

# India

## Executive Committee Summary

### (a) Context and Beneficiary Populations

UNHCR in India is not accredited to the Government of India and operates as a Mission under the umbrella of the UN Resident Coordinator. India is not a signatory to the 1951 Convention relating to the Status of Refugees. However, India is party to the “Revised Bangkok Principles”, a regional refugee instrument. In the absence of national law on refugees, UNHCR in India would continue to determine the status of individual asylum seekers and exercise its mandate over some 12,922 mandate refugees.

At the political level, national security concerns impacted on policies and practices towards certain nationalities, and indirectly, affected some refugee groups. The 1946 Foreigners Act is applicable to refugees and asylum seekers, who are considered as foreigners under the law. Stringent application of the Foreigners Act, which had restricted the issuance and renewal of Residential Permits (RP) in the past three years, has been relaxed since the latter half of 2001 for Afghan refugees.

Afghans represent 91% of the overall mandate refugee population and is the largest group. The majority arrived in India over a decade ago. The second largest group are the Myanmarese, who represent 7% of the population. The majority are ethnic Chins from Chin State in Myanmar.

Temporary renewal and issuance of RPs for Afghan mandate refugees resumed in September 2001. Myanmarese refugees have keen political support in India and have been able to secure residential permits on the basis of UNHCR refugee certificates, despite the lack of personal documents. Most other nationality groups have no lawful means of staying in the country and face serious protection problems.

In 2003, UNHCR India would, in accordance with UNHCR global policy on return to Afghanistan, facilitate or promote voluntary repatriation. Developments in Afghanistan have been positively received by some Afghan refugees in India and a few Afghans have already voluntarily repatriated (16 families/30 persons). About 243 refugees (76 families) have shown interest in repatriation as of the end of June 2002.

In parallel, UNHCR would promote the local integration of Afghan refugees of “Indian origin” with the Government of India, who represent 78% of all Afghan refugees, and advocate for simplified procedures related to their naturalization. This would apply to refugees who have legally entered and stayed in India for over ten years and who qualify for Indian nationality under the relevant laws. This group has prospects for integration because of their cultural, religious affinities, and links with the local population.

In 2003, resettlement efforts would focus on the needs of the residual caseload involving ethnic Afghans for whom voluntary repatriation may not be a solution or may be limited, and on refugees with protection problems in India such as those without RPs.

Raising awareness of refugee protection problems among the judiciary, institutions and the general public would continue to safeguard refugee security and improve the quality of asylum. Promotional activities aimed at these efforts are given particular importance in UNHCR's operational plan. UNHCR would continue to be engaged in a range of promotional activities with law enforcement agencies, academic institutions, human rights organizations, the media and the civil society.

UNHCR works through six implementing partners under its care and maintenance project. These are Public Interest Legal Service and Research Center (PILSARC), the Socio-Legal Information Center (SLIC) and the Gandhi National Memorial Society (GNMS) in Pune, under protection related activities; the New Delhi Council of YMCA (YMCA) under Education, the Voluntary Health Association of Delhi (VHAD) under Health and the Don Bosco Ashalayam (DBA) in the Income Generation sector.

Under the care and maintenance assistance programme, refugees demands for subsistence allowances remain high. Based on need assessment, family or community-based coping mechanisms and available financial resources, UNHCR would continue to provide monthly subsistence allowances to some 2,000 refugees.

In 2003, the self-reliance initiative would enter its second year of implementation, the holistic approach encompasses vocational training, life skills and accompaniment in job placement and self-employment opportunities. These activities would have shown measurable results as there were some 500 beneficiaries in 2002. The UNHCR-led working group on access to work for refugees started in April 2002 with the participation of two socio-legal partners, a self-reliance partner and ILO Delhi.

2003 would still be a transitional period for UNHCR Delhi, with regard to the change process and the self-reliance initiative. Present levels of care and maintenance assistance would be maintained.

UNHCR plans to facilitate voluntary repatriation to Sri Lanka of 800-1000 refugees among some 64,061 Sri Lankan refugees living in camps in Tamil Nadu. While UNHCR has no direct access to refugee camps, through its office in Chennai UNHCR verifies the voluntary character of repatriation.

With positive developments in Sri Lanka, prospects for large-scale repatriation may become reality. Should the current peace process hold in Sri Lanka, UNHCR Delhi would, in close consultation and coordination with UNHCR Colombo, and concerned governments, shift from facilitation to promotion of voluntary repatriation. A contingency plan for mass return would be prepared during the second quarter of 2002. Regular contact and exchange of information takes place between the UNHCR offices in India and in Sri Lanka in this regard.

UNHCR collaborates with NGOs, other UN agencies and international organizations in the country.

**(b) Main Programme Goal(s) and Principal Objectives**

Name of Beneficiary Population / Care and Maintenance of urban refugees	
<p>Main Goal(s)</p> <ul style="list-style-type: none"> <li>• Access of asylum seekers to Refugee Status Determination (RSD) under UNHCR Mandate</li> <li>• Improve delivery and quality of UNHCR protection</li> <li>• Promote durable solutions</li> <li>• Promote refugees participation and empowerment</li> <li>• Enhance refugee protection environment</li> </ul>	
Principal Objectives	Major Related Outputs
<ul style="list-style-type: none"> <li>• RSD process meets international standards</li> <li>• Refugees have access to durable solution options such as naturalisation for Indian origin Afghans and voluntary repatriation</li> <li>• Economically needy mandate refugees have basic subsistence means pending empowerment and EVIs benefit of a welfare safety net</li> <li>• Refugees have access to primary health care and education, their special needs are addressed</li> </ul>	<ul style="list-style-type: none"> <li>• RSD mapped out and managed effectively and guidelines issued for different caseloads</li> <li>• Systematic and effective identification of durable solutions and effective assistance and implementation of the solutions</li> <li>• Subsistence allowance paid to economically needy and EVI refugees</li> <li>• Subsidised access to primary education to all refugee children</li> <li>• Delivery of preventive health care and health referrals effective</li> </ul>