

Mandates of the Special Rapporteur on minority issues; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL NPL 1/2026
(Please use this reference in your reply)

16 February 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues; Special Rapporteur on the human rights of migrants and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 52/5, 52/20 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received indicating **alleged discriminatory and arbitrary administrative practices affecting refugees in Nepal, including the requirement to obtain government-approved exit permits and the imposition of excessive and arbitrary "overstay fines", which reportedly hinder access to third-country resettlement for vulnerable refugees recognized by UNHCR.**

According to the information received:

Refugees and asylum seekers in Nepal reportedly face persistent administrative and financial obstacles when seeking to depart the country for third-country resettlement, despite having been formally accepted for resettlement through international protection mechanisms. These practices allegedly affect refugees recognized and assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR), and appear to reflect a broader pattern of restrictive migration control measures applied to persons in need of international protection. It is reported that refugees who are granted the opportunity to be resettled to a third country are required to obtain an exit permit in order to leave Nepal. Such exit permits are reportedly issued by the Department of Immigration under the Ministry of Home Affairs, subject to prior governmental approval. According to the information received, Nepalese authorities continue to treat refugees as "illegal migrants" for the purpose of exit procedures, notwithstanding their status as persons seeking or benefiting from international protection.

According to the information received, at least 15 refugee families who have been approved for resettlement to Canada, with the support of UNHCR, are reportedly prevented from leaving Nepal due to the refusal or obstruction by Nepalese authorities to issue the required exit permits. Despite having completed all required resettlement procedures, some refugees reportedly remain stranded for prolonged periods and are unable to depart Nepal.

It is further reported that, in order to obtain an exit permit, refugees have been required to pay so-called "overstay fines" imposed by the Ministry of Home Affairs, on the basis that they allegedly exceeded the duration of their visas. The

amounts of these fines reportedly reach exceptionally high sums, in some cases up to USD 100,000. According to the information received, even when such fines are paid, refugees are still being denied authorization to leave the country.

The information further indicates that the imposition of “overstay fines” on refugees is arbitrary and inconsistent. In previous cases, such fines and penalties have reportedly been waived on an ad-hoc basis by the Ministry of Finance¹ when refugees departed Nepal for third-country resettlement, suggesting the absence of a clear legal framework and the discretionary nature of the practice.

For example, Nadia Imran, Imran Bhatti, Khilqia Khilqia, and Shekinah Elohim fled Pakistan because of religious persecution in 2015. They were recognized as refugees by UNHCR in 2016. With support from the Ralph Connor United Church in Canada, the family received a resettlement visa for Canada for the first time on 24 January 2023. As Nepal regards refugees as illegal immigrants, the family has feared going to government offices in case authorities would arrest and deport them. For this reason, the family has relied on UNHCR to advocate on their behalf. When the family received the resettlement visa from Canada, UNHCR had advocated with the Nepalese Government to issue the family members exit permits. The Nepalese Government reportedly indicated that refugees do not have the right to resettle in a third country, that they should pay for overstaying their visas, and that they should return to their country of origin – an option not available to the family who continues to face the threat of persecution in Pakistan. The Ralph Connor United Church in Canada raised funds to support the family in the form of a loan. On 22 June 2025, the family received the Canadian visa for the second time. On 30 June 2025, the family paid USD 98,856.44 to the Nepalese Government to cover the overstay charges, while the immigration officer handling their case confiscated their original documents. Despite paying the overstay charges and having tickets for Canada organized by IOM for 4 July 2025, the family never received their exit permits and has not been able to leave Nepal for Canada. The family has followed up numerous times with the Immigration Office regarding the status of their application for the exit permits, but they are not given any status updates or any explanation for the delays. In the meantime, their visas to Canada have expired again. As they await a response from the Immigration Office, the Nepalese Government is adding an additional USD 1,080 in overstay charges for the family of four people each month. They have indicated that they cannot afford to pay the additional charges. As a result of this situation, the family suffers from mental stress and health complications. As refugees, the family members are not allowed to work in Nepal and the children, who are now adults, are not able to pursue their education. Given their legal status, they would also not be able to register their marriages. In addition, the family members suffer from discrimination in society, including in their access to hospitals, as a result of the negative stereotypes about refugees that have been perpetuated by the media.

