

# REFUGEES IN DELHI

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## I. ABSTRACT

There are around one lakh refugees residing in India, and close to 25,000 living in Delhi itself. Due to various human rights abuses, severe restrictions on basic freedoms and widespread poverty within the States of Afghanistan, Burma and Tibet, a large number of population of these countries have fled to neighbouring countries in quest for protection and survival. Some 9,000 Afghans; 4,200 Chin-Burmese and; 6,000 Tibetans are currently living in uncertain conditions and are dependant on other agencies to protect them.

The report examines the lack of protection and adequate living conditions of Afghans, Chins and Tibetan refugees and asylum seekers in Delhi. Although UNHCR is currently registering and recognizing refugees in Delhi, these refugees wait long times due to processing delays. Resettlement is unduly slow and opportunities are limited. Even though, UNHCR supports several programmes to provide for and improve the welfare of these refugees, many of these programmes are limited, inadequate and ineffective to meet the needs of the community. The Tibetans on the other hand are being governed by the 'Tibetan Government in exile' which has though made a number of facilities provided to the community members, it still requires continued assistance from the Indian Government as they do not fall under the UNHCR's mandate. Therefore they are not the beneficiaries of the UNHCR 's programmes , which leads to furthering their plight. This paper thus aims to find solutions to make the living conditions of the refugees worth living so that they not only get the basic requirements well, but also manage to remove the tag of 'refugees' from their lives forever to lead a dignified and peaceful life.

## **II. BACKGROUND**

Humans are said to be the highest species on this earth. With the evolution of man's being, there arose competition of wealth, fame, power and dominance which resulted in a never ending greed of man, also leading to the two destructive world wars, and many other incidents. Such events have demonstrated the inhumanity of man, posing persecution and misery onto many people of the world. This has in fact given birth to a 'type' of men, fled from the ravaged lands of their birth, in search of a dignified existence, following only one law: the law of survival, called the Refugees. The Refugees are human beings undergoing traumatic experiences. They are political persons and find their definition in the political events that have set them in flight, posing important questions about sovereignty, human rights, and the relationship between states and between nations and the international order. Those who are uprooted from their homes and denied the essential freedoms of life, are bound to take elsewhere for survival and a life with dignity. They are international refugees, fleeing from their country, where they fear or have suffered oppression.

Wars and many other military and political conflicts have brought in their wake a countless number of uprooted, including millions of refugees in search of new homes. And many such homes were provided by many neighbouring countries of the war struck nations, India being one of them. Today India houses more than a lakh refugees, Delhi itself accommodating close to 21,000 number of migrants: legal and illegal. Out of many refugees from African and Asian countries, this paper aims to highlight the plight of Afghan, Chin-Burmese, and Tibetan refugees residing in Delhi. It critiques on the support shown by the Indian government and the assistance provided by the UNHCR (United Nations High Commissioner for Refugees) which is the key agency ensuring the international protection of refugees along with seeking permanent solutions to their problems. The methodology used in this process was by talking to various refugees and also through web search. The paper concludes by proposing recommendations to lessen or completely remove the hardships faced by these refugees, bringing their lives back to 'normal' and finally removing the status

of a 'refugee' from their lives, giving them a permanent economic, cultural and social settlement for life.

## **2.1 Afghans:**

There are 9,000 odd Afghan refugees in Delhi, ninety per cent of whom belong to Hindu or Sikh faiths that are religious minorities of Afghanistan, the rest ten per cent belong to Hazaras, Pashun and other communities. There were mainly two times in the course of history when the Afghans felt the need to flee from their motherland, once in 1979 during the Soviet invasion of Afghanistan, which followed infighting and poverty with the withdrawal of Soviet forces from Afghanistan and the other during the fall of Najibullah regime, which embarked upon the advent of Taliban onto the political setup, destroying lives of common people sparing none. Since then, thousands of them have made Delhi as their temporary home. However the journey from Afghanistan and their stay in India has not been totally devoid of miseries and problems. The hardships faced not only constitute the language problem but also economic, social and problems of integration into the Indian culture. Though India has always had an open door policy for all its neighbours, and has welcomed all kinds of people on its land, however it has failed in providing complete assistance in all terms to the needy refugees, even through its contracted body UNHCR, furthering their plight and means of survival.

## **2.2 Chin – Burmese:**

There are around 500,000 ethnic Chin living in Burma's northwest Chin State and another 700,000 Chin living in other parts of Burma. Ninety per cent of Chin follow Christianity with most belonging to the American Baptist Church, in a predominantly Buddhist state. In 1962, Burma's democratically elected government fell to a military coup. Ever since, successive military leaders have ruthlessly ruled Burma and held its people in an iron grip. In Chin State, due to rapid militarization and widespread ethnic and religious discrimination has resulted in an overabundance human rights abuses at the hands of Burma Army. The incidents of extra-judicial killings, torture, arbitrary arrest and detention, rape, sexual violence ,forced labour and violations of

freedom of association, assembly, movement, religion and property have been recorded in Chin state, compelling them to leave their homes, families, friends and livelihoods in Burma in order to seek refuge in neighbouring lands. Some 75,000 to 100,000 ethnic Chin from Burma are currently living on the India-Burma border in India's north eastern state of Mizoram. Many chin fear persecution in Burma and would likely qualify for refugee protection, UNHCR based in Delhi, has no access and provides no protection to the Chin population living in Mizoram. Therefore, due to the significant distance and expense, only 4,200 Chin have migrated to Delhi to obtain protection from UNHCR but have found themselves in more hardships and misery struggling to even survive in the city of refuge.

