

INDIA

| Working environment |

o The context

India is not party to the 1951 Refugee Convention or its 1967 Protocol and does not have a national refugee protection framework. However, it continues to grant asylum to a large number of refugees from neighbouring States and respects UNHCR's mandate for other nationals, mainly from Afghanistan and Myanmar. While the Government of India deals differently with various refugee groups, in general it respects the principle of *non-refoulement* for holders of UNHCR documentation.

For some time now, India's concerns about security have had a more restrictive impact on asylum space in the country. Mixed migration flows have further complicated the identification and protection of refugees and UNHCR has significantly modified and increased its registration activities to cope with this and provide the necessary support to the Government.

In the absence of a national legal and administrative framework, UNHCR, based in New Delhi, conducts refugee status determination (RSD) for asylum-seekers from non-neighbouring countries and Myanmar. UNHCR also has a presence in Chennai, Tamil Nadu in the south to support the voluntary repatriation of Sri Lankan refugees.

Although India has a large population of stateless people, no accurate estimates of the number are available. UNHCR is working to identify and map stateless groups.

| The needs |

The Government of India's approach to refugee issues results in different standards of protection and assistance among refugee groups. Tibetans and Sri Lankan refugees are protected and assisted by the Government, while UNHCR is directly involved with groups arriving from other countries (notably Afghanistan and Myanmar). Holders of documentation provided by UNHCR are able to obtain temporary residence permits from the authorities.



However, the rise in the number of these refugees and asylum-seekers has not been accompanied by a commensurate increase in resources, compelling UNHCR to find innovative ways to meet both existing and emerging protection needs.

Refugees and asylum-seekers often live in poverty, dispersed in urban areas, where they can face violence and exploitation.

Planning figures for India

TYPE OF POPULATION	ORIGIN	JAN 2011		DEC 2011	
		TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR
Refugees	Afghanistan	9,000	9,000	10,000	10,000
	Myanmar	5,000	5,000	7,500	7,500
	Various	1,200	1,200	1,300	1,300
Asylum-seekers	Afghanistan	2,400	2,400	3,200	3,200
	Myanmar	6,500	6,500	8,800	8,800
	Various	600	600	800	800
Others of concern	China	100,000	0	100,000	0
	Sri Lanka	74,000	0	73,000	0
Total		198,700	24,700	204,600	31,600



Refugees from Myanmar perform a traditional dance on World Refugee Day in New Delhi.

They do not have the legal right to work, but are able to find low-paid employment in the informal job market.

Women and children appear to be at increasing risk of gender-based violence, partly as a result of sharing living space with strangers, due to rising accommodation costs. The number of unaccompanied minors approaching UNHCR has risen sharply. Child labour among refugee and asylum-seeking children is not uncommon, and is a serious protection concern.

The number of refugees considering return to Sri Lanka is gradually increasing. Individual voluntary repatriation assistance is provided pending the establishment of organized return movements.

Strategy and activities in 2011

UNHCR will aim to protect and assist all refugees and asylum-seekers in India, preserve protection space and develop a partnership with the Government at the national and global levels. It will work to make RSD more efficient, and ensure that protection outreach services are available to all communities through the Women's Protection Centre in New Delhi and a regular UNHCR presence in centres run by partners. Furthermore, it will work to narrow the gap in services between refugees and asylum-seekers, so that the latter have equal access to all programmes, except those involving direct cash benefits and some livelihood activities.

Refugees and asylum-seekers will be encouraged to make full use of public health and education services, while UNHCR will strive to help overcome any barriers to access. Efforts will also be geared towards addressing the requirements of people with specific needs and

strengthening livelihood opportunities through a community-based approach.

UNHCR will conduct promotional and advocacy activities with the authorities, civil society, academic institutions and other relevant stakeholders to encourage the promulgation of national refugee legislation, and will seek the active participation of the Government of India in the management of daily protection needs of refugees and asylum-seekers. Refugees will be helped to repatriate voluntarily. Resettlement will address compelling protection needs that cannot be met in India, and eligible refugees will be given assistance for naturalization. Finally, UNHCR will act to prevent

Main objectives and targets

Fair protection processes

- Improve or maintain standards in registration and profiling.
 - ☞ No more than an average of 21 days is required from first approach to individual registration.
- Make status determination procedures fairer and more efficient.
 - ☞ Some 6,800 RSD cases are completed.

Basic needs and services

- Strengthen services for persons with specific needs.
 - ☞ Approximately 3,100 persons with specific needs receive support.
- Provide optimal access to education for persons of concern.
 - ☞ All children aged between six and 11 are enrolled in primary education.
 - ☞ All children aged 12-17 are enrolled in secondary education.

- Ensure the health of the population improves or remains stable.
 - ☞ Approximately 1,200 persons of concern are referred for health services.

Community participation and self-management

- Improve levels of self-reliance and livelihoods among persons of concern.
 - ☞ Some 40 per cent of adults earn an income.

Durable solutions

- Realise the potential for voluntary return, including among Sri Lankan refugees.
 - ☞ Some 5,000 persons of concern receive repatriation support.
- Realise the potential for local integration.
 - ☞ At least 500 persons of concern assisted to become naturalized.

UNHCR's presence in 2011

□ Number of offices	2
□ Total staff	57
International	6
National	33
JPOs	1
UNVs	17

PARTNERS

Implementing partners

NGOs:

Confederation of Voluntary Associations
 Don Bosco Ashalayam
 Gandhi National Memorial Society
 New Delhi Young Men's Christian Association
 Socio-Legal Information Centre
 The Public Interest Legal Support and Research Centre

Operational partners

Government agencies:

Government of Tamil Nadu

statelessness through advocacy and supporting research.