Another case concerns Afzal Bhatti, Neena Afzal, Ambroze Afzal, Tamseel Afzal, Sitaish Afzal, Nadia Gabriel, and Alvina Gabriel who reportedly fled

¹ <https://thehimalayantimes.com/nepal/700-illegals-set-for-3rd-country-resettlement>; <https://ceslam.org/news-media/36-urban-refugees-to-get-exit-permits/>; <https://kathmandupost.com/valley/2015/03/24/73-foreigners-get-visa-amnesty>

Pakistan in 2014 because of religious persecution. They were recognized by UNHCR as refugees in 2015. Their Pakistani passports have since expired. On 24 January 2023, they reportedly received the Canadian resettlement visa from the Canadian Embassy in New Delhi with one-year validity through the sponsorship of Woodside Bible Fellowship Church, Elmira, Ontario. As a result of their visas expiring in Nepal, the Government of Nepal imposed an overstay fine of USD 9 per person per day, amounting to thousands of dollars – an amount that the family is unable to pay. UNHCR submitted a request on their behalf to waive the overstay charges in January 2024 and on 7 March 2025. UNHCR also referred the family to the Immigration Office to submit documents for the waiver application. Despite this, the family has still not received their exit permit. Given that the family members are not allowed to work legally in Nepal, due to their legal status, they are facing severe hardships, especially regarding the children’s access to education and access to proper medical care. The family members remain entirely dependent on UNHCR’s support. As a result of the frustration and hardship caused by the prevention of being able to leave Nepal for third-country resettlement, one of their community members committed suicide in Kathmandu on 17 July 2025.

Another case concerns Mathias Khumpi, Veronica Sai Nei Thiam, Nicholas Thian Hlei Thang, and Elizabeth Lal Nun Par who fled Myanmar in 2012 following persecution by the military, including sexual violence, arbitrary detention, and the killing of relatives. Fleeing to India, their documents had been confiscated by security forces at the border crossing. They arrived in Nepal in 2012 and were recognized by UNHCR as refugees that same year. They received a visa from the Canadian Embassy in New Delhi to facilitate their third-country resettlement on 24 January 2023 and then again on 1 May 2023. Each time that the family submits an official request to the Nepalese Government to obtain the exit permit, there is no follow-up from the Nepalese Government. The family continues to live in limbo as they await the issuance of the exit permit by the Nepalese Government.

Without prejudging the accuracy of the information received, we express serious concern that the imposition of exit permits and arbitrary “overstay fines” on UNHCR-recognized refugees seeking third-country resettlement may constitute a violation of Nepal’s international human rights obligations, in particular under article 12 of the International Covenant on Civil and Political Rights (ICCPR), to which Nepal acceded on 14 May 1991. Article 12(2) of the ICCPR guarantees the right of everyone to leave any country, including their own. Any restriction on this right must comply with the strict requirements set out in article 12(3), namely that such restrictions must be provided by law, necessary in a democratic society, proportionate to a legitimate aim, and must not impair the essence of the right. The imposition of discretionary exit permits and the conditioning of departure on the payment of excessive financial penalties may constitute arbitrary and disproportionate restrictions that are not justified by any legitimate aim recognized under the Covenant.

We express concerns that, in the absence of Nepal being a party to the Convention relating to the Status of Refugees of 1951 and having no domestic refugee law, persons recognized as refugees by the UNHCR are wrongly treated by the

Nepalese authorities as irregular migrants under the existing immigration framework². We are concerned about the imposition of punitive financial sanctions for “overstaying visas”, which may violate articles 2(1) of the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Nepal acceded on 14 May 1991, as well as article 26 of the ICCPR that guarantee equality before the law and prohibit discrimination. Penalizing individuals for seeking asylum or remaining in a country while awaiting protection or resettlement may amount to discriminatory treatment based on nationality or migration status. We are further concerned that the reported practices may undermine the customary international law principle of non-penalization of refugees and asylum seekers and that they create significant administrative and financial barriers to accessing durable solutions, including resettlement, in close cooperation with UNHCR and the International Organization for Migration (IOM).

