] See for example the instructions for passport issuance in "special areas" of Gansu in February 2008, articles I (ii) and II (2). For translation, see Appendix IV.

II. The Slow-Track System: Areas with Substantial Tibetan or Muslim Populations

> Why is it so hard for minority nationalities to apply for a passport? I'm from Qinghai, I'm Tibetan, and I work for a charity project. I don't know what the policy is, but I've heard that we've been put among people of special interest by public security. We provide charitable assistance projects to impoverished areas, so why are we being regarded as terrorists? I've passed all the exams to go abroad for further study, but when I applied for a passport I need certificates like: certification from the court, certification from the procuracy, household registration certification, a seal from public security, and a seal from the Entry and Exit Administration, and then in the end I didn't have certification from State Security so the application was stuck [Ch.: bei kazhu le]! I wonder if anyone else applying for a passport had to get all this certification. Can anyone help me think of what to do? Thank you!
>
> —An anonymous writer to an online Q&A site, August 10, 2010

The prefecture-level administrations that still use the old passport processing system are, with one exception, all areas with substantial Tibetan or Muslim populations. These areas consist of all of the seven administrative areas within the TAR; all of the 14 administrative areas within the XUAR; and the 13 Tibetan or Hui autonomous prefectures in Qinghai, Gansu, Sichuan, and Yunnan provinces.[14] No Tibetan or Uyghur autonomous areas have been permitted to use the new passport application system, and at least two Hui autonomous areas have also been denied access to this system.[15]

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[14] Among the areas denied fast-track passport processing, Xining and Haidong in Qinghai are not autonomous areas, but have significant minority populations. Xining, the capital of Qinghai province, is listed as having applied for permission to implement fast-track processing, but the application was described in late 2014 as "in abeyance," indicating that the city may have dropped its attempt to change to the new system. "What is provision of passports on demand?," Shenchuang tourism information, October 28, 2014, http://serve.shenchuang.com/20141028/122540_2.shtml (accessed June 25, 2015). About 25 percent of the population of Xining are members of minorities, predominantly Hui Muslims.

[15] The Hui autonomous areas in Ningxia are allowed fast-track passport processing, unlike the Hui areas in Gansu and Qinghai.

MINORITY AREAS EXCLUDED FROM FAST-TRACK PASSPORT PROCESSING AS OF OCTOBER 2014[16]

Provinces with prefectures that are not permitted fast-track passport processing	Number of prefectures not permitted fast-track processing	Number of prefectures not permitted fast-track processing that have substantial Tibetan or Muslim populations
Xinjiang	14	14
TAR	7	7
Jiangxi	1	0
Sichuan	2	2
Yunnan	1	1
Gansu	2	2
Qinghai	8	8
Total	**36**	**35**

As the chart above demonstrates, only one prefecture-level area in China without a substantial Tibetan or Muslim population (Jingdezhen prefecture in Jiangxi Province) was still awaiting fast-track processing permission as of October 2014. [17]

The practice of singling out certain areas populated by Tibetans and Uyghurs, and in some cases Hui Muslims, for exclusion from fast-track passport processing is also evident at the county-level: two counties in Gansu Province that are designated as Tibetan or Hui autonomous areas are specifically excluded from permission to use the fast-track system, even though they are within a prefecture or city that has such

[16] Data in this table were extracted from "What is provision of passports on demand?," Shenchuang tourism information, October 28, 2014, http://serve.shenchuang.com/20141028/122540_2.shtml (accessed June 25, 2015).

[17] This report focuses on prefecture-level administrations, but there were still some lower-level entities (counties) in China that did not allow fast-track processing as of October 2014 and that did not have substantial minority populations. However, this appears to be because of delays in implementing the new system. In the 2009 list of areas approved for passport applications on demand, several dozen localities scattered across China that are not associated with minorities were specifically exempted from the new system, including 46 county-level jurisdictions in Shanxi Province. In the 2014 list, only six jurisdictions in China that are not associated with minorities were still listed as exempted from the fast-track system–five counties in Fujian province and Jingdezhen prefecture in Jiangxi province. According to one Chinese news website, the process of applying to become a fast-track jurisdiction can be costly and time-consuming: a prefecture has to apply to the provincial Public Security Bureau for the authority to supply passports on demand, with a key component of the application being detailed electronic databases on the jurisdiction's registered residents ("Chuxiong Prefecture Public Security Exit and Entry Administration Bureau formally commences work on providing passports on application" (楚雄州公安出入境管理部门正式启动 按需申领护照工作, WenkuBaidu online news archive, undated, http://wenku.baidu.com/view/e77dd80702020740be1e9b63.html) (accessed June 25, 2015). This may be why Fujian and Jiangxi provinces have introduced the fast-track system in a delayed or staged manner.

permission. In a 2014 list of areas allowed to issue passports on demand, the prefecture-level entity given permission to use fast-track processing is named first, followed by the name of the autonomous county within it which is excluded from this provision: "Wuwei City, except Tianzhu Tibetan Autonomous County" and "Tianshui Prefecture (City), except Zhangjiachuan Hui Autonomous County."[18]

Under Chinese law, all residents of these areas are in principle equally affected by regulations regarding foreign travel, irrespective of their ethnicity. Nevertheless, these three communities (Tibetans, Uyghurs, or Hui) constitute significant sectors of the population in these areas, and in most cases are the largest demographic group. In addition, as discussed in subsequent sections of this report, the regulations in some localities focus on restrictions regarding forms of travel that are specific to these peoples, such as religious pilgrimages. All three of these ethnic groups have long-established traditions of religious pilgrimage abroad, and Tibetans and Uyghurs in addition have histories of recent protest against Chinese rule. The exclusion of these areas from the fast-track passport application system twelve years after it was first introduced suggests that authorities discriminate against members of these minority nationalities in these areas by limiting or impeding their access to foreign travel.

Other than in the TAR and reportedly the XUAR, residents in all jurisdictions categorized as "areas where passports are supplied not on application" (i.e., where the fast-track system is not in place), such as the Tibetan areas of Sichuan and Qinghai, can sometimes obtain passports, but typically only after long or extremely long delays that are not found in other parts of China. Tibetans and others applying for a passport in these areas to visit relatives abroad, for example, still have to provide documentary evidence issued by the local police station in the areas where they are registered. This documentation has to show in most cases that the family member who is going to be visited abroad is an immediate family member—a parent, spouse or direct offspring—of the applicant. It also has to include the original letter of invitation from the family member, usually with the envelope showing a postmark, along with documentary evidence of the family member's right to reside in the country of intended travel.[19]

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[18] "What is provision of passports on demand?" Shenchuang tourism information, October 28, 2014. http://serve.shenchuang.com/20141028/122540_2.shtml (accessed July 1, 2015).

[19] "Those applying to go abroad to visit family may only visit the three familial relations of parents, children or spouses who have been living legally abroad for at least six months, and they must provide completed familial relationship certification," Kardze (Ch.: Ganzi) Prefecture online Q&A site, February 25, 2014, http://www.gzz.gov.cn:800/szxx/doc/showxx.aspx?id=4539 (accessed July 1, 2015). "Ngaba Prefecture Permanent Hukou Residents Private Passport Application Q&A," Ngaba Tibetan Autonomous Prefecture government internet portal, May 19, 2014, http://blog.sina.com.cn/s/blog_75eae8360101ia44.html (accessed July 1, 2015).

Human Rights Watch knows of numerous cases of Tibetans in Qinghai and Sichuan provinces waiting for up to five years before being allowed a passport, apparently without any explanation being given for the delay. Human Rights Watch has also received information about numerous cases of Tibetans in Sichuan and Qinghai provinces who have not been allowed a passport despite completing the application process, and have not been given any valid explanation for the refusal of their application.

According to Chinese law, passports can only be refused to citizens with criminal records, former detainees, suspects in pending criminal cases, parties to unresolved civil cases, those whose travel is judged to harm "national security and the interests of society," people who submit fraudulent applications, and certain other classes of people.[20] In the cases studied by Human Rights Watch, Tibetans from Sichuan and Qinghai provinces who were refused passports did not belong to any of these categories and the refusals appeared to be arbitrary or based on their ethnicity.

Human Rights Watch has also uncovered instances of extreme delays for Tibetan citizens of China who have applied for renewal of their passports while abroad. In one instance in 2013-2014, a Tibetan had to wait in another country for over a year while the Chinese authorities processed a standard renewal application that would have taken only a few weeks for a non-Tibetan citizen of China.[21]

Restrictions of these kinds do not apply to all Tibetans throughout China. Tibetans registered as residents of the Tibetan autonomous prefecture within Yunnan Province, Dechen (Ch.: Diqing), do not appear to face abnormal delays or restrictions in obtaining passports, and Human Rights Watch has documented about 10 cases of Tibetans from that area who have received new-issue passports ('ePassports'). Similarly, Tibetans registered in areas of China that are not autonomous areas and that accordingly allow "passport application on demand," such as Beijing or Chengdu, are normally able to obtain passports in the same way as other Chinese citizens. Apart from the exceptions noted above in Jiangxi and Fujian provinces, the restrictions described in this report appear to be specific to certain, but not all, areas within China that are designated as Tibetan, Uyghur, or Hui autonomous regions, prefectures, or counties.

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[20] "What is provision of passports on demand?" Shenchuang tourism information, October 28, 2014, http://serve.shenchuang.com/20141028/122540_2.shtml (accessed July 1, 2015).

[21] Human Rights Watch interview, February 2015.

