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INDIA: CLOSE THE GAP FOR BURMESE REFUGEES

Like Burma's other neighbors, India hosts a large and growing refugee population, the majority of whom are Chin ethnic minorities. India generally tolerates the presence of Burmese refugees, but does not afford them any legal protection, leaving them vulnerable to harassment, discrimination, and deportation. While India's lack of a legal regime for refugees is a major impediment to addressing the needs of Burmese refugees, the UN Refugee Agency (UNHCR) and international donors need to explore creative ways to work within the existing framework to provide assistance and increase protection for this population.

THE PLIGHT OF BURMESE REFUGEES IN INDIA

The Burmese refugee population in India is overwhelmingly from the Chin ethnic minority group, with smaller Kachin, Arakan, and Burman populations as well. This report focuses mainly on the situation of the Chin, as they make up the majority of Burmese refugees in the country.

Burmese refugees in India live primarily in two places: the Northeast states of Mizoram and, to a lesser extent, Manipur, and the capital city of Delhi. Since India does not officially recognize Burmese as refugees, it is difficult to get a firm grasp on how many Burmese live in the country. Estimates for the Northeast, where the refugee population is predominantly Chin, range from 50,000 to 100,000. The UN Refugee Agency (UNHCR) has registered between 3,000 to 4,000 Burmese living in Delhi, also primarily Chin, and estimates that over 600 Burmese are finding their way to Delhi each month.

Chin refugees have been leaving Burma for over four decades to escape persistent human rights abuses committed by the Burmese army. Many experts believe that abuses became increasingly systematic and serious after the 1988 uprising in Burma, and this date does signal a growth in

POLICY RECOMMENDATIONS

- The US government and other international leaders should support the Government of India's efforts to develop and approve domestic refugee law to confer legal status and protection to Burmese refugees, among others. The Government of India should also allow UNHCR to access Burmese refugee populations throughout the country.
- UNHCR should work to refine its assistance programs in India with the active cooperation of Chin community-based organizations. International donors including the U.S., UK, EU, and Australia should provide additional assistance to UNHCR for these programs.
- International donors should explore providing resources to Chin community-based organizations and Indian civil society groups to increase assistance to refugees in Delhi and the Northeast. This funding should include resources to support capacity building for Chin community-based organizations.

the numbers of refugees in India. However, there is a sizeable community of Chin refugees in India that have resided here since the 1970s, and who play an important role in helping refugee communities adjust to their new surroundings.

Since 2007, Chin State has faced a widespread famine due to the flowering of bamboo forests, which occurs every fifty years, and the resulting plagues of rats that eat the bamboo fruit and any other crops in their path. In combination with forced labor, bribery, and the expropriation of crops, livestock and other resources by the Burmese army, the famine has broken the capacity of many families to survive in Burma and forced them to leave the country.

Current conditions make it clear that there is a need for increased international humanitarian aid to reach into Chin State, whether from operations based out of Rangoon or through more support for cross-border assistance managed by Chin organizations in Mizoram. Furthermore, the devastation of the famine has created a need for aid to address longer-term development needs in Chin State to raise people beyond bare subsistence agriculture.

India is not a signatory to the 1951 Refugee Convention, nor does it have a domestic legal code to identify and protect refugees. Although Chin refugees in India have no legal status, the Indian government does have an informal arrangement to allow UNHCR to maintain an office in Delhi, and to provide limited basic services to refugees living there. UNHCR is not allowed to operate in the North-east states where the majority of Chin refugees live. UNHCR has little funding for its operations, and programs that address health, education, livelihood, and legal issues for beneficiaries in Delhi are not sufficient to meet the needs of the refugee community.

STRANGERS IN A FAMILIAR LAND

Most Chin refugees enter India across the land border with Mizoram State, and this is where the majority of the refugee population has settled. Mizoram is one of the most urbanized states in India, and refugees generally gravitate towards cities and towns despite coming from largely agricultural backgrounds. The Chin generally share sub-tribal connections with the Mizo community, and refugees tend to gravitate towards Mizo areas with people that share the same background. In these cases, language is not a problem and many refugees are able to blend into the local population without much difficulty.

Many Chin refugees do not conform to this ideal, however, and easily find themselves isolated from the host community

where they live. Even in instances when a refugee can use their sub-tribal connections to integrate into a Mizo town, the small size of communities makes it easy to identify who is not a native resident.