### **2.3 Tibetans:**

It was in the year 1949 that China occupied the rich religious and cultural state of Tibet and since then it has continued to exercise dominion over the people the people through the presence of a large occupation force. Moreover, approximately 1.2 million Tibetans, about one sixth of the population, have died in Tibet since 1949 due to political persecution, imprisonment, torture and famine. It was in this context that His Holiness the Dalai Lama, Spiritual and Temporal Leader of the Tibetan people, was forced to leave Tibet in 1959. On his way to seek asylum in India, the Dalai Lama repudiated the 'Seventeen-Point Agreement' which the People 's Republic of China had forced on the Tibetan Government in 1951 and announced the formation of the Tibetan Government under His Holiness the Dalai Lama. Around 85,000 refugees were able to follow him at that time and seek refuge in India, Bhutan and Nepal. Though Indian Government received him warmly but did not accord recognition to his government in exile. This has been a major obstacle for His Holiness the Dalai Lama and his government in exile, in the struggle towards the ultimate goal of an independent Tibet and also in their efforts to meet social and economic needs while in exile. Delhi houses around 6,000 Tibetans, most residing in a Tibetan Refugee Colony, situated north of the city called 'Majnu ka Tila'. Today after fifty years of being in exile, Tibetan people are still going through a very crucial period, challenges surmounting them at every step.

### **III. PROTECTION OF REFUGEES :**

The end of the year 1995 saw a continued decline in the refugee numbers, however the concern still remains over the real, potential and perceived burden of protecting and assisting refugees. Many Governments continue to uphold asylum as an indispensable instrument for the international protection of refugees and to demonstrate commitment to receiving and hosting refugees in cooperation with UNHCR. Others, however, have denied entry to asylum seekers, forcibly returned them to their countries of origin or restricted their entitlement to basic rights. This, therefore, has not only underscored the need of strengthening the institution of asylum but also has placed barriers in promoting innovative approaches in protection of refugees and the legitimate concerns of countries of asylum and origin.

#### **3.1 Indian Government:**

The Indian Government has very often been at the centre stage of South Asian refugee management and has historically hosted refugees from within the region and from other Asian and African countries as well. India has preferred to deal with refugee issues bilaterally or even unilaterally.

International law broadly identifies and defines a refugee as a person who:

- i. Is outside the country of his/her nationality,
- ii. Due to a well founded fear of persecution, and
- iii. Is unable or unwilling to return to it due to such fear.

Due to the absence of a refugee regime in India or in any of the south Asian countries, there is no legal process for identification of individual refugees. India is also not a signatory to 1951 Refugee Convention Relating to the Status of Refugees or its 1967 Protocol. Even if it is at all considered from a political or humanitarian point of view, it lacks in technical application of established principles of international refugee law and instead results in the application of *ad hoc* measures for the admission and treatment of asylum seekers perceived to be refugees. The treatment

of refugees falls under India's Registration of Foreigners Act of 1939, the Foreigners Act of 1946, and the Foreigners Order of 1948. None of these Acts distinguish between undocumented migrants and refugees. As a result India has no official procedural mechanism in place to protect refugees living within its borders. Rather, such grossly vital decisions are left in the hands of sometimes ill informed, bureaucratic minds who have no knowledge of the humanitarian principles of refugee law and of the consequent responsibilities that lie with such decision making processes.

India is not a signatory to the 1951 Convention due to various reasons. An analysis of Indian experience with refugees clearly shows that the policy of refugee determination cannot be done on an individual basis. The Ministry of External Affairs rightly considers the Convention and the Protocol as "a partial regime for refugee protection drafted in a Euro-centric context". As a backgrounder of the Ministry points out: " They do not address adequately situations faced by developing countries, as it is designed primarily to deal with individual cases and not with situations of mass influx, they also do not deal adequately with situations of mixed flows, that is, they do not distinguish between political refugees and economic migrants... the Convention does not provide for a proper balance between the rights and obligations of receiving and source states. The concept of international burden-sharing has not been developed adequately in the Convention. The idea of .minimum responsibility for states not to create refugee outflows and cooperating with other states in the resolution of refugee problems should be developed. The credibility of the institution of asylum, which has been steadily whittled down by the developed countries, must be restored"

In the case of refugees protection, the constitution of India guarantees certain fundamental rights, which are applicable to non-citizen. Namely, the rights to equality( Article 14 ), the rights life and personal liberty (article 21) and the freedom to practice and propagate their own religion (article 25). Any violation of these rights can be remedied through recourse to the judiciary as the Indian Supreme Court has held that refugees or asylum seeker can not be discriminated against because of their non- citizen status. The National Human Rights Commission

of India ( NHRC ) has functioned effectively as a watchdog for the protection of refugees. India refugees policy is further governed by certain administrative regulation. The standard of humane treatment set by these administrative regulations flowed from the ethos that persons displaced from their home need both protection and economic sustain. The administrative experience of the Ministry/Department of Rehabilitation and the laws adjudicated at the time of Partition contributed towards a refugees policy for India.

In the past, Indian government has positively received refugees from Afghanistan, Burma and Tibet. In fact it criticised the Soviet invasion and Taliban regime in Afghanistan and the actions of Burma's military regime.

However in the case of Afghans, the Indian Government does not officially recognize them as refugees- but has allowed the UNHCR to operate a program from 12,000 to just 1,500 families. The refugees say they cannot work in India because they have no residence permits and no status as refugees- so it has become difficult for them to survive day to day. Relations between the local UNHCR mission and the Afghan refugees have turned sour since 1990s.

In the case of Chin –Burmese refugees, the then External Affairs Minister, Narsima Rao (1988) had issued orders to protect refugees from Burma and the Indian government provided support to refugee camps established along the border .India's hospitality towards refugees from Burma quickly turned in the early 1990s as political and economic relations between the two countries took precedence. By 1995, the Indian government withdrew support of camps housing refugees from Burma and the Mizoram government issued orders to close the camps. Under today's policy, India bars UNHCR from conducting operations in Mizoram, where a substantial refugee population from Burma continues to exist. Despite its resistance to openly accepting refugees from Burma, India does allow UNHCR to maintain a presence in its capital city of Delhi. The Indian Government also generally respects documentation issued by the UNHCR s demonstrated by its policy of granting residential permits through the Ministry of Home Affairs to refugees from Burma who are recognized by UNHCR.