III. Passport Restrictions and Limitations on Religious Travel

> The government always says that Tibetans keep contacts with the exile government and the Dalai Lama, and give donations to their organizations and "splittist" activities. This is the reason why Tibetans can't get passports and travel freely.
> —Tibetan from Lhasa, February 2015

Part of the initial impetus for retaining restrictive passport policies after 2002 was to prevent travel for certain forms of religious study and pilgrimage. This was evident in procedures issued in the early 2000s by the Chinese government governing foreign travel by members of religious minorities. These procedures explicitly attempted to control religious pilgrimages abroad. In particular, the government wanted to limit Muslim participation in the Hajj to official groups that would be managed and arranged by the authorities, and to discourage individual pilgrimage. Soon after this, the authorities began to limit other forms of individual travel by Uyghurs and some other Muslim groups in China, and also to limit travel by Tibetans.

A set of official regulations governing passport application procedures in Gansu Province published in early 2008 shows that people planning to undertake a pilgrimage abroad were subject to restrictions that did not apply to travelers who had no evident religious purpose. The Gansu regulations instructed officials to deny a passport application if they suspected that the applicant might have been intending to travel abroad to attend "Buddhist rituals" or to participate in the Hajj as an independent traveler rather than joining an authorized tour group permitted to organize such religious activities.

The regulations also listed different requirements for people in "special areas"—the Tibetan and Hui areas of the province—when applying for a passport compared to those who were living elsewhere in the province. The requirements were stricter for students from "special areas" attempting to pursue their studies abroad, or for residents of these areas who applied to visit relatives abroad (see Appendix IV). Similar measures have long been in force in the XUAR as well, a largely Muslim area.

When additional regulations restricting foreign travel were introduced in the TAR in 2012, it was again made clear that these were linked to religious practice by Tibetans. The new regulations declared that attending a religious event abroad, namely teachings by the Dalai Lama, the long-exiled political and religious leader of the Tibetan people, was considered to be a subversive political activity. Since that time, official concern about foreign pilgrimages by Chinese citizens belonging to religious minorities has become more acute, especially in Tibetan areas, and in the TAR has expanded to include all forms of private travel.

The 2012 restrictions on passport applications in the TAR appear to have been shaped by the official response to a particular Tibetan Buddhist ceremony known as the Kalachakra Initiation, which took place in northern India from December 31, 2011 to January 10, 2012. Some 7,000 Tibetans from the TAR and other parts of China traveled to attend religious teachings given by the Dalai Lama during this event. These Tibetans had been issued passports in late 2011 by the TAR authorities or other provincial authorities in China that allowed them to travel legally to Nepal, from where they had transited to India. The fact that so many were allowed passports to attend the teachings was seen at the time as evidence of a possible policy relaxation by Beijing.

However, Chinese authorities detained many of these Tibetans once they returned to the TAR from Nepal even though they had the requisite travel documentation for travelling there. [22] The authorities said that their travel onwards from Nepal to India to attend Dalai Lama teachings had constituted participation in "splittist" activities.[23] Between January and April 2012 thousands of the Tibetan detainees, many of whom were elderly retirees, were sent to various detention facilities in the TAR where they underwent "re-education" for up to three months. Returnees who were caught carrying videos or religious texts relating to the teachings were reportedly subjected to police investigations. Although Tibetans re-entering Tibet (China) at the China-Nepal border are often detained and imprisoned if they had previously left China without valid travel documents, the detention without additional reason of returning Tibetans who had traveled on legal papers was unprecedented.

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[22] "China: End Crackdown on Tibetans Who Visited India: Detentions, Re-education on a Scale not Seen Since Late 1970s," Human Rights Watch, February 16, 2012.

[23] The term "splittist" – *fenlie* in Chinese – is applied by the Chinese authorities to any activity which they consider shows an intent to "split the Motherland," referring to the notion of Tibetan independence from China.

Approximately 700 ethnic Chinese passport-holders also attended the Dalai Lama's teachings in India at that time,[24] but none are known to have been detained or punished on their return to China.[25] This strongly suggests that Tibetans detained for attendance at the Dalai Lama's teachings in 2012 were targeted for participation in a religious activity based solely on their ethnicity.

A connection between the passport controls and attempts to stop attendance at teachings by the Dalai Lama is strongly suggested in two internal orders circulated in the TAR in April 2012. The first of these, Notice No. 22, imposed stringent new conditions on passport applications in the TAR, but it gave no reason for these other than saying that they were needed "in order to further regulate our Region's passport handling, approvals, and issuance work" (see Appendix II). It thus appeared to be merely following national instructions to facilitate the issuing of new, electronic passports, though in fact it went considerably beyond that goal.

When Notice No. 22 was distributed to offices in the TAR, however, it was accompanied by another internal notice, dated three days earlier. The notice announced the "Punishment Regulations for Chinese Communist Party Members and Public Servants who Leave the Country to Participate in Such Splittist Activities as the Dalai clique's 'Kalachakra.'" Issued on April 26, 2012, it made no mention of passports or new passport procedures (see Appendix I). Instead, it ordered government and Party officials in the TAR not to attend any religious services or teachings organized by the "Dalai clique" and described attendance at such teachings as "crimes of secession and undermining national unity." It prescribed administrative punishments—which are levied by the Party rather than the courts—for officials caught in such acts, ranging from expulsion from the Party and dismissal from one's job to a reduction in pension and loss of benefits for retirees.

The fact that the two notices were issued in rapid succession strongly suggests that the TAR authorities crafted the new restrictions on passport applications in part to prevent attendance at the religious teachings, seen in this case as a form of pro-independence activity. This linkage was made explicit when the public version of the two internal notices was issued on May 6, 2012 (see Appendix III). It lists the new restrictions on passport

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[24] In this report the neutral term "ethnic Chinese" is used instead of the term found in officially approved publications in China, "Han Chinese," since the latter term is sometimes considered to have political implications beyond the description of ethnicity.

[25] "China: End Crackdown on Tibetans Who Visited India," Human Rights Watch, February 16, 2012.

applications in the TAR as the main component in its effort to stop Tibetans attending events such as the Kalachakra initiation, which it describes as a strategy by "the Dalai clique" to entice people to take part in activities promoting independence for Tibet.

EXCERPT FROM TAR REGULATIONS OF MAY 6, 2012, ON STRICTLY FORBIDDING EXITING THE BORDER TO PARTICIPATE IN "SPLITTIST ACTIVITIES"

Article 2: The Dalai clique is luring the masses into participating in various activities such as the "Kalachakra," advocating "Tibetan independence" thinking, using religion to harm the unity of the nationalities and the unification of the country, and completely deviating from the religious traditions of Tibetan Buddhism, constituting the criminal behavior of splitting the nation.

The May 6 regulations applied to "all residents within the administrative area of the autonomous region" as well as "incoming business people and workers without exception," apparently encompassing Tibetans from Tibetan areas outside the TAR, which lie mainly within Sichuan, Qinghai, and Gansu provinces. It declared that any attempts by residents or migrants in the TAR to cross the border to attend teachings by the Dalai Lama would be "punished according to the law" (article 7.4), while serious offenders, such as "planners, organizers, or backbone elements" of attempts to attend such teachings, would be subject to criminal proceedings (article 7.1).

The extent of criminal punishment is not specified, but a number of additional administrative penalties are listed: any persons (Ch.: *renyuan*) caught travelling to hear the Dalai Lama teach will be banned "without exception" from ever having a job in any government institution or a state-owned enterprise (article 7.8), be required "without exception to undergo concentrated education (Ch.: *jizhong jiaoyu*)" (article 7.4), and banned from receiving any future financial subsidies and "any new preferential policies, subsidies or grants" (article 7.6). In addition, traders from outside the TAR caught going outside the country to attend such religious events will be banned from doing business in the region (article 7.3).

The regulations state that passport application procedures must be strengthened, including "conducting a thorough cleansing (Ch.: *qingli*) of persons holding a passport

who go abroad on private travel" again for the purpose of preventing travel abroad in order to attend teachings by the Dalai Lama. This is also true of the section in the regulations that bans any office of the Public Security Bureau in the TAR other than the one at the highest (provincial) level from approving passport applications (article 6). The regulations also declare that all future applications for ordinary passports must be "examined and reviewed" in turn by offices at "village (neighborhood), township (town), county (city, district), and prefectural (city) levels" before being submitted to the regional-level Public Security Department for approval. Again, the reason is to prevent travel to attend teachings by the Dalai Lama.

Those wishing to attend religious teachings by the Dalai Lama and willing to travel abroad from Tibet to do so will almost all be Tibetans, specifically Tibetan Buddhists. Although the restrictions on access to passports in the TAR are never said in official documents to apply specifically to Tibetans or Tibetan Buddhists—they are equally applicable in law to ethnic Chinese and other non-Tibetan residents of the region—the wording and presentation of the 2012 documents indicate that the restrictions are aimed at Tibetans, and in particular at Tibetans who are practicing Buddhists and are religious followers of the Dalai Lama.

IV. Restrictions in the TAR

> In recent years, many Chinese officials and businessmen in Lhasa have started sending their kids to study abroad ... [M]any wealthy Tibetan families badly want to take this opportunity, but they can't. It's because they can't get passports for their children and have no access to information. It also seems that the government takes a negative view of [Tibetans'] political attitude.
> —Tibetan businessperson, February 2015.

In principle, although residents of the TAR and of the Tibetan prefectures in Sichuan, Qinghai, and Gansu are restricted to the slow-track system in passport applications, they should be able to get a passport once they have undergone a political examination and completed the lengthy application process.