○ Constraints

The lack of a national refugee protection framework is an obstacle to providing effective refugee protection. In addition, limited understanding of refugee and statelessness issues among local populations can result in hostile attitudes toward persons of concern.

The steady increase in the number of asylum-seekers from Afghanistan and Myanmar during the last three years has diminished protection space. Against the broader background of difficult socio-economic conditions for large segments of India's population, a rise in racism and xenophobia have undermined the tradition of tolerance in India.

Increased measures to combat terrorism and address security concerns are likely to have a negative effect on refugees and asylum-seekers, who are already finding it harder to regularize their stay in India.

Through its limited presence in New Delhi and Chennai, UNHCR is only able to focus on addressing refugee and statelessness challenges in those, albeit significant, areas. In Tamil Nadu, UNHCR's absence from the camps limits the extent of the support it can provide for repatriation. Elsewhere UNHCR must rely on Indian civil society to monitor refugee-related developments.

Organization and implementation

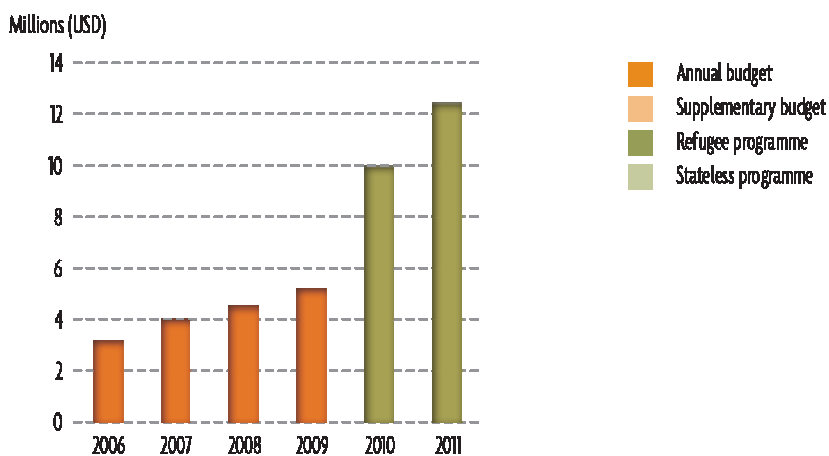
○ Coordination

UNHCR works in collaboration with the Government of India, particularly the Ministry of External Affairs and the Ministry of Home Affairs, including police authorities. Its civil society partners include the Mahanirban Calcutta Research Group, The Other Media, and academia. Furthermore, UNHCR participates in the UNDAF process, particularly the clusters on gender, education, HIV and AIDS and disaster management.

Financial information

The overall budget increased between 2006 and 2009, when the urban refugee population ranged from 11,250 to 12,440 people. Implementation of the new urban refugee policy in mid 2009 - 2010, including the expansion of activities for asylum-seekers, led to a major increase in assessed needs. In addition, the number of RSD staff was increased in order to provide effective protection. With the assisted population now standing at more than 20,000, the 2011 budget has grown proportionally.

UNHCR's budget in India 2006 – 2011



2011 UNHCR Budget for India (USD)

RIGHTS GROUPS AND OBJECTIVES	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
Favourable protection environment			
National legal framework	296,643	0	296,643
Prevention of statelessness	0	70,186	70,186
Subtotal	296,643	70,186	366,828
Fair protection processes and documentation			
Registration and profiling	379,640	0	379,640
Fair and efficient status determination	1,043,904	0	1,043,904
Subtotal	1,423,544	0	1,423,544
Security from violence and exploitation			
Gender-based violence	241,086	0	241,086
Protection of children	167,273	0	167,273
Access to legal remedies	104,672	0	104,672
Subtotal	513,031	0	513,031
Basic needs and essential services			
Basic domestic and hygiene items	61,100	0	61,100
Primary health care	630,150	0	630,150
HIV and AIDS	106,156	0	106,156
Education	1,745,385	0	1,745,385
Services for groups with specific needs	1,803,571	0	1,803,571
Subtotal	4,346,362	0	4,346,362
Community participation and self-management			
Community self-management and equal representation	64,503	0	64,503
Self-reliance and livelihoods	2,611,007	0	2,611,007
Subtotal	2,675,511	0	2,675,511
Durable solutions			
Voluntary return	1,287,264	0	1,287,264
Resettlement	209,997	0	209,997
Local integration support	264,191	0	264,191
Subtotal	1,761,452	0	1,761,452
External relations			
Resource mobilisation	35,423	0	35,423
Public information	51,160	0	51,160
Subtotal	86,584	0	86,584
Logistics and operations support			
Programme management, coordination and support	949,912	23,992	973,903
Subtotal	949,912	23,992	973,903
Headquarters and regional support			
Media relations and public affairs	222,407	0	222,407
Subtotal	222,407	0	222,407
Total	12,275,445	94,177	12,369,622
2010 Revised budget	9,808,728	122,422	9,931,150

Consequences of a 20 – 40 per cent funding shortfall

- Some 930 refugees with specific needs will not receive financial assistance.
- Approximately 845 students will not be able to receive lessons, limiting their ability to enrol at levels appropriate to their age, and integrate within the Indian educational system.
- More than 1,000 refugee women will not receive sanitary materials.
- Some 600 refugees will not benefit from self-reliance and vocational training activities.
- Promotional activities related to the national legal framework and statelessness will be reduced.
- Some 150 people of concern will not be naturalized.
- The number of persons receiving direct support will be reduced.