Persons recognized by UNHCR as being “refugees” pursuant to the High Commissioner for Refugees’ globally recognized mandate³ and accepted under customary international law⁴, are highly vulnerable individuals who are at substantial risk of being persecuted on account of their race, religion, nationality, or political opinion from their own countries. While Nepal is not a party to the Convention relating to the Status of Refugees of 1951, the right to asylum is well recognized under customary international law and is found in “right to seek and enjoy asylum from persecution in other countries” as documented in article 14 of the Universal Declaration of Human Rights and all subsequent annual General Assembly resolutions. We are concerned that the imposition of extremely high fines, reportedly reaching amounts as high as USD 100,000, administrative obstruction, and restrictions on freedom of movement and the inability to leave the country despite confirmed resettlement opportunities, are causing untold mental anguish and prolonged uncertainty about their futures on refugees residing in Nepal. The impact of the combination of these factors may conflict with Nepal’s obligations in article 7 of the ICCPR and the article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to by Nepal on 14 May 1991. The cumulative impact of these punitive measures may reach the threshold of degrading treatment prohibited under international law, particularly for vulnerable populations such as refugees who already face severe marginalization and ostracization in Nepalese society.

Taken together, the alleged actions such as the requirement of exit permits, the imposition of excessive and arbitrary overstay fines, and the treatment of refugees as “illegal migrants” despite their recognition by UNHCR and approval for third-country resettlement may therefore be in contravention of Nepal’s international human rights obligations, in particular under articles 2, 7, 12, and 26 of the ICCPR, article 2 of ICESCR, and article 16 of the CAT.

We would strongly encourage Nepal to review and amend existing laws to provide exceptions for persons recognized as refugees and fulfill its obligations under

² United Nations High Commissioner for Refugees (UNHCR), *Nepal: Urban Refugees and Asylum-Seekers* (legacy PDF), UNHCR, available at HYPERLINK "<https://www.unhcr.org/sites/default/files/legacy-pdf/4fc880b50.pdf>"<https://www.unhcr.org/sites/default/files/legacy-pdf/4fc880b50.pdf>

³ Statute of the Office of the United Nations High Commissioner for Refugees, General Assembly res. 428(V), 14 December 1950.

⁴ UNHCR, Note on the mandate of the United Nations High Commissioner for Refugees and his/her Office, October 2013.

customary international law. While undertaking these necessary reforms, we would encourage that a procedure be put in place expeditiously to waive the imposition of fines associated with perceived illegal entry or stay for refugees recognized by UNHCR.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for requiring refugees recognized by UNHCR to obtain exit permits in order to leave Nepal, as well as the legal basis for the imposition of “overstay fines”, and explain how these measures are compatible with Nepal’s obligations under international human rights law, including articles 2, 7, 12, and 26 of the ICCPR, article 2 of ICESCR, and article 16 of the CAT.
3. Please provide information concerning the cases of the at least 15 families reportedly approved for third-country resettlement to Canada with the support of UNHCR, who have allegedly been prevented from leaving Nepal by the authorities. Please indicate the reasons for the refusal or delay in issuing exit permits and indicate when the exit permits will be issued.
4. Please provide information concerning the imposition of excessive and allegedly arbitrary overstay fines, reportedly reaching amounts as high as USD 100,000, including the authorities responsible for their imposition and the remedies available to challenge them.
5. Please clarify whether the Government intends to suspend and waive all overstay fines, penalties, and related administrative charges imposed on refugees recognized by UNHCR who are awaiting third-country resettlement, and to ensure that such fines are not imposed in the future.
6. Please provide information on the steps taken to ensure that refugees and asylum seekers are not treated as “illegal migrants”, nor penalized for irregular entry or stay when seeking asylum or protection in Nepal, in line with international human rights standards and customary international law principles of international refugee law.
7. Please explain the steps taken and/or under consideration for Nepal to accede to the 1951 Convention on the Status of Refugees and its 1967 Protocol.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Pending your response, we urge the immediate adoption of all necessary interim measures to bring the alleged violations to an end and to prevent their recurrence. Should any investigation confirm or substantiate the allegations, we further urge that prompt, thorough and impartial steps be taken to ensure full accountability for all those responsible. In this context, we respectfully call upon your Excellency's Government to take all necessary measures to guarantee full compliance with its international human rights obligations, including by removing any administrative or financial barriers that impede the right to leave the country and by ensuring the protection of refugees and asylum seekers in accordance with international standards.