But the new procedures introduced by the TAR authorities in 2012 involved numerous restrictions and demands that go far beyond those in the other areas denied permission to use the fast-track system. As noted above, the primary difference between procedures in the TAR and all other areas of China, except parts of Xinjiang, was the recall or confiscation of all ordinary passports. This was carried out by using the nationwide roll-out of "ePassports" in May 2012 as an excuse to require TAR residents to hand in their passports immediately. In the rest of China, the new-style passports are being issued only once the validity of an old-style passport has expired. But in the TAR, all residents were required to hand their passports in to the authorities even if they still had many years to run before expiration.

The recall of ordinary passports in the TAR was not done by issuing a blanket order to the public (as was done in Ili, a prefecture within Xinjiang, in 2015, as explained below). Instead, local offices in each jurisdiction within the TAR—usually Neighborhood Committees—individually contacted each resident who was known to possess an ordinary passport. According to Human Rights Watch interviewees, when a resident handed over a passport, police would list the passport in a register and issue a receipt with the passport number on it. The registration of the passport number meant that it remained valid.[26] That

[26] Human Rights Watch interview, February 2015.

validity is, however, purely theoretical, unless the officials can be persuaded to return the passport or replace it.

Some Tibetans told Human Rights Watch that they tried to hide their passports, claim that they had been lost, or left them in Chinese cities outside the TAR. But in at least some cases, this prompted the authorities to cancel the missing passports. In two cases documented by Human Rights Watch, Tibetans from the TAR who had been told to hand their passports over but had not done so were stopped at airports when they later tried to travel abroad and were not allowed to leave China.[27]

The individual-contact system used for the recall of ordinary passports in the TAR resulted in some omissions in implementation. Human Rights Watch knows of two Tibetan passport-holders from the TAR whose cases were overlooked by the TAR authorities. They had not received orders from their local Neighborhood Committee or police station to hand over their passports. Their passports remained valid for foreign travel. However, once they return to the TAR, they expect their passports will come to the attention of local officials and be confiscated.

Although all ordinary passports in the TAR were recalled from May 2012 onwards, Tibetan officials and government employees in the TAR, together with a number of wealthy Tibetan businesspeople from the region, have been issued "public affairs passports" or in some cases have been allowed to retain their old ones. They have then been allowed to use these to travel abroad for specific purposes designated as public affairs.

The first TAR residents allowed to travel abroad on such passports after the withdrawal of ordinary passports in the TAR in 2012 were two government staff members from the TAR, one Tibetan and one ethnic Chinese. They had to wait three months to get their public affairs passports issued or returned. They were not allowed to bring their wives or family members with them, unlike delegates from other parts of China sent on the same mission abroad.[28]

A Tibetan who told Human Rights Watch that he had been able to reclaim his public affairs passport for a business trip abroad in 2015 said he was only able to recover it after being

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[27] Human Rights Watch interviews, January 2014 and May 2015.

[28] Human Rights Watch interview, October 2013.

interviewed at length by police about the nature of his trip and about whom he was planning to meet. He was told to report back to the same police station in China as soon as he returned and to hand over the passport within 45 days.[29]

Besides the recall of ordinary passports, in 2012 the TAR authorities also introduced a new and exceptionally difficult passport application system. As noted above, Notice No. 22 (2012) requires any TAR resident applying for an ordinary passport to obtain approval from 10 different offices. As far as is known, the stringency of this requirement is unmatched elsewhere in China. Human Rights Watch could not find any evidence that any ordinary passports have been issued in the TAR since this procedure was introduced.

THE 10 STAGES OF THE APPLICATION PROCESS FOR AN ORDINARY PASSPORT IN THE TAR

A summary based on the instructions given in Notice No. 22, April 29, 2012

1. Applications are submitted to the applicant's local Village (or neighborhood) Committee, Township (or Town) People's Government (or neighborhood affairs office), and police station for initial examination.
2. Applications are submitted by the applicant to the applicant's local police station for initial examination.
3. The local police station submits the application to the Township (or Town) People's Government (or neighborhood affairs office) for "review by the leaders" [Ch.: *yiba shou*].
4. The application is submitted to the County-level (county-level city, district) Public Security Bureau for review and approval.
5. The application is then submitted for examination and approval to the County-level (county-level city, district) People's Government leaders, who "provide their opinions" on the application.
6. The application is then filed with the prefecture-level Public Security Exit and Entry Administration for review and approval.
7. Following approval, the application is passed on to the "principal leaders" [Ch.: *zhuyao lingdao*] of the prefecture-level Public Security Bureau [the Exit and Entry Administration's controlling agency] for examination and approval.

[29] Human Rights Watch interview, February 2015.

8. The application is then submitted to the "principal leaders" in the prefecture-level government for review and approval.
9. The prefecture-level Public Security Exit and Entry Administration files the application with the autonomous regional Public Security Department Exit and Entry Administration for review and approval.
10. The autonomous regional Public Security Department Exit and Entry Administration issues the passport.

Notice No. 22 imposes further restrictions on TAR residents who might be able to obtain an ordinary passport in the future. These include requirements that any person (Ch. *renyuan*) who in the future receives a passport from the TAR must sign "a declaration of responsibility" when they receive their passports, "guaranteeing that on leaving the country they will not engage in any activities that threaten national security or national interests."[30] It orders all such persons from the TAR who in the future obtain passports, including holders of ordinary passports and those travelling as tourists, to hand over their passports to the police "for unified safekeeping" on return from each trip abroad, a measure that is not required of holders of ordinary passports elsewhere in China.

In addition, the new regulations require police to visit and interview passport-holders from the TAR when they return from a foreign trip and to "conduct a face-to-face interview" to see if anything illegal took place during their trip abroad.

Notice No. 22 also imposes restrictions on TAR residents travelling on official business. It states that "public affairs passports must be returned to the agency nominated by the issuing department within seven days of returning to the country for safe-keeping or for cancelation."[31] It also orders that government employees are no longer allowed to hold ordinary passports except in special circumstances and then only after rigorous checks at the highest level.

[30] Notice No. 22 (2012),articles 1(2), and 1(4).

[31] Notice No. 22 (2012).

The set of regulations issued on May 6, 2012 (see Appendix III), which appears to be the public version of Notice No. 22, enhanced the status of some of the instructions into law.[32] The regulations outline the same prohibitive requirements for passport applicants as are listed in the internal notice, but with fewer details.

The May 6 regulations threaten "strict punishment" for any officials who "take an ambiguous attitude" or are weak in applying the new restrictions on travel abroad by TAR residents and government employees. It lists numerous forms of punishment for any residents of the TAR who travel abroad in order to attend teachings by the Dalai Lama (see above).

In particular, it states that any persons (Ch.: *renyuan*) from the TAR trying to return to China after attending such events abroad "shall without exception not be permitted to enter the border" (article 8)—apparently an order that they should be banned from returning to China.[33] This rule appears to deny people who infringe this provision their internationally protected right to return to their own country.[34]

Other procedures concerning foreign travel for Tibetans have also been tightened. For example, since 2012, some neighborhood offices in the TAR have told local residents that letters from Tibetan family members living abroad will no longer be accepted as supporting materials for passport applications, adding one more obstacle to travel abroad.[35] Family reunion is only one of the forms of foreign travel theoretically allowed for Tibetans and other citizens of China—others include tourism, study, and business—but family reunion is

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[32] "TAR Regulations on Strictly Forbidding Exiting the Border to Participate in Splittist Activities Such as the Dalai Clique's 'Kalachakra,'", May 6, 2012, Order No. 110, http://www.chinalaw.gov.cn/article/fgkd/xfg/dfzfgz/201210/20121000377283.shtml (accessed July 1, 2015).

[33] The Chinese word *renyuan* can refer to government employees and staff, but in these regulations appears to apply to persons in general.

[34] See Universal Declaration of Human Rights, art. 13(2) ("Everyone has the right to leave any country, including his own, and to return to his country"). In 2012, at least 20 Tibetans who were Chinese citizens were deported to Nepal by Chinese police after they returned from attending the Kalachakra teachings by the Dalai Lama. Of these 20 cases, 9 were deported to Nepal by Chinese police on June 5, 2012, and 11 were deported on August 28, 2012. These Tibetans had left Tibet in late 2011 to attend the Kalachakra ceremony and later testified that they had Chinese identity cards, but these were taken from them by the Chinese police before deportation. The deportees were eventually allowed by the Nepalese authorities to travel to India, although their status there is indeterminate. See "Tibetans Blocked from Return," *Radio Free Asia*, August 30 2012. http://www.rfa.org/english/news/tibet/blocked-08302012152040.html (accessed July 1, 2015) and "Caught between a rock and a hard place," Tibetan Center for Human Rights and Democracy, October 9, 2012 http://www.tchrd.org/2012/10/caught-between-a-rock-and-a-hard-place/ (accessed July 1, 2015). A number of other Tibetans who had lived in India for several years were deported from Tibet to Nepal after returning to their hometowns in Tibet, including five on August 23, 2012.

[35] Interview with Tibetan businessperson A, name and location withheld, February 17, 2015.

the one most relevant to ordinary Tibetans. This unwritten change to existing rules appears to be another attempt to frustrate Tibetan efforts to obtain permission to travel abroad.

As a result of these measures, while Tibetans in the eastern Tibetan regions face long delays in acquiring passports and are often refused a passport for no valid reason, for the last three years the vast majority of residents of the TAR have not been able to recover a passport once it has been confiscated, to replace an old passport with a new electronic one, or to obtain a new passport, except those allowed to travel on official business or able to get a passport from another jurisdiction outside the TAR. The vast majority of TAR residents, who are overwhelmingly Tibetans, have not been allowed any form of foreign travel during this time.

