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Government of India
Ministry of External Affairs

Patiala House Annexes, Tilak Marg
New Delhi, the 17th September 2018

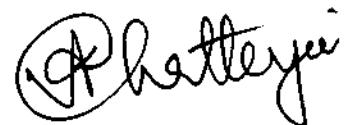
Office Memorandum

Subject: Grant of passport facilities to Tibetan Refugees(TRs) born in India between 26.01.1950 and 1/7/1987 and their children who have been declared as Indian citizens by birth under the Citizenship Act, 1955.

Reference is drawn to Ministry's O.M No. VI/441/01/16/2016 Vol.III dated 17/3/2017 and 30/05/2018 and OM No. VI/441/01/16/2016 Vol.VI dated 01/08/2018 regarding issue of passport facilities to Tibetan Refugees (TRs) born in India between 26/01/1950 and 01/07/1987.

2. The Hon'ble High Court of Delhi has held in WP(C) 1023/2018 (Sonam Tashi vs UoI) on 9.2.2018 and WP(C) 5298/2018 (Tenzin Tsomo vs UoI) on 18.5.2018 concerning issue of passports to children of TRs born after 01/07/1987 that "Section 3(1)(b) (of the Citizenship Act, 1955) provides that any person who does not fall within the exception of sub-section (2) and is born on or after 1.7.1987 but before the commencement of Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth, would be a citizen of India." It has also declared that children of such TRs born after 01/07/1987 but before the commencement of the Citizenship (Amendment) Act, 2003, would be citizens of India.
3. In view of this judgement, it has been decided as follows:
 - i. Every TR born in India on or after 01/07/1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and both or either of whose parents (TRs) is born in India between 26/01/1950 and 01/07/1987, treating them as Indian Citizens by birth u/s 3 (1)(b) of the Indian Citizenship Act, 1955, would be considered eligible for the issue of Indian Passports by the Passport Issuing Authorities in India and abroad.
 - ii. Every TR born in India on or after the commencement of the Citizenship (Amendment) Act, 2003 and whose both parents (TRs) born in India between 26/01/1950 and 01/07/1987 or one of whose parents (TRs) born in India between 26/01/1950 and 01/07/1987 and the other is not an illegal immigrant at the time of his birth, treating them as the Indian Citizens by birth u/s 3 (1)(c) of the Indian Citizenship Act, 1955, would be considered eligible for the issue of Indian Passports by the Passport Issuing Authorities in India and abroad.

- iii. All such cases are to be processed on the basis of Pre-police verification. However, if the PIA receives the 'PVR' as "Adverse" with the remarks that the applicant is a child of Tibetan Refugee and therefore not an Indian Citizen, the same may be treated as "Clear" by the PIA and the passport shall be issued to the TR applicant, if he is otherwise eligible to hold the passport.
- iv. Application for passport may be processed by PIAs subject to the following:
- (a) TR will surrender the Identity Certificate and/or Refugee/Registration Certificate (RC) at the concerned Passport Seva Kendra (PSK)/Passport Office where the passport application is submitted along with other documents. [If the RC has already been surrendered at the FRO/FRRO, the TR applicant will submit the Surrender Certificate issued by the FRO/FRRO].
 - (b) In cases where RC is surrendered at the PSK/PO, these will be sent to FRO/FRRO by the concerned RPO/PO for cancellation. In case of ICs, the same will be sent to concerned RPO for cancellation.
 - (c) When IC and/or RC is surrendered at the PSK/PO, TR applicant would be issued a Certificate by concerned RPO stating that RC/IC No. dated has been surrendered on by Shri consequent upon his applying for an Indian passport.
 - (d) TR should not be staying in any of the designated Tibetan Refugee settlements nor enjoying any CTA benefits or subsidies after receipt of an Indian passport. Such an applicant should, therefore, furnish an undertaking/declaration as per the attached Annexure, to the effect that he will not be staying in any Tibetan Refugee settlement nor enjoying any CTA benefits, privileges or subsidies once an Indian passport is issued to him.
3. In view of the above, PIAs are requested to process the applications received till date and in future from TR applicants born in India between 26.01.1950 and 1.7.1987 and their children who have been declared Indian citizens under the Citizenship Act, 1955.



(Arun Kumar Chatterjee)
Joint Secretary (PSP) & CPO

All the Passport Issuing Authorities in India and abroad

Copy for information to:

1. Joint Secretary (Foreigners), Ministry of Home Affairs, New Delhi
2. Joint Secretary (East Asia), Ministry of External Affairs, New Delhi

DECLARATION

(To be submitted by Tibetan Refugees (TRs) applying for an Indian Passport)

I, (name), son/daughter/ of Shri residing at Date of Birth, being an applicant for issue of an Indian passport, do hereby solemnly affirm and state the following:

I) I hereby surrender my

(i) IC No. issued on at and valid upto

(ii) RC No. issued on at and valid upto.....

II) By surrendering my IC and RC of my own volition and choice and choosing to apply for an Indian passport, I willingly give up my status and all entitlements of a Tibetan Refugee.

III) I shall not continue to stay at any Tibetan Refugee Settlement once an Indian passport is issued to me.

IV) I shall renounce all my CTA benefits once an Indian passport is issued to me.

V) I will give up all privileges and subsidies enjoyed as a Tibetan Refugee once an Indian passport is issued to me.

VI) I do not have in my possession any other document or identity that would confer the status of a Tibetan Refugee or entitle me to enjoy the benefits due to a Tibetan Refugee.

VII) I do not hold any other citizenship or nationality at the time of applying for an Indian passport except the status of a Tibetan Refugee and I shall, in future on obtaining any other foreign nationality/citizenship surrender my Indian passport and Indian citizenship forthwith.

2. I verify and confirm that the contents mentioned above are true and correct and nothing material has been concealed or any false information provided.

3. I also affirm that I am solely responsible for the veracity of the contents and shall be liable for suspension or revocation of my Indian passport and/or prosecution if it at a later date it comes to light that material information/declaration provided by me as above turns out to be false or I am not abiding by the statement averred by me in this declaration.

Place:

Signature

Date:

Full Name:

Contact No:

E-mail Id, if any:

Note: In case of minor applicants (declaration is to be provided by the parents)

