



RESPONSES TO INFORMATION REQUESTS (RIRs)

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The Board		23 October 2008
About the Board	BTN102942.E	
Biographies		
Organization Chart	Bhutan: Whether Bhutanese citizens of Nepalese origin face restrictions in obtaining passports or travelling abroad	
Employment	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Legal and Policy		
References	The website of the Ministry of Foreign Affairs of the Royal Government of Bhutan indicates that all citizens of Bhutan may apply for a passport (Bhutan n.d.).	
Publications		
Tribunal		
Refugee Protection Division	Many ethnic-Nepalese people obtained Bhutanese citizenship under Bhutan's 1958 nationality law (HRW May 2007, 13; HRCB 25 Nov. 2003, 7). However, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), the government adopted "a series of ethno-nationalist policies" in the 1980s, including setting citizenship requirements that "effectively disenfranchised" many ethnic Nepalese (often known as Lhotshampas) (UN 19 Apr. 2006, Box 5.2). In 1980, the government enacted the <i>Bhutan Marriage Act</i> , which classifies foreign-born spouses of Bhutanese citizens as non-citizens even if they previously held Bhutanese citizenship (CEMARD-Bhutan n.d.). The <i>Bhutan Citizenship Act</i> of 1985 grants children born after 1985 "citizenship by birth" only if both parents are citizens (Bhutan 1985, Art. 2; US Mar. 2001, 35; HRW May 2007, 14), and restricts "citizenship by registration" to those who can prove that they were living in Bhutan on or before 31 December 1958 (Bhutan 1985, Art. 3; US Mar. 2001, 35; HRW May 2007, 14). According to Human Rights Watch (HRW), residents who did not meet the new requirements were classified as "non-nationals, 'returned migrants', or other illegal immigrant categories" (HRW May 2007, 14-15).	
Immigration Division		
Immigration Appeal Division		
Decisions		
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Research Program		
National Documentation Packages		
Issue Papers and Country Fact Sheets	During a 1988 census that was conducted only in the southern region where ethnic-Nepalese Lhotshampas live (NRC 25 Jan. 2008, 4), Bhutanese authorities required ethnic-Nepalese residents to produce documents such as tax receipts from 1958 in order to be registered as citizens (ibid.; HRW May 2007, 15). Sources note the difficulties people in Bhutan would face in producing appropriate documentation as Bhutan is a largely "paperless and illiterate society" (NCR 25 Jan. 2008, 4; Writenet 1 Apr. 1995, Sec. 3.2). There are reports of Bhutanese authorities rejecting (HRW May 2007, 15; CEMARD-Bhutan n.d.) or confiscating documentary evidence such as tax receipts from other years (before or after 1958), residency records or citizenship identity cards (NCR 25 Jan. 2008, 4; Writenet 1 Apr. 1995, Sec. 3.2).	
Responses to Information Requests		
Recent Research		
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Transparency		
Completed Access to Information	HRW describes the implementation of the citizenship legislation as "selective" and "arbitrary" (HRW May 2007, 14). Sources indicate that the legislation specifically targets ethnic Nepalese in Bhutan (CEMARD-Bhutan n.d.; HRCB 25 Nov. 2003, 7; US 11 Mar. 2008, Sec. 2d). Although the citizenship act allows residents to apply for citizenship through naturalization (Bhutan 1985, Art. 4), the Asian Centre	

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for Human Rights (ACHR) states that it is "next to impossible" to meet the conditions (ibid. 1 Aug. 2008, 58).

HRW reports that in 2005 the nationwide census classified 13 percent of Bhutan residents as "non-nationals" (May 2007, 27). A thematic report on Bhutan from the Norwegian Refugee Council (NRC) corroborates this information and adds that about 82,000 people, many believed to be Lhotshampas, have been unable to acquire citizenship cards since the 2005 census (NRC 25 Jan. 2008, 15). The NRC report indicates that only people classified as F1 (Genuine Bhutanese citizens) or F4 (non-national women married to Bhutanese men, and their children) are able to obtain citizenship cards (ibid.).

The United States (US) Department of State's *Country Reports on Human Rights Practices for 2007* states that

Ethnic-Nepalese Bhutanese must meet very strict criteria to be considered "genuine" Bhutanese and obtain citizenship and security clearances in the form of No Objection Certificates (NOCs); without citizenship they are stateless (US 11 Mar. 2008, Sec. 2d)

No Objection Certificates (NOCs) are needed to obtain travel documents (HRW May 2007, 27-28; ACHR 1 Aug. 2008, 61; NRC 25 Jan. 2008, 5). NOCs are issued by the police and indicate that the bearer is not involved in "anti-national activity" (HRW May 2007, 27; Writenet 1 Apr. 1995, Sec. 5.3).

The NRC and HRW report that all Bhutanese people must apply for an NOC annually, but that ethnic-Nepalese Bhutanese have more trouble acquiring them (NRC 25 Jan. 2008, 18; HRW May 2007, 28). The NRC indicates that it is "impossible" to obtain an NOC for those who participated in demonstrations in the early 1990s or for relatives of people who protested or left Bhutan (25 Jan. 2008, 5). Ethnic-Nepalese Bhutanese may be denied NOCs if it is known that they have relatives in refugee camps in Nepal or India (HRW May 2007, 28; ACHR 1 Aug. 2008, 61; HRCB 25 Nov. 2003, 10).

Country Reports 2007 indicates people who leave Bhutan without the knowledge or permission of the Ministry of Home Affairs (MHA) may no longer be considered citizens (US 11 Mar. 2008, Sec. 2d). *Citizenship Laws of the World* also notes that citizenship may be lost involuntarily if a person has left the country and is residing abroad (US Mar. 2001, 35).

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

References

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Additional Sources Consulted

Internet sources, including: Amnesty International (AI), Association of Human Rights Activists (AHURA Bhutan), Bhutan Women and Children Organisation (BWCO), Bhutanese Refugee Support Group (RSG), Bridging Refugee Youth and Children Services (BRYCS), Integrated Regional Information Networks (IRIN), International Crisis Group, Minorities at Risk, Refugee Watch, Refugees International, South Asian Association for Regional Cooperation (SAARC), South Asian Terrorism Portal (SATP).


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