These restrictions on foreign travel are in addition to numerous well-documented reports of restrictions on the internal movement of Tibetans between Tibetan areas. In particular, from 2012 the TAR authorities required eastern Tibetans to present additional letters of guarantee and other official documents in order to enter the TAR or Lhasa. Such requirements were not applied to non-Tibetans, who were allowed to enter just by showing normal identity cards, if anything. These discriminatory requirements were reportedly only dropped in late 2014 after direct intervention by top leaders in Beijing.[36]

Chinese Government Claims

Chinese authorities in the TAR have denied that there is a ban or restriction on issuing passports to Tibetans or other residents of the region, and assert that the application process is lengthy because it is more complex than in the past. When the ethnic Chinese wife of a soldier serving in the TAR, who was originally from Sichuan Province, wrote to a Lhasa government website in 2014 complaining that she was unable to get a passport, the official response was that "the claim … that almost everyone with a Tibet residence permit cannot get a passport or travel permit is subjective, one-sided, and inaccurate." The government's explanation for the failure to issue a passport was that "in accordance with current autonomous region policies for residents applying for a passport or travel permit, specific and detailed application materials must be provided."[37]

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[36] "China: Arbitrary Expulsions of Tibetans from Lhasa Escalate," Human Rights Watch, June 19, 2012.

[37] "The problem of getting a passport and Hong Kong travel permit with a Lhasa residence permit" (关于拉萨户口办理护照及港澳通行证的问题), Lhasa City government Internet portal, April 1, 2014, http://www.lasa.gov.cn/Government/Letter/LetterView.aspx?LetterId=1981 (accessed July 1, 2015).

That TAR authorities have denied the existence of any ban could mean that the national government in Beijing has not authorized such a step or has ordered that it be deniable. The contradiction between the official position on the issue and the actual situation on the ground has led to confusion among the general public in Tibet, as demonstrated by speculation on social media about the causes and extent of the restrictions and occasional online rumors that they are about to be lifted.

However, at least eight people from Lhasa independently told Human Rights Watch that ordinary Tibetans in the TAR have not been able to get passports there since 2012. There are also widespread indications on social media of a blanket refusal of passport applications from ordinary Tibetans in the TAR.

In an October 2014 posting, since deleted, on WeChat, a popular Chinese micro-blog site, a contributor reported that they had gone to a passport office in Lhasa to enquire about making an application but had been told that passports were still not being issued to Tibetans, whether individually or as part of tour groups. "Therefore, it is not true that Tibetans can get a passport to travel abroad. It is just a daydream," the contributor wrote.[38]

One Tibetan, writing in June 2013 to a website that allows readers to submit legal questions that are then answered on an ad hoc basis by lawyers, asked:

> Dear Lawyer. I want to know why we Tibetans are unable to get a passport. What about the laws and regulations of the People's Republic of China? There are many of us Tibetan compatriots who want to know what's happening, so can I trouble you for a detailed explanation?[39]

In May 2015, according to foreign media reports, travel agents in various parts of China received official instructions not to allow residents of any Tibetan autonomous area to join tourism groups travelling to Hong Kong or Macao or abroad between May 20 and July 15,

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[38] "Tibet Tidbits," International Campaign for Tibet, October 24, 2014, http://www.savetibet.org/newsroom/tibet-tidbits/ (accessed July 1, 2015).

[39] "Why are Tibetans unable to get a passport? [藏族人为什么办不了护照呢?], 110.com free legal consultation website, June 28, 2013, http://www.110.com/ask/question-1716619.html (accessed July 1, 2015).

2015.[40] At least four travel agents in China interviewed by *Radio Free Asia* were said to have interpreted this instruction as applying to Tibetans from those areas. Human Rights Watch is not aware of any previous such prohibition in China on foreign tourism by members of a specific ethnicity or residents of an ethnic minority area. The order may be intended to prevent Tibetans from attending celebrations abroad of the 80th birthday of the Dalai Lama on July 6, 2015.

A Tibetan businessperson from Lhasa told Human Rights Watch that two Tibetan friends applied for passports in July 2014 to travel to Nepal on business. They approached their local Neighborhood Committee—a quasi-governmental office that carries out local administration for the government and the Party in urban areas—as required by the new regulations. But they were refused permission to apply by the head of the Neighborhood Committee. The official told the interviewee's friends that all such committees had been instructed by the Lhasa municipal government to refuse passport applications.

Certain Tibetan businesspeople have been allowed to travel on semi-official "public affairs passports," but this concession has been limited. As a result, according to some interviewees, many Tibetan traders are reported to have lost their means of making a living. Up until 2012 several hundred Tibetan traders had traveled regularly between Nepal and Tibet, importing Nepali handicrafts and housewares, as part of a centuries-old tradition of artisan trading between Tibet and Nepal. Since the new restrictions on Tibetans from the TAR were introduced, Chinese entrepreneurs have stepped in to take over the trade, according to a Tibetan trader who told Human Rights Watch that to his knowledge there are no longer any Tibetans running businesses in the Nepali cities of Kathmandu or Pokhara.[41]

> Can Tibetans travel abroad? A classmate said the local Public Security Bureau told him when he was applying for a passport that he can't leave the country.[42]

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[40] "China Stops Tibetans Leaving The Country on Vacation," *Radio Free Asia*, May 22, 2015, http://www.rfa.org/english/news/china/china-travel-05222015162913.html (accessed July 1, 2015). A claimed transcript of the order was published in "Sichuan Tibetan residents prohibited until July 15 from travel abroad," *Boxun*, May 22, 2015, See http://news.boxun.com/news/gb/china/2015/05/201505222350.shtml (accessed July 1, 2015).

[41] Interview with Tibetan businessperson A, February 17, 2015.

[42] On-line query, Can Tibetans travel abroad? [藏族能出国吗?], wenda.com Q&A site, June 27, 2013, http://wenda.haosou.com/q/1372347504063666 (accessed July 1, 2015).

The slowdown on travel by Tibetan traders and ordinary residents to Nepal has coincided with an increase in the numbers of travelers to Nepal from elsewhere in China. According to a report in the official media in the TAR, 600 people applied for a Nepalese visa on a single day in Lhasa, and up to 200,000 were expected to apply in 2015.[43] These travelers are believed to be primarily ethnic Chinese citizens from areas of China other than the TAR or, in a very small number of cases, TAR residents who have been permitted to travel on official business. A photograph of the Nepalese consulate in Lhasa from July 2014 shows large numbers of applicants lining up for visas for Nepal; the photographer, a local Tibetan, reported seeing few if any Tibetans in the queue, though this claim could not be substantiated.

One impact of the restrictions on foreign travel for Tibetans has been an increase in the number of Tibetans going on pilgrimages within Tibet or the eastern Tibetan areas within China, rather than traveling to India or Nepal. One Tibetan told Human Rights Watch, "As a result of the travel restriction policy for Tibetans, there are thousands of Tibetans from the Lhasa area going to Qinghai Province to attend teachings or on pilgrimages."[44] The person reported that because of the large number of visitors to those sites, pilgrims from the TAR now have to obtain travel permits from local police stations in the TAR before they can go to inland China.[45] Human Rights Watch has not been able to confirm reports about this reported new requirement.

Travel by Ethnic Chinese Residents of the TAR

The 2012 regulations governing passport applications in the TAR do not differentiate applicants by ethnicity. A number of interviewees reported that they knew of ethnic Chinese residents of the TAR who also could not recover their ordinary passports or obtain new ones.

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[43] "Visitors to Nepal applying for visas, most in a single day was 600 people," *ChinaTibetNews*, December 29, 2014, http://epaper.chinatibetnews.com/xzsb/html/2014-12/29/content_590091.htm (accesed July 1, 2015). The article attributed the upsurge in ethnic Chinese tourism to Nepal to the popularity of a Chinese film called *Deng feng lai* (Waiting for the Wind to Come), much of which was set in Nepal. A number of Chinese-language advertisements appeared on Chinese travel websites in January 2015 with the slogan "If your monthly salary is RMB 3000, you should go once to Nepal, where goods are cheap and visas are easy to obtain," according to "Tibet Tidbits," International Campaign for Tibet, January 14, 2015, http://www.savetibet.org/newsroom/tibet-tidbits/ (accessed July 1, 2015).

[44] Qinghai Province, situated to the north-east of the TAR, encompasses much of the Tibetan region of Amdo, includes numerous important Tibetan Buddhist monasteries and other religious sites, and has a population of about 1.2 million Tibetans as well as other religious minorities.

[45] Interview with Tibetan businessperson A, name and location withheld, February 17, 2015.

However, there is some anecdotal evidence that the requirements are being applied in a discriminatory fashion. Two Tibetan interviewees separately told Human Rights Watch that officials in certain neighborhood committees in Lhasa had specifically informed them that the new restrictions did not apply to ethnic Chinese residents in their locality. According to one, the official had said that, "If we were [ethnic] Chinese he could write the supporting letter…. Stopping the issue of new passports and renewals is only for Tibetans. The decision specifically targets ordinary Tibetans but has not affected [ethnic] Chinese who live in Tibet."[46]

Another interviewee stated that the rapidly increasing number of ethnic Chinese businessmen travelling to Nepal included many ethnic Chinese residents of the TAR, suggesting that far more Chinese businessmen in the TAR have been issued "public affairs passports" since 2012 than have Tibetans.[47] In one case documented by Human Rights Watch, an ethnic Chinese resident of the TAR was able to use her public affairs passport for a private holiday in Nepal.