The Tibetans on the other hand have a better situation as compared to the former two. Though India does not recognize the Tibetan Government in exile, it however, with the support of UNHCR and other foreign donor agencies, has been successful in establishing 44 settlements in India. However the Little Tibet, in north of Delhi, which is home to around 6,000 Tibetans and goes by several names, including Tibet Camp, Samye-Ling- after a famous monastery-, Chang Town and Majnu ka Tila. But although Tibetans were settled in the area by the Indian Government, they never had legal title to the land. And till the month of June 2006, there were talks of getting back this land. However the Delhi Government in July 2006, reassured the inhabitants of the refugee colony that the settlement would not be demolished and the government will protect the Tibetans and their rich peaceful culture. Though the Tibetans operate under the Central Tibetan Administration, Indian Government has the power to restrict movement inside India, limit employment opportunities, control opportunity to associate and right to return refugees to the country they have fled from.

- **Residential Permit**

Under the Foreigner Act of India, UNHCR – recognized refugees from Burma are permitted to apply for a residential permit, an important document that authorizes residency in Delhi as a foreigner. A residential permit is required for Afghan, Chin refugees to be eligible for certain services in Delhi.

Residential permits are also required in order to receive an exit permit to leave the country.

To apply, a refugee applicant must provide certain documentation to the Foreigners Regional Registration Office (FRRO), including:

- i. A valid refugee certificate issued by the UNHCR demonstrating his/her refugee status;
- ii. Documentation showing his/her residency in Delhi; and
- iii. Verification of his/her residency by the local police.

The process of applying for a residential permit, however, is complicated by demands by the FRRO for a superfluity of documents in order to demonstrate residency in Delhi, including documentation from landlords

and house owners. Due to the informal housing arrangements of refugees and asylum seekers in Delhi, landlords and house owners are often hesitant to provide proof of residency to refugees, fearing potential legal and tax consequences for housing foreigners. Starting in 2007, the FRRO also began requiring documents such as ration card, driver's license, voting card or utility bill, to demonstrate residency in Delhi. For refugees, however, these documents are difficult to obtain and in some cases, are only available to Indian citizens.

For verification of residency, the local police also require excessive payments or bribes of up to Rs. 300. For a refugee earning an average income of less than Rs. 70 per day, these payments are onerous. For those who are able to pay the fees demanded, their cases are processed in one to two weeks, those who are unable to pay have their cases put on hold for up to four months. Although there is no law or policy legitimising this practice, such abuse often goes unreported.

Although the process of receiving a residential permit should take no longer than two weeks, due to corrupt officials and the difficulties posed in obtaining the required documentation, the process for Afghan, Chin and Tibetans can take up to four months. During this lag time, refugees are at risk of severe consequences, including arrest by the police. Employers and house owners are also more hesitant to hire or rent to Afghan and Chin Refugees without a residential permit.

Further adding to these obstacles, the residential permit is only valid for six months, after which time it must be renewed. To renew the residential permit, an applicant must make a special request to the Ministry of Home Affairs. After receiving permission to renew the permit, applicants must start all over again at the FRRO- providing documentation of residency in Delhi and obtaining verification of by the local police department. This is an exhaustive process requiring time, energy, and money and causing

many hardships for Afghan, Chin and Tibetans with little expendable resources.

- **Exit Permits**

Once a refugee is accepted for resettlement to a third country, the government of India requires the refugee to apply for an exit permit from the FRRO in accordance with the 1948 Foreigners Order. This exit permit is necessary before a refugee is allowed to leave the country. In order to apply for an exit permit, an applicant must show a valid residential permit.

To obtain police clearance for an exit permit in a timely manner, the police again require payment of Rs. 500 per person. For those who are able to pay, their cases are processed within one month; those who are unable to pay have their cases put on hold for two to three months. In some cases, Afghans and Chin refugees who could not pay the money demanded by the police and did not receive an exit permit in a timely manner were unable to depart for resettlement on the scheduled date. UNHCR and concerned Embassy officials have had to intervene to ensure exit permit are issued to refugees in a timely manner.

### **3.2 UNHCR Operations:**

Although UNHCR has no formal status in India, it is allowed to maintain a presence in Delhi and is responsible for registering, recognizing, and resettling refugees living in India. The largest communities served by UNHCR-Delhi are refugees from Burma and Afghanistan. In collaboration with several implementing partners, UNHCR also provides support for certain forms of humanitarian relief and community welfare service for UNHCR-recognized refugees.

Approximately 60,000 Afghans live in India, of whom a mere 16,000 possess certificates issued by the UNHCR. They are not recognised as refugees by the Indian

Government. Relations between the local UNHCR mission and the Afghan refugees have turned very sour in the 1990s.

These tensions burst into the open most recently on 29 July 1999 when a group of more than 100 Afghan refugees staged a sit-in protest outside the UNHCR mission in New Delhi, effectively hijacking a smaller demonstration by Somali refugees that had been going on for the previous week. Worried by the mass denial of residence permits by the Indian government and angered by UNHCR's lack of assistance for refugees seeking resettlement in a third country, the Afghans were demanding a substantive answer to a letter they had sent to UNHCR on 11 July 1999 expressing these concerns. At issue also were allegations that UNHCR had opaque procedures for much-coveted sponsorships for resettlement in Western countries. The UNHCR has so far failed to address these issues.