After the war for independence from India that ended in 1987, Mizo society has remained highly insular and suspicious of foreigners, including Burmese refugees. The Young Mizo Association, a state-wide community organization dedicated to the preservation of Mizo culture, has conducted purges and pushed back thousands of Burmese refugees across the border, most recently in 2003. Though these tensions ebb and flow, many refugees report feeling a general lack of comfort in society.

In frequent cases, these attitudes towards Chin refugees can result in job discrimination or minor public harassment (this treatment should not be equated to the treatment refugees receive in Delhi, discussed below). In some extreme cases, it has prevented refugees from settling in communities that have made it known that refugees are not welcome. Because they have no legal status, refugees fear that they could be subjected to a variety of discriminatory actions including expulsion; this fear pervades the community.

Chin refugees generally report access to, and fair treatment in, housing, education, and health services. Regarding housing, refugees report the ability to rent housing at the same prices as local residents. Though requirements for letters of reference can be a burden for newly arrived refugees, these requirements are no different for the Mizo community. However, lack of legal protections make it easy for abuses to occur, and reports of such problems exist.

Refugees generally report routine access to hospitals and clinics and fair treatment there as well. However, language differences can sometimes be a barrier to effective care and the ease of service can vary widely on a town-by-town basis. Lack of financial resources to pay for medicine, transportation to medical facilities, and follow-up services are reported as larger problems.

As for education, Chin refugee children who are born in India generally have few difficulties in accessing government-run and private schools as they have proper Indian documentation. Chin children born in Burma can have difficulties accessing government schools because of documentation requirements, including the presentation of birth certificates. This is not the case for private schools, which are more expensive. Lack of financial resources is the main obstacle to proper schooling for the Chin.

Chin refugees in Mizoram face consistent and chronic problems with poverty, and cite the lack of income as the main barrier to obtaining proper housing, education, and health care. Job discrimination generally prevents most Chin from finding work outside of menial jobs such as road construction, domestic work, or farm labor. There are also sporadic reports of wage discrepancies between Chin and local workers and denial of wages for refugees based on the lack of legal status. Under-employment appears to be the biggest challenge, and refugees report that they are only offered work on days that local employees cannot be found.

It is important to note that there is a significant community of Chin refugees that have integrated into local Mizo society and have access to citizenship, government jobs, and occasionally voting rights. This community has been a source of stability and assistance for many new arrivals, although their help is largely contingent on family and sub-tribe affiliations. In general, this community hides their Burmese origins and is discreet about their involvement with the Chin community, limiting their ability to act as agents of social transformation.

Chin refugees in Mizoram receive little to no assistance in meeting their needs. Refugees International found evidence of numerous mutual assistance organizations that provided help in emergency cases, but even these groups reported insufficient funds to be truly effective. There are also a number of Chin organizations in Mizoram with broader membership and some access to international funding. However, these organizations, while willing to work with the Chin community in Mizoram, are currently focused exclusively on providing assistance inside Burma. Many Chin women's organizations also exist, and are supporting a small number of families in Mizoram with stipends for education and assistance for healthcare.

While most Chin refugees in Mizoram have never heard of UNHCR, many have reported that they are aware that some protection and assistance is available in Delhi, as well as opportunities for resettlement to third countries. In fact, Delhi is the only place where refugees can register with UNHCR and receive some limited assistance from the international community. This potential access to assistance and resettlement has fueled greater migration to Delhi in recent years, although the conditions Chin refugees find there are often far worse than what they have left in Mizoram.

A PRECARIOUS PROTECTION SITUATION

Without any formal recognition as refugees, the Chin in Delhi suffer numerous challenges. Because they look different from the local population, the Chin are easily targeted for discrimination as foreigners. The inability of many Chin refugees to communicate in either English or Hindi also subjects them to prejudice and daily hardship. Women refugees in particular are vulnerable to extensive assault and harassment in Delhi. The Government of India should confer legal status and protection to refugees to reduce the vulnerability of Chin and other affected populations to discrimination and abuse.

As in Mizoram, Chin refugees find employment in the informal sector, most often in restaurants or factories. Wage discrimination and underemployment are much more prevalent, however, and are a major source of vulnerability for the refugees. Additionally, women complain of harassment encountered while taking public transportation to and from work. Many employers also take advantage of their illegal status and refugees feel powerless to do anything if they are harassed.