Another source interviewed by Human Rights Watch claimed that in the TAR, ethnic Chinese residents with public affairs passports were allowed to retain their passports after returning from foreign trips, while he and other Tibetans he knew who had the same kind of passport had to submit theirs to their local police station on their return from each journey.[48] Human Rights Watch could not corroborate this account.

Evidence from Xinjiang

A US-based monitoring group, the Uyghur Human Rights Project (UHRP), reported similar restrictions on the issuance of passports in the XUAR, where a majority of the population are members of ethnic minorities. According to UHRP, a policy of withdrawing passports held by Uyghurs was in effect in Xinjiang as early as 2006, and since then Uighur applicants have had to pay large bribes to recover or obtain a passport. According to the group, since serious rioting took place in the regional capital, Urumchi, in July 2009, the authorities in Xinjiang have routinely denied passport applications submitted by Uyghurs.[49]

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[46] Interview with Tibetan businessperson B, February 2015.

[47] Ibid.

[48] Interview with Tibetan businessperson A, February 17, 2015.

[49] Media sources and advocacy groups in the US reported that the policy of withdrawing passports held by Uyghurs had been put into effect from around 2006 as a security measure in the run-up to the 2008 Summer Olympics held in Beijing, as well as

Partial confirmation of these reports emerged in April 2015, when the authorities in Ili Kazakh Autonomous Prefecture in the XUAR issued a public notice requiring all residents with ordinary passports to hand them in to their local police station "for concentrated management" (see Appendix V). The notice did not give any reason for the recall and did not say under what conditions residents could reclaim their passports from police stations. According to *The New York Times*, police in Ili prefecture stopped issuing ordinary passports for individual travel in November 2014.[50]

These reports suggest that the current passport policy in the XUAR is roughly the same as the policy initiated in 2012 in the TAR, and that XUAR authorities may be taking formal steps to further limit individual travel abroad by local residents.

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a means of stopping Uyghurs traveling independently to Mecca for the Hajj, as opposed to traveling with officially controlled tour groups. Uyghurs wanting to travel abroad reportedly had to leave a deposit of up to 50,000 RMB (US6,600) to retrieve their passport, according to a report by the UHRP in 2009, which said that every Uyghur interviewee spoken to for the report had had to pay substantial bribes to government officials in order to procure a passport. See "Briefing: Refusals of passports to Uyghurs and confiscations of passports held by Uyghurs indicator of second-class status in China," Uyghur Human Rights Project, February 7, 2013, http://docs.uyghuramerican.org/briefing-uyghur-passports.pdf (accessed July 1, 2015).

[50] Edward Wong, "Chinese Police Order Residents in a Xinjiang Prefecture to Turn in Passports," *New York Times,* May 14, 2015, http://www.nytimes.com/2015/05/15/world/asia/china-passports-xinjiang-ili-kazakh-autonomous-prefecture.html (accessed July 1, 2015).

V. International Legal Standards

The right to freedom of movement is recognized under the Universal Declaration of Human Rights,[51] the International Covenant on Civil and Political Rights (ICCPR), and the International Convention on the Elimination of All Forms of Racial Discrimination.[52] As a signatory to the ICCPR,[53] China is prohibited from taking actions that would interfere with the right that "[e]veryone shall be free to leave any country, including his own."[54]

China may only limit the movement of people inside the country where "provided by law … and necessary to protect national security, public order, public health or morals, or the rights and freedoms of others."[55] In addition, these restrictions must be non-discriminatory and be "necessary" to achieve one or more legitimate aims. Any such restrictions on a person's free movement must be proportionate in relation to the aim sought to be achieved by the restriction and carefully balanced against the specific reason for the restriction being put in place.[56]

Any restriction on freedom of movement must not have a discriminatory effect,[57] which has been described by the United Nations Human Rights Committee as:

> Any distinction, exclusion, restriction or preference which is based on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition,

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[51] Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), art. 13(2) ("Everyone has the right to leave any country, including his own, and to return to his country."). Most provisions of the Universal Declaration are widely considered reflective of customary international law.

[52] International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976, art. 12. China signed the ICCPR in 1998. See also International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 660 U.N.T.S. 195, entered into force Jan. 4, 1969, art. 5 ("States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to … ethnic origin, to equality before the law, notably in the enjoyment of the following rights: … i) The right to Freedom of movement.") China ratified ICERD in 1981.

[53] See Vienna Convention on the Law of Treaties, concluded May 23, 1969, 1155 U.N.T.S. 331 (entered into force Jan. 27, 1980), art. 18.

[54] ICCPR, art. 12 (2) ("Everyone shall be free to leave any country, including his own.").

[55] ICCPR, art. 12(3) ("The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.")

[56] Manfred Nowak, UN Covenant on Civil and Political Rights: CCPR Commentary (Kehl am Rein: N.P. Engel, 1993), pp. 386-87.

[57] Universal Declaration, art. 7; ICCPR, arts. 2 & 26.

> enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.[58]

The Constitution of the People's Republic of China guarantees citizens' freedom of religious belief and prohibits discrimination on the basis of religion.[59]

Any restriction on freedom of movement must be clearly and precisely set out in domestic law. The principal reasons for this requirement are to prevent officials from taking arbitrary decisions and to ensure that people whose right to free movement is restricted understand their rights.[60] Restrictions on freedom of movement invoking lawful aims must be specific about how, for example, national security would be threatened if the people prohibited from leaving were allowed to leave. The restrictions also must be shown to be necessary to achieve the aim.[61]

Finally, any restriction must be the least restrictive measure possible to achieve the legitimate aim. In deciding how to identify the least restrictive measure possible, the government needs to balance three factors: (i) the extent of the restriction; (ii) the impact on peoples' exercise of the right affected, and any other negative impact on their lives; and (iii) why the restriction is necessary to bring about the desired aim.

China's passport system in the TAR, and likely in the XUAR as well, do not meet international standards protecting the right to freedom of movement. By all accounts the regulations are enforced in a manner that discriminates on the basis of religion or ethnicity. While the evidence available to us demonstrates that the regulations have an apparent discriminatory purpose, they in any event have an unlawful discriminatory effect. Restrictions imposed specifically to prevent attendance at Buddhist or Muslim religious

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[58] UN Human Rights Committee, General Comment 18, Non-discrimination, (Thirty-seventh session, 1989), 10/11/89, http://www.unhchr.ch/tbs/doc.nsf/0/3888b0541f8501c9c12563ed004b8d0e?Opendocument (accessed May 18, 2010), para. 6. See also ICERD, art. 1(1).

[59] Constitution of the People's Republic of China, art. 36: Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.

[60] UN Human Rights Committee, General Comment 27, Freedom of Movement (Article 12), UN Doc. CCPR/C/21/Rev.1/Add.9, November 2, 1999, http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6c76e1b8ee1710e380256824005a10a9?Opendocument (accessed April 23, 2010), para. 13.

[61] See UN Human Rights Committee, General Comment 27, para. 11.

events abroad also violate the right to freedom of religious belief. And the Chinese government's restrictions on freedom of movement, even if they were not discriminatory, would fail to meet international standards for such restrictions: they are indefinite and broad-based and so disproportionate to any legitimate government aim.

Appendix I

Internal Notice issued by the TAR Authorities, April 26, 2012. Unofficial translation from Chinese.

[Page 1]

Notice on Printing the "Punishment Regulations for Chinese Communist Party Members and Public Servants who Leave the Country to Participate in Such Splittist Activities as the Dalai clique's 'Kalachakra' (Experimental)"

Chinese Communist Party TAR Discipline Inspection Committee.
TAR Supervision Department.

(Notice)
TAR Discipline and Inspection Committee (2012) No. 51.
Notice on Printing the "Punishment Regulations for Chinese Communist Party Members and Public Servants who Leave the Country to Participate in Such Splittist Activities as the Dalai clique's 'Kalachakra' (Experimental)"

To all prefectures and prefecture-level city committees, regional committees, and each departmental committee, and to Party groups in all autonomous regional committees, offices, departments, and bureaus, and all people's collective Party groups (Party committees):

With the agreement of the regional Party committee and government, this printing of the "Punishment Regulations for Chinese Communist Party Members and Public Servants who Leave the Country to Participate in Such Splittist Activities as the Dalai clique's 'Kalachakra' (Experimental)" is hereby issued to you to be conscientiously and thoroughly implemented.

TAR Chinese Communist Party Discipline Inspection Committee
TAR Supervision Department
April 26, 2012

[Page 2]

TAR Chinese Communist Party Discipline Inspection Committee
TAR Supervision Department

Punishment Regulations for Chinese Communist Party Members and Public Servants who Leave the Country to Participate in Such Splittist Activities as the Dalai clique's "Kalachakra"

(Experimental)
In order to uphold the unification of the Motherland and the unity of the nationalities, to strictly enforce Party discipline and government discipline, and to strictly forbid Chinese Communist Party members and public servants from exiting the border to participate in such splittist activities as the Dalai clique's "Kalachakra," these regulations are formulated in accordance with the provisions of the "Chinese Communist Party Discipline Punishment Rules" and the "Administrative Agency Public Servant Punishment Rules."

Article 1
Exiting the border to participate in such splittist activities as the Dalai clique's "Kalachakra" is an adherence to the Dalai clique's plot to split the Motherland and harm the unity of the nationalities, and a serious violation of political discipline. Without exception, Chinese Communist Party members and public servants are not permitted to leave the country to participate in such splittist activities as the Dalai clique's "Kalachakra."