UNHCR first began recognizing refugees and asylum-seekers from Burma in 1989. Since then, the number of new asylum-seekers from Burma living in Delhi has grown steadily. Delhi currently hosts some 4,500 refugees and asylum-seekers from Burma, of which the ethnic Chin community accounts for about 98 percent.<sup>11</sup> Although the Chin were among the first waves of refugees coming from Burma in 1988, UNHCR did not begin granting refugee status to Chin until 1994. As of December 2008, the number of ethnic Chin in Delhi is 4,200. Of this number, UNHCR has recognized some 1,930 (45 percent). Another 2,220 (53 percent) cases are pending and 50 have been rejected.

Tibetans are not the beneficiaries of the UNHCR operations.

- **Registration**

Registration with UNHCR is the first step for asylum-seekers seeking protection from UNHCR. Upon approaching UNHCR, new arrivals are provided with a letter stating that his/her case is under consideration by UNHCR. UNHCR then provides the new registrant with an appointment date to fill out an application form. Once the application form is submitted, UNHCR schedules an appointment to conduct the Refugee Status Determination

(RSD) interview, during which the basis of a person's claim for refugee status is assessed.

The UNHCR registration is beleaguered by long delays at each step of the process. UNHCR Guidelines state that applications for refugee status should be processed in a timely and efficient manner and the wait period should not exceed six months from the date of registration to the date of RSD interview. Chin asylum-seekers in Delhi, however, typically wait four to six months after registering with UNHCR just to fill out the application form. It then takes another 12 to 18 months for the RSD interview. On average, the total time between when a new arrival first approaches UNHCR to when UNHCR conducts the RSD interview is about 16 months to two years- 10 to 18 months longer than provided by UNHCR Guidelines.

Following the RSD interview, it typically takes another year before a refugee receives the results of whether his/her claim for refugee status is approved or denied. During this lag time, asylum-seekers with cases pending before the UNHCR are without documents, without access to UNHCR-supported services, and without financial support. Currently, some 2,000 Chin asylum-seekers, more than half the Chin population in Delhi, have cases pending before UNHCR. Tibetans being are registered with the Central Tibetan Administration which is a working body in the 'Tibetan Government in exile' and not with the UNHCR.

- **Recognition**

After UNHCR approves a claim for refugee status, UNHCR issues a refugee certificate identifying that person as a UNHCR-recognized refugee. Refugee certificates are important identity documents and are required in order to access various UNHCR-supported services. Refugee certificates are valid for 18 months, after which time they must be renewed.

- **Resettlement**

One of the criteria we use is people who have been here for a long time. There are people who have been here more than 10, 12, 15 years.

There is a protection panel in the office which looks at the vulnerable cases across the spectrum, not per nationality. These cases are referred to another set of officers for resettlement, who try and match the case with the countries because countries have their own criteria. UNHCR's is to submit cases. If they submit a case to the US and they may well reject it then UNHCR have to submit to another embassy. Once the cases are submitted UNHCR call the refugees for another interview. Once they are accepted it almost takes a year as there are lots of formalities that need to be completed before they leave, including an exit permit.

Anticipating a dignified life after facing lot of hardships, there are many Afghans who seek resettlement in other countries, including going back to Afghanistan. When the Hamid Karzai government came to power in 2002 in Afghanistan, from India close to 600 Afghans went back. Last year UNHCR could submit 1,000 cases but in previous years it was less than 500. There is a gap between the number of refugees and the possibility of resettlement. For many of the long stayers, New Zealand gave 200 slots for Afghans. The last batch left in May 2007. Apart from New Zealand, Afghans have been resettled in US, Canada, Sweden and Australia. However it is sad to see that in the resettlement of Afghans, Hindu Sikh Afghans have been excluded on the pretext of having the same culture, religion and language. Such a step was highly criticised by the Hindu Sikh Afghans. Moreover, out of 9,000 Hindu Sikh Afghans only 1,000 have been granted citizenship and more than 3,000 interested candidates have been waiting for more than 12 years to get the naturalization process complete. One of the many reasons given by the authorities is the lack of staff to accelerate the working process.

Due to the lack of local integration and realistic durable solutions in Delhi, resettlement is largely the only option for Chin refugees. In the resettlement process, UNHCR-recognized refugees are referred for relocation to a third country. In 2008, 435 Chin refugees were resettled to receiving countries such as Australia, Norway, Canada, the United States, Sweden, and New Zealand. Although the doors of resettlement are now open for Chin refugees, the process remains very slow. Only a couple hundred Chin refugees leave

every year for a third country through the resettlement process. Many have been waiting for more than nine years for an opportunity to resettle. Even after 50 years of staying in exile, Tibetans are waiting to go back to their own country, after China frees Tibet. Till then Tibetans have to just wait and struggle to get independence. Tibetans do not fall under UNHCR's mandate thus they cannot procure any kind of help from it, and thus does not have prospects of resettlement with the assistance of UNHCR, any where apart from going back to Tibet.

#### **IV. CONDITIONS OF LIVING:**

There are around 18,000 refugees in Delhi constituting Afghans, Burmese and Tibetans. Conditions in Delhi for them are difficult. Living arrangements are often congested, sometimes unsanitary and many lack basic amenities. Employment opportunities are limited to the informal sector and are often low paying, labour intensive and dangerous. There have been cases where the health conditions are low and medical facilities are limited. Due to differences in language, culture, many Afghans, Burmese and Tibetans face difficulty in integration. However, the Tibetans as compared to the afghans and Burmese are much better off in their standards of living.

##### **4.1 Accommodation**

A majority of the refugees live in West and South Delhi intermingled with the local Indian community. Many of the neighbourhood where the Burmese reside are very poor and inadequately maintained by the municipal authorities. The neighbourhood where the Chins live are often overcrowded, lacking basic facilities of water and electricity. There is very little privacy and most of the dwelling lack a private toilet or kitchen. A single room thus is accommodated by more than one family and the one single toilet is used by 30 people. Yet the rent of such accommodations ranges from Rs. 1500 to 3000 per month which is an onerous amount considering that the typical Chin earns less than Rs. 2000 a month. Good landlord-tenant relations are hindered by intolerance of the landlords and many language and cultural barriers. There have been times when lot of Chins have been evicted out of their houses without any

good cause, which might possibly due to complaints made by the landlords regarding the smell of the non vegetarian food or holding group prayers.