A copy of this letter has also been transmitted to Canada for their information.

Please accept, Excellency, the assurances of our highest consideration.

Nicolas Levrat
Special Rapporteur on minority issues

Gehad Madi
Special Rapporteur on the human rights of migrants

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government of its legal obligations under international law applicable to the issues brought forth.

Right to leave a country

We would like to draw the attention of your Excellency's Government to several provisions under international law that provide the right to leave a country. For example, **article 13(2) of the [Universal Declaration of Human Rights](#)** indicates that everyone has the right to leave any country, including his own, and to return to his country.

Article 12 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#), to which Nepal acceded on 14 May 1991, states that everyone shall be free to leave any country, including their own. Restrictions on the right to leave are only permissible if they meet strict criteria outlined in ICCPR article 12(3): they must be established by law; they must be necessary in a democratic society for specific purposes like national security, public order, or protecting the rights and freedoms of others; they must be proportionate, meaning they should be the least restrictive means to achieve a legitimate goal and not undermine the essence of the right.

The guidance in **[general comment No. 27](#)** provides that the scope of article 12, paragraph 2, is not restricted to persons lawfully within the territory of a State and as such, it applies to refugees and those without any status. The conditions to restrict the right to leave a country must be established by law. Restrictions which are not provided for in the law or are not in conformity with the requirements of article 12, paragraph 3, would violate the rights guaranteed by paragraphs 1 and 2 of article 12 of the ICCPR. The Human Rights Committee also expresses concern about the legal and bureaucratic barriers that often adversely affect the right to leave a country.

In addition, in **[concluding observations](#)** related to Belarus concerning provisions limiting or restricting freedom of movement, the **Human Rights Committee** has stated that exit visas violate article 12 of the ICCPR.

In addition, under **article 5 of the [International Convention on the Elimination of All Forms of Racial Discrimination \(CERD\)](#)**, which Nepal accessed on 30 January 1971, Nepal has committed to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to leave any country.

Article 10 of the [Convention on the Rights of the Child \(CRC\)](#), which Nepal ratified on 14 September 1990, also guarantees a child's right to leave any country. The CRC states that the right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the 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 CRC.

Article 5 of the [General Assembly's Declaration on the Human Rights of Individuals Who are Not Nationals of the Country in Which They Live](#) indicates that any individual who is not a national of the State in which he or she is present has the right to leave the country, subject to restrictions prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order, public health or morals or the rights and freedom of others.

Non-Discrimination and Equality

We would like to draw the attention of your Excellency's Government to the principles of equality and non-discrimination, which are core elements of the international human rights normative framework and enshrined, inter alia, in **articles 2 of the [ICCPR](#) and the [International Covenant on Economic, Social and Cultural Rights](#)**, to which Nepal acceded on 14 May 1991. Under **article 26 of the [ICCPR](#)** the State party is required to guarantee that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

Right to seek asylum from persecution

Article 14 of the [Universal Declaration of Human Rights](#) recognizes the right of all persons to seek and enjoy asylum from persecution in other countries. This is a customary international legal right, of which the core principles that flow from it include the obligation not to send anyone in any manner whatsoever to where they would be at risk of persecution and that owing to their circumstances, refugees shall not be penalized for their illegal entry or stay.

Degrading treatment

Article 5 of the [Universal Declaration of Human Rights](#) and 7 of the [ICCPR](#) and the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), acceded to by Nepal on 14 May 1991, which prohibits all acts of torture and/or cruel, inhuman or degrading treatment or punishment. Article 3 of the CAT also requires that persons shall never be returned or transferred to any country where they are at risk of torture.