Article 2
These regulations are applicable to Chinese Communist Party members, public servants, state workers under civil servant management, and other personnel in positions with state administration agencies who leave the country to participate in such illegal activities as the Dalai clique's "Kalachakra."

Article 3
Chinese Communist Party members who leave the country to participate in such illegal activities as the Dalai clique's "Kalachakra" and who are planners, organizers, or backbone elements, shall be punished [Ch.: *chufen*] with expulsion from the Party.

Other participating Chinese Communist Party members shall be punished by a warning or a serious warning in minor circumstances; in relatively serious circumstances they shall be

punished with removal from their Party positions or probation while remaining in the Party. In serious circumstances, they shall be punished by expulsion from the Party.

Chinese Communist Party members who are deceived or coerced into participating and who express repentance following criticism and education may avoid punishment. However, they must be ordered to conduct a thorough review.

Article 4

Public servants who leave the country to participate in such illegal activities as the Dalai clique's "Kalachakra" and who are planners, organizers, or backbone elements, shall be punished by expulsion.

Other participating civil servants shall punished by a demerit or a major demerit in minor circumstances; in relatively serious circumstances they shall be punished by demotion or removal from their post; in serious circumstances they shall be punished by expulsion.

Public servants who are deceived or coerced into participating and who express repentance following criticism and education may avoid punishment. However, they must be ordered to conduct a thorough review.

Retired civil servants who leave the country to participate in such illegal activities as the Dalai clique's "Kalachakra" may avoid punishment. However, they must be ordered to conduct a thorough review. In relatively serious circumstances they shall be handled dependent upon conditions by a corresponding reduction or deduction in pension, and a reduction in political privileges and living privileges.

Article 5

These regulations may be referred to for implementation against any government agency contract personnel, non-state workers under civil servant management, workers directly under TAR government agencies (including institutions), and professionals at state-owned and state-invested enterprises who leave the country to participate in such illegal activities as the Dalai clique's "Kalachakra."

Article 6

Splittist activities referred to in these regulations includes all kinds of activities organized abroad by the Dalai clique with the aim of splitting the Motherland and harming the unity of the nationalities, including the "Wheel of Time Kalachara."

Article 7

"Minor circumstances" referred to in these regulations indicates being able to recognize one's mistakes following education and expressing repentance; "relatively serious circumstances" referred to in these regulations indicates not having a clear understanding of one's mistakes, and not making a clear expression of repentance following education; "serious circumstances" indicates a bad attitude and refusing to repent.

Article 8

Persons (Ch.: *renyuan*) who leave the country to participate in such illegal activities as the Dalai clique's "Kalachakra" and who are able to confess to the problem on their own volition, or who report on others on their own volition, or who make other meritorious expressions shall be punished lightly or avoid punishment.

Article 9

The TAR Chinese Communist Party Discipline Inspection Committee and the TAR Supervision Department are responsible for interpreting these regulations.

Article 10

These regulations are effective from the day of promulgation.

Copies sent to:
Central Discipline Inspection Committee, Supervision Department
TAR Party Committee, autonomous regional People's Government

Each Prefecture and Prefecture-Level City Party Committee and Supervision Bureau, the Regional Discipline Inspection Committee and Supervision Department, each Stationed Discipline Group and Supervision Office, Regional-Level Discipline Work Committee, Regional Education Discipline Work Committee

TAR CCP Discipline Inspection Committee General Office Printed on April 26, 2012
Total 300 copies

Appendix II

Internal Notice issued by the TAR authorities, April 29, 2012. Unofficial translation from Chinese.

[Page 1]

TAR Party Committee General Office Document
TAR Party Committee GenOffDoc (2012) No. 22
TAR Party Committee General Office
TAR People's Government General Office

Notice on Printing "Suggestions on Further Strengthening Our Region's Passport Handling, Approvals, and Issuance Management"

All prefecture and prefecture-level city Party committees, all administrative offices and the Lhasa City People's Government, the Regional Party committee and all departmental committees, all committees, offices, departments and bureau in the autonomous region, and all People's collectives:

"Suggestions on Further Strengthening Our Region's Passport Handling, Approvals and Issuance Management" has been approved by the regional Party committee and government, and is hereby issued to you in print. Please integrate realities and implement conscientiously and thoroughly.

[Page 2]

TAR Party Committee General Office
TAR People's Government General Office
April 29, 2012

(This document has been sent to prefectural department levels, and to county Party committees and county governments.)

[Page 3]

Suggestions on Further Strengthening Our Region's Passport Handling, Approvals, and Issuance Management

In order to further regulate our Region's passport handling, approvals and issuance work and in accordance with relevant national laws and regulations, and by integrating the work realities of our region, the following work suggestions are specially proposed:

I Earnestly strengthen management work over citizens' handling, approvals and issuance of ordinary passports

1. Using the opportunity of the national launch of ePassports in May of this year, all still-valid ordinary passports in our region shall be withdrawn without exception. Those needing to apply for an ordinary passport shall be re-issued with an ordinary ePassport following strict review and approval.
2. Strictly control approvals for the issuance of ordinary passports. Ordinary passport applications and issuance shall be carried out under a system of "apply in the domicile, examine at the prefecture, unified approval by the regional Public Security Department." First, all citizens in the region without exception and in accordance with the principle of local management, when applying for an ordinary passport shall apply to the prefecture-level (prefecture-level city) public security agency where their household is registered; the regional Entry and Exit Administration of the Public Security Department shall no longer accept or handle applications. Second, ordinary passport applicants must provide a self-completed application to be delivered in person to their local village (neighborhood) committee, township (town) People's Government (neighborhood affairs office) and police station for initial examination. The police station shall submit the application materials to the township (town) People's Government (neighborhood affairs office) for review by the leaders, and report it to the county (county-level city, district) Public Security Bureau for handling. Following a review by the county (county-level city, district) Public Security Bureau, the application materials shall be sent to the county (county-level city, district) People's Government leaders for examination and approval and for them to provide their opinions. After reporting to the prefecture-level (prefecture-level city) Public Security Exit and Entry Administration, the application materials shall be delivered to the principal leaders of the prefecture-level (prefecture-level city) Public Security Bureau (Office) for

examination and approval, and then reported to the principal leaders of the [prefecture] administration (Government) for review and approval. Once all formalities are complete, the prefecture-level (prefecture-level city) Public Security Entry and Exit Administration departments shall report to the Regional Public Security Department Entry and Exit Administration for review and approval, and issuance. Upon returning to the country, passport-holders without exception must hand their passport in to the local prefecture-level (prefecture-level city) Public Security Exit and Entry Administration department for unified safe-keeping.

3. Strictly limit state workers holding ordinary passports. When prefecture (prefecture-level city) Public Security Exit and Entry Administration departments receive a citizen's application for an ordinary passport, an examination should be carried out of the applicant's application materials and the applicant should be interviewed to ascertain whether or not they are a state worker. On the principle of not issuing ordinary passports to state workers in our region, if an ordinary passport is required for crossing the border due to exceptional circumstances, cadres at county-level and below shall be reviewed and approved by their local prefecture (prefecture-level city) Party committee Organization Department; cadres above county level applying for an ordinary passport shall be reviewed and approved by the autonomous regional Party committee Organization Department. Upon returning to the country from traveling abroad, all passports without exception must be handed in to the passport-holder's local Organization Department at the county-level (county-level city, district) or above for unified safe-keeping.

4. Implement a system of persons [Ch.: renyuan] with ordinary passports signing a declaration of responsibility [Ch.: zeren shu]. When such persons collect an ordinary passport for the purpose of private foreign travel, they must sign a declaration of responsibility in person at the prefecture (prefecture-level) Public Security Exit and Entry Administration, guaranteeing that on leaving the country they will not engage in any activities that threaten national security or national interests, or other illegal criminal activities. The Public Security Exit and Entry Administration must seek out a visit with the passport holder on their return and conduct a face-to-face interview, and if any illegal activities are discovered, the passports without exception shall be canceled or declared invalid.

II Conscientiously carry out good work on tour group passport applications

In accordance with Article 9, Chapter II of the "Tourist Agency Regulations" promulgated by the State Council, and the provisions of Article 10, Chapter II of the

"Detailed Implementation Measures," earnestly strengthen the handling of tour groups' ordinary passports.

1. When travel agency tour groups travel abroad, citizens from our region applying for an ordinary passport necessary for travel must carry out their passport application in strict accordance with the relevant provisions, being checked and approved one-by-one, and in strict accordance with the principle of "whoever checks also approves and is also responsible." Travel agencies must sign a formal travel contract with the traveler.
2. When travel agencies complete their handling of passports, a responsible person shall go the autonomous regional Tourism Bureau Supervision and Management Office to receive a "Form for a Namelist of Chinese Citizens Leaving the Country in a Tour Group," and complete it conscientiously. Once completed by the tour group operator, the third copy of the "Form for a Namelist of Chinese Citizens Leaving the Country in a Tour Group" shall be retained by the autonomous regional Tourism Bureau Supervision and Management Office.
3. Strict tour-group management of passports. Regarding citizens from our Region who have participated in a tour group and applied for an ordinary passport, and upon such tour group participants' return to the country, without exception, their passports shall be collected and handed in to the prefecture (prefecture-level city) Public Security Exit and Entry Administration department by the travel agency organizing the tour group for safe-keeping.