Afghans on the other hand have better living conditions as compared to the chins. However they do face problems getting good accommodations where a family can reside peacefully, though they do not have to live together in small rooms with a large number of people belonging to families more than one. YMCA in this regard helps the refugees getting a fine accommodation.

Tibetans, in Delhi reside, north of Delhi in a place popularly known as Majnu ka Tila, which houses more than 6,000 refugees. It is called a Mini Tibet not only because the Tibetans reside here in large numbers but also because of their rich culture and religion. The houses in settlements were designed by the Tibetan government for five member families but now lot of overcrowding has been seen in households. Moreover, many of the houses, including those built as temporary structures, have not been renovated since they were constructed in 1960s and later on.

## **4.2 Livelihoods**

The Indian Government does not issue the work permits to the Afghan, Burmese and Tibetan refugees. Even UNHCR- recognized Afghan and Chin refugees are not able to obtain work permits. As a result, the Afghan and chins are relegated to the informal work sector where the job opportunities are limited, low paying and sometimes labour intensive. Chins and afghans face lot of problems in getting employed due to their inability to speak the local language, lack of particular skillsets as well as discriminatory hiring practices. This leads to further exploitation of labourers wherein they have long work hours and limited job security. Chin typically works for 10 to 12 hours a day for less than Rs.70 per day. Many Chins can't even afford a meal per day. There are many who are reduced to scouring the garbage left at night market after it closes, competing for leftover vegetables with local poor and street animals. On the other hand, afghans secure Rs. 1500 to 2000 a month. Afghans are often seen as doing petty jobs such as being street vendors or working as mechanics in repair centres or as assistances in small shops. Another source of income is the

money sent by relatives/ children of these refugees from abroad, who work there and earn a living. It is hard to see such people who held prominent positions in Afghanistan but now are doing such odd jobs for survival.

Tibetans also have to face hardships in sustaining themselves. Therefore, they derive some amount of money by selling sweaters and other kinds of handicrafts and food items. Among the adults the unemployment rate stands at 18.5 per cent and amongst the youth around 16.9 per cent.

### **4.3 Health**

Due to difficult living conditions and daily hardships in Delhi, illnesses and medical problems are commonly enemy of the Chin community. Common ailments include malnutrition, tuberculosis, typhoid, malaria, skin disorders, vitamin, and calcium deficiencies. Diarrhea and stomach problems are common amongst the Chin.

Afghans on the other hand have much better health condition. They also suffer from some common health problems like diarrhea and stomach problems and sometimes tuberculosis. The Chin and the Afghans have access to several health clinics as well as government hospitals. The New Delhi YMCA (Young Men's Christian Association), a UNHCR- implementing partner provides primary health care as well as referrals for more complicated cases. Receiving medical attention at the government hospitals however is sometimes difficult due to lack of interpreters to communicate symptoms, diagnosis and treatment options.

The common health problems faced by Tibetans include dysentery, diarrhea, hepatitis, skin disorders, and respiratory diseases resulting from unhygienic conditions and change of environment. Tuberculosis too was a major disease plaguing the Tibetan community. The Central Tibetan Administration (CTA) have been able to establish Primary Health Centres in almost every settlement with minimum one Health worker to look after the preventive, promotive and curative health care needs of each community member. In addition, Tibetan medicine clinics operate with physicians trained by the Tibetan Medical and Astrological Institute.

### **4.4 Education**

In accordance with its international legal obligations as well as domestic laws, India is required to ensure all children living in India, regardless of their nationality, have access to an education. As a party to the Convention on the Rights of the Child as well as the International Covenant on Economic, Social and Cultural Rights, India is bound by provisions that guarantee the right to education for everyone. In 2005, the Parliament of India affirmed its obligations by adopting an amendment to the Constitution of India that provides "free and compulsory education to all children"

Therefore almost all Afghan children have been able to access formal education in Delhi. Most of the Afghan children attend private and some government schools. Though most end up going for private schools due to their inability to provide with documents such as birth certificates and prior school transcript, which are required by the government schools providing education free of cost. The Khalsa Dewan society, An NGO working for the welfare of the Afghans have been able to make many Hindu Sikh Afghan refugee children attend private schools, by having some kind of an agreement with the respective private schools. They also train children in courses like stitching, typing, computers, English language and tuitions all free of cost, helping the girls and boys to attain some knowledge. Since the Afghan Sikh girls are attaining education here and are free to do anything, it is very likely for them not to have the mind to go back to Afghanistan. However the private schools are expensive and in addition parents have also have to pay for books, uniforms, and transportation. Due to this there are many Chin refugee children which do not attain formal education, along with having language barriers.

With the support of the Indian Government and His holiness the Dalai Lama, a number of schools were established in the settlements. The CTA as well as autonomous schools do not yet exist. These are dependent on philanthropic individuals and organisations all over the world. It is estimated that 80 per cent of the Tibetan refugee children are enrolled in Tibetan schools, and few more in non-Tibetan schools. In Delhi in the refugee colony itself there is a primary school till standard 5<sup>th</sup>. After the completion of the primary education, the children are sent either to Musoorie or to Nepal for further studies where Tibetan run schools operate, providing higher education.

However one of the greatest problems that many youths are facing is that there are very few job opportunities for them. Due to lack of meaningful and challenging economic prospects in the Settlements, the community cannot fully absorb even those who do graduate from colleges and technical institutions. As a result many of these graduates are compelled to look for work outside the community. Tibetans today have made the urge to the Indian government to open avenues for them to work, which they hope to get fulfilled for a secure future.