As an urban refugee population, Chin have little choice but to live together in small apartments, and often several families inhabit one room. Chin refugees also face rent discrimination, and pay significantly more for housing than local people. Many refugees are threatened with eviction for minor problems, including complaints from neighbors regarding minor disturbances and even the cooking of meat in vegetarian neighborhoods. Access to clean drinking water is also difficult, and many refugees have become ill as a result.

Sexual harassment by Indian locals against the refugee community is widespread, including incidents of rape. Many women are afraid to go out at night in their neighborhoods alone. RI has been informed of multiple cases where abuses have been reported to the police and no action has been taken. As a result, most women prefer not to report cases of sexual harassment or rape. Furthermore, within the Chin community, stigma is attached to women who have been abused or raped, which also prevents many from coming forward and seeking support or protection.

In contrast to Mizoram, access to basic services such as education and healthcare are major challenges for the Chin refugee community in Delhi. While access to government-run schooling is similar to Mizoram, there is stricter enforcement of proper documentation requirements. As in Mizoram, the money needed to pay for fees and school uniforms is much more prohibitive.

Refugees have access to local hospitals in Delhi but discrimination from medical staff can be a problem, and many refugees report that language issues prevent them from receiving proper treatment. As in Mizoram, cost is often the primary obstacle to receiving adequate medical treatment. Chin refugee women told RI that they prefer to give birth in a small informal free clinic that is run by Burmese rather than at the local hospital, both for language and cost reasons.

MEETING BURMESE REFUGEES' NEEDS

In Delhi, UNHCR is able to play a role in addressing the needs of Chin refugees that is not possible in Mizoram. Despite this access, the agency is constrained by funding and its own informal status in the country, both of which hamper its ability to promote better treatment of refugees by the government of India. International donors, including the US, UK, EU and Australia should respond to this challenge and support UNHCR's efforts to reach a larger portion of the Chin and Burmese population in Mizoram and Delhi.

UNHCR, through its implementing partners, is working to address the needs of Chin refugees in Delhi through programs focused on education, health, and livelihoods. UNHCR's partners provide families with some compensation to cover the cost of school fees, and also provide translators who can accompany refugees to the hospital. There are also training programs for refugees in English, computers, and in skills such as tailoring.

In a positive step forward, UNHCR has also begun to change its policy to allow asylum seekers who are waiting for refugee status to be able to benefit from the services of its implementing partners, which previously only recognized refugees could access.

Despite the presence of basic services through UNHCR's implementing partners, many refugees in Delhi feel that these services need to be modified and even redesigned to better meet their needs. Chin refugees in Delhi also complained to RI about access to some services, including problems with discriminatory treatment from security personnel outside UNHCR and its partner offices.

In Delhi, members of the Burmese refugee community, including the Chins and Kachins, have established their own refugee committees, in order to be able to collectively

represent and provide for their own people. There are also several Burmese women's groups who meet regularly together. UNHCR and donors need to work more closely with these groups.

Currently, there are a large number of issues in dispute for the refugee community that could be resolved by more regular communication between UNHCR and the Chin community-based organizations. Such communication should encourage the involvement of the refugee committees in bringing assistance and attention to the wider Burmese refugee community.

CONCLUSION

Chin refugees in India suffer from a sequential host of difficulties. At the base, widespread discrimination in Delhi and wariness of foreigners in Mizoram leave refugees open to problems ranging from harassment to removal from the country. The lack of an Indian legal regime to confer rights and protection to refugees allows these problems to continue unabated, encouraging more abuse of the Chin as well as other Burmese refugees.

Lack of status and vulnerability to discrimination have left most Chin refugees in India with inadequate income to meet their basic housing, health, and education needs. UNHCR's limited role largely leaves Chin refugees to fend for themselves and leaves little to no social safety net for vulnerable refugees. While resettlement provides a lasting solution for a very few Chin refugees in India, the vast majority face long-term difficulties with no ability to return home in sight.

The international community can and should do more to assist Chin and Burmese refugees in India. UNHCR has a responsibility to work more closely with refugees in Delhi to make sure that scarce resources are being put to use efficiently and in the best service to the community's self identified needs.

In Mizoram, while UNHCR is unable to be present, there are a range of Chin community groups in need of support that can provide assistance to the refugees. Additionally, Indian civil society organizations are allowed to operate in the Northeast, and opportunities to engage them in providing services to Chin refugees should be explored.

Refugees International assessed the situation for Chin refugees in India in November 2009.