III Further strengthen management work on the approval and issuance of public affairs passports

1. Strictly strengthen management work on public affairs passports in accordance with the "Notice on Printing 'Diplomatic Passport, Service Passport, and Public Affairs Passport Retrieval Measures' (MFA Doc [2006] No. 60)" issued by the Ministry of Foreign Affairs, the "Notice on 'Detailed Measures on the TAR Public Affairs Passports Issuance and Management Implementation' (Experimental)" and the "Notice on the 'TAR Public Affairs Passport Retrieval and Management Detailed Implementation Measures' (TAR External Affairs Doc [2007] No. 53)" issued by the TAR External Affairs Office, and in accordance with the spirit of the "Notice on Printing 'Diplomatic Passport, Service Passport and Public Affairs Passport Issuance and Management Measures' (MFA Doc [2006] No. 23)."

2. All tour groups and individuals traveling abroad on public affairs who apply for a public affairs passport must handle formalities though application channels for going abroad on public affairs. Public affairs passports must be returned to the agency nominated by the issuing department within seven days of returning to the country for safe-keeping or for cancelation. Individuals or work units which delay handing in passports or who do not carry out document management provisions shall be temporarily prevented from going abroad on public service.
3. Strengthen passport management for foreign travel by enterprises and work units in our region, increasing the rigor of approvals for public affairs passports for going abroad on public affairs, and put an end to ordinary passport-holders going abroad to conduct public affairs.

Copies sent to:

TAR Military District Political Department, Air Force Lhasa Command Office Party

TAR Party Committee General Office Private Secretary's Office. Printed on April 29, 2012.

Appendix III

TAR regulations issued May 6, 2012. Unofficial translation from Chinese.[62]

TAR Regulations on Strictly Forbidding Exiting the Border to Participate in Splittist Activities Such as the Dalai Clique's "Kalachakra"

(May 6, 2012, Promulgation of Tibet Autonomous Region People's Government Order No. 110, effective from the date of promulgation.)

Article 1:
In accordance with the provisions of the "PRC State Security Law Implementation Measures," "Religious Affairs Regulations" and relevant Entry and Exit Administration laws and regulations, it is forbidden for all residents within the administrative area of the autonomous region to leave the country in order to participate in any form of splittist activity such as the "Kalachakra" [Ch.: *fahui*] held by the Dalai clique.

These regulations are formulated by integrating the realities of the autonomous region.

Article 2:
The Dalai clique is luring the masses into participating in various activities such as the "Kalachakra," advocating "Tibetan independence" thinking, using religion to harm the unity of the nationalities and the unification of the country, and completely deviating from the religious traditions of Tibetan Buddhism, constituting the criminal behavior of splitting the nation.

Article 3:
The current venues for religious activity, facilities, and professional religious personnel within the administrative area of the autonomous region satisfy the requirements of the believing masses' normal religious activities, and the broad masses of believers should participate in religious activities in venues for religious activities registered according to law.

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[62] State Council Legislative Affairs Office Main Site, published October 29, 2012, http://www.chinalaw.gov.cn/article/fgkd/xfg/dfzfgz/201210/20121000377283.shtml (accessed July 1, 2015).

Article 4:

All villagers (neighborhood residents) residing within the administrative area of the autonomous region and all incoming business people and workers are without exception not permitted to leave the country to participate in any form of splittist activity such as the "Kalachakra" held by the Dalai clique.

Article 5:

In accordance with the principle of territorial management, all prefectures (prefecture-level cities), counties (county-level cities, districts) and townships (towns) must strengthen education and management over the masses in their jurisdiction. All successive levels of government must sign a certificate of responsibility, making villages (neighborhoods), families [Ch.: *hu*], and individuals responsible for putting an end to persons from our region participating in splittist activities such as the "Kalachakra" held by the Dalai clique.

Article 6:

"Autonomous regional Public Security Departments must conduct a thorough cleansing [Ch.: *qingli*] of persons [Ch.: *renyuan*] holding a passport who go abroad on private travel, and public affairs passports shall be approved and managed by the autonomous regional Public Security Department in strict accordance with the law, and prefectural (prefecture-level city) and county (county-level city, district) public security agencies shall have no authority to approve public affairs passports.

Starting from the day that these regulations are promulgated, all persons applying for an ordinary passport must be examined and reviewed by successive village (neighborhood), township (town), county (county-level city, district), and prefectural (prefecture-level city) levels, and those complying with conditions must be reported to the autonomous regional Public Security Department for approval. Strict checks shall be implemented in accordance with the principal of responsibly falling on whosoever examines, reviews, and approves.

Article 7:

All persons [Ch.: *renyuan*] who leave the country to participate in any form of splittist activity such as the "Kalachakra" held by the Dalai clique shall be punished in accordance with the following provisions:

1. Countermeasures against planners, organizers and backbone elements shall be in accordance with the "Criminal Law of the People's Republic of China," and judicial agencies shall pursue criminal responsibility according to law.
2. Members of village (neighborhood) committees shall be dismissed in accordance with legal procedures, and punished according to law depending on the circumstances.
3. All incoming business people and workers with a business license shall have their business license suspended, and be punished according to law.
4. All urban and rural residents crossing the national border to attend such activities as the "Kalachakra" shall without exception undergo concentrated education [Ch.: *jizhong jiaoyu*] from a prefecture-level (prefecture-level city) level people's government, and punished according to law depending on the circumstances.
5. Those persons who are sentenced to criminal punishment or re-education through labor because of participating in any splittist activity such as the "Kalachakra" organized by the Dalai clique shall cease enjoyment of all forms of financial assistance granted by the autonomous region as well as preferential policies and public services, and shall not be permitted enjoyment of any new preferential policies issued by the state or the autonomous region.
6. Those persons who have not been sentenced to criminal punishment or re-education through labor but who refuse to repent following education shall have all forms of financial subsidy stopped, and shall not be permitted enjoyment of any new preferential policies, subsidies or grants issued by the state or the autonomous region.
7. Those persons who leave the country to participate in splittist activities such as the "Kalachakra" organized by the Dalai clique may be given lighter punishment or be exempt from punishment if they are able to repent following education, if they voluntarily account for their problems, or if they report others.
8. Those persons who cross the border to participate in any splittist activity such as the "Kalachakra" held by the Dalai clique shall without exception not be permitted to be recruited or hired by all levels of government agency, government institution or state-controlled enterprise.

Article 8:

Those persons who illegally leave the country to participate in any form of splittist activity such as "Kalachakra" held by the Dalai clique shall without exception not be permitted to enter the border.

Article 9:

All levels of Nationalities and Religion department and other relevant departments and media bodies must publicize the Party and state's religion policies to the broad masses, expounding upon the splittist nature of any activity such as the "Kalachakra" held by the Dalai clique, thereby reducing and canceling out its impact.

Article 10:

Leading cadres at all levels and in all departments shall be strictly punished in accordance with relevant regulations if they take weak measures or adopt an ambiguous attitude when handling the issue of splittist activity such as exiting the border to participate in the Dalai clique's "Kalachakra."

Article 11:

These regulations are effective from the day of promulgation.

Appendix IV

Extract from the *Work Guide for Processing Border Entry and Exit Documentation*, date of issue believed to be February 2008. Unofficial translation from Chinese.[63]

The term "special areas" here refers to those prefectures or counties in Gansu which are accorded autonomous status because they have substantial minority populations.

Control measures for citizens' private passport applications in special areas

In order to effectively prevent activities such as people individually going on pilgrimage [Ch.: *lingsan chaojing*] and exiting the border to attend Buddhist rites [Ch.: *chujing chaofu houdong*], and to thoroughly uphold state security and stability, the following control measures for citizens' private passport applications in special areas are hereby formulated in accordance with the provisions of Article 3 Clause 5 of the "PRC ordinary passport and border crossing permit issuance management measures":

I Application content and conditions

(i) **Family visits:** limited to visits to immediate family only. Immediate family is: spouse, parents or spouse's parents, children, and brothers and sisters; the applicant's spouse and children under 16 years of age may accompany the applicant. [NOTE: In the sections that are not addressing "special areas," the *Work Guide* allows broader and more distant familial relations for family visits and does not include an age restriction for children in such visits.]

(ii) **Tourism:** limited to group travel only.

(iii) **Business:**

1. sent abroad for business by the work unit. "Work unit" indicates an enterprise or its branch agencies registered with the National Industry and Commerce Administration and has independent legal person credentials, or that has processed a taxation registration with the State Taxation Bureau and which has operating production work units and a foreign enterprise's representative agency permanently stationed in the mainland.

[63] Extract from the *Work Guide for Processing Border Entry and Exit Documentation*, date of issue believed to be February 2008, unofficial translation from Chinese, http://www.longxi.gansu.gov.cn/zwgk/xxxs.asp?dwid=40&lbid=4&wzid=2977 (accessed July 1, 2015).

2. The period of operations is more than two years, and there must be proof of individuals conducting business operations at the foreign trading enterprise.

(iv) **Study abroad:** those who are fresh graduates or who graduated in the past from upper middle school or vocational middle school or above.

(v) **Labor services:** those over 18 years of age and those under 65 years of age who have certain specialist expertise, and who are essential personnel at a production work unit (company).

(vi) **Residential:** those holding proof of an immigrant visa for the country of intended residence.

(vii) **Others**.

II **Materials to be submitted**

Aside from submitting materials provided for in Article 6 of the Passport Law, citizens applying for an ordinary passport should also provide other materials relevant to their application.

1. **Visiting family:** original documents and their copies which are able to prove the familial relationship must be provided, the original and copies of the relative's residence permit from their country of residence, and when necessary, relevant confirmation and documentation from our country's overseas embassy or consulate may also be requested.