#### **4.5 Integration**

Integration with the local population in Delhi is extremely difficult for the Chin. In general, the afghans, chin and Tibetans speak different language, share different culture, share different physical attributes, practice different religion (except the Hindu Sikh Afghans), than the local population in Delhi. The general lack of resources in India further heightens tension between the refugees and the local communities in Delhi, particularly among the local poor who see these refugees as competition for scarce resources. As a result of these differences, the refugees sometimes feel discriminated against by the members of the local population. Occasional problems between the local population and the refugees have led to evictions from accommodations, rape cases or sexual abuses and other. When problems arise between local population and the refugees, it is difficult to resolve them due to language barriers.

## **V. UNHCR- SUPPORTED PROGRAMES:**

There is no doubt that there are many needs of these refugee communities in New Delhi. therefore, UNHCR has developed programmes in conjunction with its implementing partner organisations to help recognized refugees maintain certain standard of living and gain access to employment, health, education and legal services. Along with the subsistence allowance provided by UNHCR, there are services provided by the implementing partners which include:

- i. The Don Bosco Ashalayam(DBA) which provides job assistance and implements the "top up" salary scheme.
- ii. The New Delhi Young Men's Christian Association(NDYMCA) which provides health and educational assistance.
- iii. The Women's Protection Clinic(WPC) which provides counselling and other services to refugee women.
- iv. The Social and Legal Information Center(SLIC) which provides legal assistance to refugees.

These services are however only limited to UNHCR recognized Afghan and Chin refugees. Those who are not yet registered with UNHCR or with cases pending before the UNHCR are not eligible to receive the services and struggle for daily subsistence. Since Tibetans do not fall under UNHCR's mandate, they cannot get the benefits of such services.

### **• Subsistence Allowance (SA)**

Recognizing the difficulties faced by Afghan and Chin refugees living in Delhi in terms of making ends meet, UNHCR allows Chin and Afghan refugees to participate in the Subsistence Allowance (SA) program. The SA program was designed to ensure refugees are able to maintain a certain standard of living in Delhi by providing monthly cash assistance to those who are eligible. As of December 2008, those who qualify for SA receive Rs. 2,245 (US\$43) plus Rs. 750(US\$14.50) for each dependent up to three dependents.

Although many Chin live far below the poverty line in Delhi, only a small minority are able to receive SA from UNHCR. Chin and Afghan refugees with UNHCR-recognition are eligible for the SA program if they fit within one of the following categories:

- Newly-Recognized Refugee
- Disabled or Extremely Vulnerable Individual (EVI)
- Unaccompanied Minors

Only those in the category “Disabled or EVI” can continue to receive SA as long as necessary. The other two categories of Chin refugees receive the full amount of 2,245 Rs.(US\$43) in SA for only six months. After six months, the amount is reduced to Rs. 1,400 (US\$27). Those receiving SA as a newly recognized refugee are completely cut-off from assistance after one year. Unaccompanied minors are cut-off once they attain the age of 18. A majority of those who do receive assistance under the program receive inadequate amounts for their basic survival and are cut-off altogether before they can properly provide for themselves. This progressive slashing of the allowance is insensitive to the daily realities of refugee life in Delhi. Furthermore, the program fails to account for the needs of large families with more than three dependents. It is common to have very large families within This results in extreme hardships for families with many members.

## • **Employment Assistance**

### ***The “Salary Top-Up” Program***

For UNHCR-recognized refugees living in New Delhi, the Don Bosco Ashalayam (DBA), an implementing partner of the UNHCR, provides assistance in the employment sector. On 2 May 2005, the “Salary Top-Up” program was introduced in an attempt to bring the salaries of refugee workers up to the official Delhi Minimum Wage Act. Under the program, DBA supplements the salaries of UNHCR-refugee workers to ensure they earn at least Rs. 3,166 (US\$61) per month, Delhi’s minimum wage. The plan was initiated with the idea that the subsidy would gradually be reduced as the worker received periodic raises by the employer. It was also introduced as part of a “self-reliance” scheme to end refugee dependence on UNHCR’s subsistence allowance. In reality, the program is very limited and has created a secondary labor market where employers are accustomed to paying less to refugee laborers. Under the job placement and top-up salary program, DBA places participants with a DBA qualified employer. To become a DBA employer, employers must agree in advance to

comply with certain minimum working standards before accepting refugee workers. Although most DBA jobs are for unskilled laborers in the informal sector, DBA monitors employers to ensure working conditions are safe and in compliance with the DBA program criteria. A refugee may also accept employment from an outside employer and still register for DBA top-up benefits.

To be eligible for the top-up program, Chin and Afghan refugees must:

- Be recognized as a refugee by UNHCR;
- Hold a valid residential permit;
- Be the only income-earning member of their household;
- Demonstrate that no one in their family is a recipient of UNHCR subsistence allowance; and
- Agree to work at least 26 days per month, ill health and other reasons not withstanding.

To facilitate job placement, DBA provides a 15-day training to prepare applicants for the workplace. Limited classes are also available for those who have difficulty finding a placement as well as those under 18 years of age. Classes include English language and computer skills trainings. DBA also assists refugees in finding jobs within conveniently located neighborhoods. For individuals who have difficulty obtaining or maintaining a job, DBA also provides a 15-day psycho-social counseling program. Those who are unable to successfully maintain job placements are cut off from the program completely after three unsuccessful placements.

