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One Hundred and Twelfth Congress
Tom Lantos Human Rights Commission

December 9, 2011

His Excellency Ram Baran Yadav
President of Nepal
c/o Embassy of Nepal
2131 Leroy Place NW
Washington, D.C. 20008

Dear Mr. President:

As leaders on the Tom Lantos Human Rights Commission, we write to express our deep concern over Nepal's lack of a comprehensive refugee law, delays in the transit of Tibetan refugees through Nepal, and the failure to work with the U.S. government to implement a program that would allow the resettlement of Tibetan refugees in the United States. We urge your government to grant exit visas to Tibetan refugees to enable them to resettle in other countries.

Nepal has made significant progress since 2006, and we commend the constructive steps your government has taken with respect to human rights. However, we remain concerned that Nepal has restricted Tibetan refugees' right to freedom of movement as enshrined in the International Covenant on Civil and Political Rights (ICCPR). We are particularly alarmed by recent statements made by a spokesman for Nepal's home ministry, Sudhir Kumar Saha, indicating that the Nepalese government "may have to slash all the facilities being granted to the Tibetans residing in Nepal, such as that of their freedom to move." Such statements run contrary to the letter and spirit of Nepal's human rights obligations.

In particular, we are greatly concerned that the mention of "facilities" could be a reference to the Tibetan Refugee Reception Center in Kathmandu. This facility is operated by the United Nations refugee program and provides an essential lifeline for Tibetans who are fleeing legitimate fear of persecution in China and transiting through Nepal on to India. We would appreciate your government's expression of continued support for the "Gentleman's Agreement" between the U.N. High Commissioner for Refugees and Nepal. The Center is an indispensable component of this agreement and must be permitted to continue serving Tibetan refugees. We would also appreciate your clarification on Mr. Saha's remarks.

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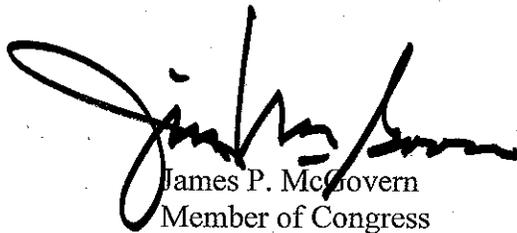
As part of the U.S. government's commitment to aid Nepal's democratic transition, our country stands ready to help Nepal address its refugee issues. The U.S. State Department remains committed to its offer to resettle Tibetan refugees from Nepal, as first proposed by former U.S. President George W. Bush in 2005. However, these resettlement proposals can only be carried out with the cooperation of the Nepalese government. We believe that the implementation of a resettlement program in the U.S., in tandem with an initiative by Nepal to provide legal status to these refugees, can be a positive step forward by our two nations in helping to solve this refugee problem. The experience with the resettlement of Bhutanese refugees shows that such a program can be successfully implemented as well as be beneficial to U.S.-Nepal relations.

The effort by the Constituent Assembly of Nepal to revise the Nepalese constitution presents an opportunity to shape and enact a law governing the protection of refugees in your country. Such a law would provide a legal basis for policies regarding refugees in Nepal, as well as provide clarity for the United States, neighboring countries, and other concerned nations regarding Nepal's commitment to the protection of refugee rights.

We urge the Nepalese government to review its policies regarding the resettlement of Tibetan refugees in light of its international human rights law obligations. We believe that Nepal's long-term interests will be best served by upholding its stated commitment to human rights, particularly with respect to giving Tibetan refugees visas to leave Nepal.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,



James P. McGovern
Member of Congress



Frank R. Wolf
Member of Congress



Joe Pitts
Joseph R. Pitts
Member of Congress

Cc: His Excellency Scott H. DeLisi, United States Ambassador to Nepal