2. **Tourism:** an invoice for the full costs of travel issued by a travel agency in our province and which is authorized to conduct international travel business must be provided, and citizens from our province who have not resided in their place of *hukou* [residential registration] for a long time should provide a temporary residence permit from their current place of residence, or certification from their work unit.

3. **Business:** a copy of the company's Industry and Commerce business license, the company's taxation registration certificate, and a letter of invitation from a company in the country (region) of intended travel must be provided. Relevant documentary materials issued by our province's Department of Commercial Affairs and our country's overseas embassy or consulate must be provided for those who are dispatched abroad by the government to participate in international trade negotiations.

4. **Study abroad:** individuals who are self-funding their study abroad must provide the notification of acceptance for study documentation issued by the overseas institution, authenticated by the overseas embassy or consulate. Students going overseas for whom arrangements to go abroad were brokered by a legitimate brokering agency must provide the notification of acceptance for study documentation or proof of credentials and other relevant materials issued by the brokering agency. Personnel dispatched abroad to study by public institutions [Ch.: *gongpai liuxue renyuan*], dispatched by state public school and dispatched by work unit public school overseas students [Ch.: *guojia gongpai he danwei gongpai liuxue renyuan*] must provide a fully completed "Passport application and registration form for overseas students dispatched by public schools," or relevant certification issued by the provincial Department of Education.
5. **Employment:** individuals filling a position of employment must provide a letter of invitation from the country of intended travel, and a letter and certification of employment from the hiring work unit or employer. Laboring personnel who were organized to go abroad by a labor services company must provide original foreign labor services project description certification issued by a labor services company authorized to dispatch laboring personnel abroad, or relevant approval and agreement documents from People's Governments above the level of city (prefecture). (The labor services description should include a signed labor services project, the intended country of travel, the time of dispatch, and a name list of those being dispatched for labor services abroad, which should be affixed with the company's seal and the signature of the company's legal representative.)
6. **Residence:** residence permit certification from the responsible government agency in the country of intended travel or from that country's embassy or consulate in China must be provided.
7. **Others:**
    a. Cultural exchanges. An invitation letter from abroad and approval certification issued by the Department of Culture at the provincial level or above must be provided.
    b. Those leaving the country to study courses in religion [Ch.: *xuexi zongjiao kecheng*] (including those going to study at religious institutions) must provide approval certification issued by the Religious Affairs Department at the provincial level or above.

c. Religious personnel and professional religious personnel [Ch.: *zongjiao ji jiaozhi renyuan*] applying to go abroad must provide opinions issued by the United Front Work Department or the Government Religious Affairs Department, as well as providing the relevant materials described above that must be provided for exiting the border. The precise provisions are as follows: first, general religious personnel and professional religious personnel applying to exit the country (border) on private business must provide opinions issued by the county-level United Front Work Department or People's Government Religious Affairs Department in the locale of their *hukou*; second, religious personnel and professional religious personnel who have a degree of influence in their city (prefecture) and who apply to exit the country (border) must provide opinions issued by the city (prefecture) Religious Affairs Department; third, religious personnel and professional religious personnel who have a degree of influence within the province and who apply to exit the country (border) for personal business must provide opinions from the provincial-level Nationalities Affairs Committee [Ch.: *min wei*] or Religious Affairs Department; religious personnel who apply to exit the country (border) for personal business and who are in a position at any level of People's Congress, Government, CPPCC, or religious organization should provide opinions issued by their corresponding Party tier of United Front Work Department.

III The issue of transferring *hukou*

In order to effectively resolve pilgrimages at the same time every year [Ch.: *jiejue meinian chaojing qianhou*] and the issue of frequently transferring *hukou*, people who apply for their *hukou* to be transferred to their place of residence of less than five years shall not be issued a passport for pilgrimage.

IV Post-issuance management of passports

Once travel is completed, the passports of travellers in tour groups are to be collected in by the travel agency that organized the group tour and then handed in to the examining and approving agency for safe-keeping. When it is not possible to collect all passports or the collected passports have a record of a pilgrimage, sanctions dependent upon the circumstances will be levied against the travel agency that organized the group travel. Those still holding a passport for a pilgrimage that should have been returned to provincial-level government departments and Party agencies shall be sanctioned by means of annulled documentation.

V **Scope of application of the special control measures**

The above control measures are principally applicable to the two prefectures of Linxia and Gannan, and the two counties of Zhangjia Chuan and Tianzhu. Other areas can be administered in accordance with the overall intent and basic spirit of these special controls. During the course of application and approval work, strictly implement systems for examining and interviewing applicants. Passports must not be granted to those suspected of traveling individually on pilgrimage or exiting the border to attend Buddhist rites. Three months prior to a pilgrimage being arranged, passports shall not be issued to relevant persons throughout the entire province.

VI **Extensions to passport validity limits, and areas of application**

According to the provisions of Article 12 of the "Management Measures": "In remote areas or areas where communications are not convenient and ordinary passports cannot be issued on time, following approval from personnel responsible at the provincial-level Entry and Exit Administration of the Public Security Bureau, the issuance time-scale may be extended to 30 days." It is decided that the passport issuance time-scale will be extended to 30 days for our province's geographically remote Lintan County, Lüqu County, Zhouqu County, Zhuoni County, Diebu County, Akesu Kazakh Autonomous County and Subei Mongolian Autonomous County.

Appendix V

Public order issued in Yining City, the capital of Ili Kazakh Autonomous Prefecture in the Xinjiang Uyghur Autonomous Region, April 30, 2015. Unofficial translation from Chinese.

Notice

In accordance with requirements of the Ili Prefecture and City Chinese Communist Party Politics and Law Committee, notice is hereby given to citizens holding ordinary passports to submit them to the police station in their jurisdiction for concentrated management:

Citizens holding an ordinary passport are hereby requested to submit them at the police station prior to May 15, 2015. Those who do not submit them on time shall be reported to the Exit and Entry Administration by the Public Security Bureau, and the passport shall be canceled in accordance with relevant laws and regulations.

District Officer: Kaha'er
Contact number: 13779132483
Yining City Public Security Bureau
Yuqidalewazi Police Station
April 30, 2015

Acknowledgments

This report was researched and written by members of the China team at Human Rights Watch. This report was edited or reviewed by Sophie Richardson, China director; James Ross, legal and policy director; and Joseph Saunders, deputy program director.

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ONE PASSPORT, TWO SYSTEMS

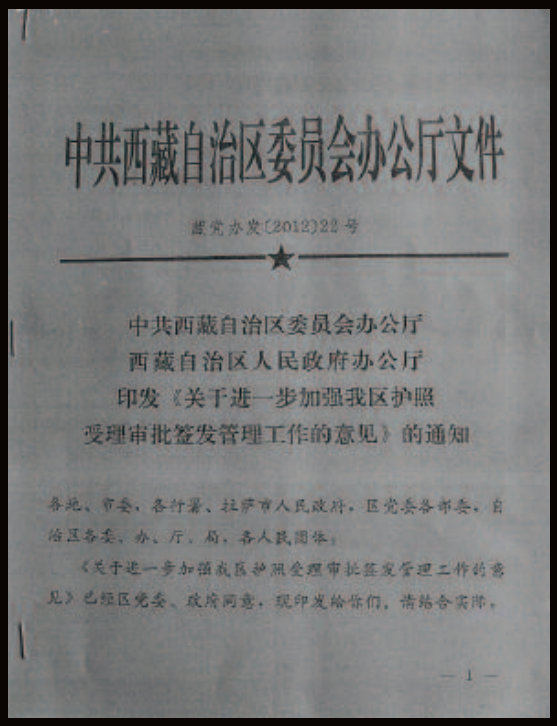
China's Restrictions on Foreign Travel by Tibetans and Others

Since 2002, the Chinese government has put in place a two-track system for issuing passports: one quick and straightforward, the other extremely slow and onerous. The latter system has been imposed in areas populated mainly by Tibetans and certain other religious minorities, such that members of these communities are denied equal access to foreign travel.

One Passport, Two Systems is based on a review of Chinese government regulations, websites, and on-line chat-rooms, interviews with Tibetans and others, and blog posts.

In addition, authorities in the Tibet Autonomous Region (TAR) in 2012 ordered the confiscation of all ordinary passports held by registered residents, over 90 percent of whom are Tibetans, and appear to have issued no replacements for them. This has prevented nearly all of the three million TAR residents from any foreign travel, except for those traveling on official government business. Authorities deny that there is a ban.

These developments have taken place against a backdrop of systemic human rights violations across the TAR. Human Rights Watch urges the Chinese government to immediately ensure that criteria and procedures for the issuance of passports and foreign travel for residents of the TAR and other minority areas are the same as those for residents in the rest of China. The government should end discriminatory passport practices on the basis of religion or ethnicity and take appropriate action against officials who fail to do so.



中共西藏自治区委员会办公厅文件

藏党办发〔2012〕22号

中共西藏自治区委员会办公厅
西藏自治区人民政府办公厅
印发《关于进一步加强我区护照
受理审批签发管理工作的意见》的通知

各地、市委，各行署、拉萨市人民政府，区党委各部委，自治区各委、办、厅、局，各人民团体：

《关于进一步加强我区护照受理审批签发管理工作的意见》已经区党委、政府同意，现印发给你们，请结合实际，

— 1 —

(left) China's Notice No. 22, which announced the withdrawal of all ordinary passports in the Tibet Autonomous Region.

(front cover) A Tibetan's now-expired Chinese passport.

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