Since November 2007, DBA has limited subsidies under the salary top-up program to one year. After one year, DBA stops providing subsidies regardless of the salary paid by the employer. Since there is no real incentive for employers to increase the salary of refugee laborers once the subsidies are cut-off, refugee laborers must accept the lower salary or return to the job market in the hopes of finding a better-paying job. In essence, refugees are typically no better off after one year than when they first approached DBA for assistance. Worse, the salary top-up program regularizes a practice among employers to pay less for refugee laborers making it even more difficult for refugees to find acceptable employment after the subsidies are cut-off. Presently, Chin and Afghan workers receive Rs. 1,500 to 2,000 (US\$29 to \$38) per month whereas local laborers earn about 25 to 50 percent more for performing the same task. Limited enrollment, lack of proper jobs, and widespread

exploitation in the informal sector as well as the high cost of living in Delhi has further limited the effectiveness of this program and left many Chin and Afghan refugees without any means for their survival.

- **Health Programs**

- **Health Clinics**

The New Delhi Young Men's Christian Association (NDYMCA) implements education and healthcare programs for refugees. Up until early 2007, the Voluntary Health Association of Delhi (VHAD) was responsible for providing free basic healthcare services to UNHCR-recognized refugees. After VHAD closed for lack of resources, the NDYMCA took over as the UNHCR-implementing partner for healthcare services. NDYMCA provides primary healthcare as well as referrals for more complicated treatments. For emergency or more serious cases, the NDYMCA provides a shuttle service to transport Chin patients along with community interpreters to government hospitals. NDYMCA services, however, are limited to only UNHCR-recognized refugees. For more than half the Chin population, including those with cases pending before UNHCR and cases rejected by UNHCR, access to NDYMCA is denied. As a result, most Chin living in Delhi have no access to proper healthcare services. Day laborers also have difficulty accessing NDYMCA services due to the limited office hours of 9:30 am to 5:30 pm. Chin refugees who are unavailable during the day or who experience medical problems after NDYMCA's office hours have very little alternative options available to them.

The UNHCR also set up the Women's Protection Clinic (WPC) in December 2005 to provide psycho-social counseling to refugee women. The WPC also provides referrals to UNHCR of at-risk cases. Those who are referred by WPC are given priority by UNHCR. The clinic is run directly by UNHCR. The staff are female UNHCR legal and social officers who provide services at the clinic on a rotating basis and the interpreters are also employees of UNHCR. Besides some minimal counseling and ensuring priority access to UNHCR for some refugee women, the WPC provides little other services that benefit the refugee community.

### **Medical Reimbursements**

NDYMCA also provides medical reimbursements for UNHCR-recognized Chin refugees. Reimbursements are available for treatments received and medicines prescribed by government hospitals with proper documentation.

Only refugees who are recognized by UNHCR are eligible for medical reimbursement. Those who are not yet registered with UNHCR or with cases pending before UNHCR must bear the full financial burden of medical treatment. NDYMCA also does not provide reimbursement for treatment received in private hospitals. This can be problematic for those who experience a medical emergency after the NDYMCA free clinic closes. Despite the proximity of private hospitals, Chin and Afghan patients must travel long distances at great personal expense to access government facilities in order to ensure reimbursement of their treatment. Otherwise, they must bear the high cost of medical treatment at a private hospital or clinic without financial assistance. Certain medicines and surgeries that are very expensive are also not eligible for reimbursement. As a result, refugees suffering from particularly serious and life-threatening illnesses are often left to bear the cost of drugs and surgeries without any financial assistance.

- **Educational Support**

- ***NDYMCA-Run Schools***

In addition to implementing the health care programs for refugees, the New Delhi Young Men's Christian Association (NDYMCA) provides educational support for refugee children from Burma and Afghanistan living in Delhi. To meet the needs of young refugee children, NDYMCA established three schools in 2003. The schools are conveniently located in neighborhoods where many Chin live, namely Mahindra Park, Asalatpur, and Buddela. The teachers teach English, Hindi, and music to the children. The schools are typically able to provide one mid-day snack for the children, such as biscuits, rice, bananas, or samosas. As of December 2008, 266 Chin children ranging from age three to 12 years old are attending the NDYMCA schools. The NDYMCA schools also hold adult classes in Hindi and English for UNHCR-recognized refugees from Burma and Afghanistan. NDYMCA provides a stipend of Rs. 10 per day to cover the cost of transportation to refugees interested in attending adult classes. The schools are only accessible to UNHCR-recognized refugees. Children who are not recognized by UNHCR have few educational opportunities available to them. Adult courses held by NDYMCA are also limited to UNHCR-recognized refugees. This makes it difficult for refugees to obtain new and necessary skills for the job market during their long wait in Delhi.

- ***Tuition Assistance***

In addition to operating schools for refugee children, NDYMCA provides financial assistance to cover the educational expenses of school-aged, UNHCR-recognized refugee children. For a one-year period, these subsidies total Rs. 2,300 (US\$44.50) for primary level students and Rs.,500 (US\$68) for middle and high school level students. The subsidies, however, are insufficient to meet the admissions fees, books, uniforms, and other educational expenses incurred during the year. Although the government schools are largely inaccessible to the Chin and to many Afghans due to unduly burdensome admissions requirements, NDYMCA tuition subsidies are calculated based on the cost of attending a government school. The cost of a private education is much higher. At minimum, private schools require Rs.18,000 (US\$348) for one year of instruction. Due to the lack of adequate financial assistance by NDYMCA, a majority of Chin and Afghan refugee children living in Delhi are unable to obtain an education.

- **Legal Assistance**

The Social Legal Information Center (SLIC) is the UNHCR-implementing partner responsible for providing legal services and general assistance to refugees living in Delhi. Refugees are able to renew their refugee certificate through the SLIC office. SLIC is also meant to assist refugees in obtaining the residential permit from the Foreigners Regional Registration Office (FRRO). When problems arise within the refugee community or between refugees and the local community, SLIC provides help in filing reports with the police and provides mediation services. If the case is serious, such as a rape or arrest case, SLIC provides a lawyer to represent refugees in court. SLIC responds to about two to seven cases per month. Altogether, SLIC employs six staff- two Indian women oversee the project, two serve as administrative workers, and two are case workers from the refugee community. There is only one Indian lawyer working for SLIC on a part-time basis.

In reality, SLIC's assistance to the refugee community is quite limited. Most of the work is done by the refugee case workers, who have difficulty dealing with the local community and Indian authorities. Refugee case workers are not as effective in negotiating with the local community during interventions and mediations. Higher level Indian SLIC workers who are more familiar with Indian society and comfortable dealing with the Indian authorities are typically not available to provide assistance to the refugee community. As a result, most abuse against the Chin community is perpetrated with impunity, regardless of SLIC intervention. SLIC is also hesitant to get involved in certain cases, such as unwarranted evictions,

exploitative work environments, harassment and severe discrimination. In addition, SLIC has failed to developed strong connections within the refugee communities and does not coordinate its activities with community-based organizations, such as the Chin Refugee Committee. Such lack of communication and coordination with the refugee communities limits the effectiveness of SLIC's activities.

## **VI. RECOMMENDATIONS:**

### **To the Government of India:**

- Accede to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.
- Develop a national law protecting the refugees. A legal framework should be developed to process matters in respect of determination of refugee status, protection from refoulement and treatment during stay of refugees. Some provisions of the framework can be:
  - A person shall be excluded from refugee status if he or she is convicted for a crime against peace, a war crime, or a crime against humanity;
  - no refugee or asylum seeker shall be expelled or returned to a place where there are reasons to believe his or her life or freedom would be threatened;
  - where an application is made by an asylum seeker for the determination of refugee status, pending such determination, he shall not be deported nor any restrictions imposed save and except those that are necessary in the interests of sovereignty and integrity of India or maintenance of public peace and order;
  - the determination of refugee status shall be by a Refugee Committee to be presided over by the Commissioner of Refugees who shall be a sitting or retired High Court Judge;
  - during the determination of his refugee status, the asylum seeker shall be entitled to all assistance including that of an interpreter and legal practitioner;
  - an appeal shall lie against the order of the Refugee Committee.
- Promote operations of UNHCR, also allowing it to carry out its full mandate in Mizoram also.
- Increase funding of UNHCR
- Minimize the number of documents necessary to demonstrate residency in Delhi

- Elimination of verification with police departments. Investigate and prosecute the local police departments and government officials.
- Increase the validity of residence permit to 18 months
- Establishment of a process providing work permit and ensuring labor protections.
- Concession or Free access to refugee children in schools
- Increase awareness about refugees in local communities
- Hiring more staff
- Pressurize the UN to make efforts to restore peace and order in such areas of conflict.

**To the UNHCR:**

- Urge the government to follow the 1951 convention and encourage the development of a domestic law
- Reduce prolonged delays in the registration and recognition process by increasing staff and resources.
- While cases are pending with UNHCR, mechanisms to be developed ensuring protection
- Expand and promote the resettlement process along with increase in number of referrals
- Develop closer working relations and coordination with community based refugee committees ensuring protection, information sharing & opportunities for work by increasing its presence in West Delhi, allotting more public hours and advance notices
- Ensure all refugees including unrecognized by UNHCR have access to basic amenities
- Review and reform eligibility requirements to obtain subsistence allowance
- Determining payments based on household needs and continuation till beneficiaries obtain adequate source of income.
- Arrange for accommodations for most vulnerable women

**To the UNHCR – Implementing Partners and other NGOs:**

- Review and reform programs to ensure objectives are met and gaps in services are filled. Consult with beneficiaries and community representatives to critique current activities and develop feasible solutions.
- Pressurize the government and UNHCR to ensure protection and provision of adequate social services.
- Assist the refugees with filling RSD applications
- Implement programs to increase understanding among local and decrease discrimination and exploitation.

## **VII. CONCLUSION**

Though there are many refugees who have fled from their places of origin, only few have found some form of protection in India. Refuge in Delhi is hard to find.

Therefore, these refugees in Delhi face considerable hardships and difficulties. Indian government and UNHCR should make it a priority to protect the Afghan, Chin and Tibetan refugees. While recognition of UNHCR-recognized Chin and Afghan refugees is greatly appreciated, the Indian government must be sensitive and sensitise others about their situation in Delhi and ensure timely attainment of recognition, registration, residential permits and exit permits without unnecessary cost or delay or corruption.

Two to three years, the average time it takes to receive UNHCR-recognition, is too long for refugees to wait for access to much-needed benefits and services. The resettlement program must also be expanded and prioritized for Afghan and Chin refugees living in Delhi, particularly within large resettlement countries such as the United States without any discrimination based on culture, language, religion.

This is too long for Afghan and Chin refugees to wait in difficult conditions in Delhi without any certain future. Considering the prolonged wait periods that Chin refugees and asylum-seekers experience before receiving protection from UNHCR and an opportunity to resettle to a third-country, it is necessary to develop and improve on current support structures to ensure a basic standard of living for all refugees in Delhi. These refugees must have access to necessary amenities, such as clean and potable water, food, electricity, and proper accommodations. Employment must be safe, stable, and properly paid. Those without or unable to secure an adequate source of income should be allowed to benefit from the subsistence support for as long as necessary. All refugees and asylum seekers including those not yet recognized by UNHCR, should have access to affordable and quality medical facilities and educational institutions in Delhi.

While UNHCR and UNHCR's implementing partners are accorded a large degree of responsibility to assist and provide for the basic needs of the Afghan and Chin community, these programs must be reviewed to reduce the gap between the reality and theory. As community-based projects are often more effective and efficient to provide services within a particular community, implementing partners should work in closer cooperation with them. Without adequate and timely protection mechanisms and proper community-support structures in place, the protection and assistance to these vulnerable section of society would be hard to attain and resolve.

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