



## Destination Delhi

A review of the  
implementation of  
UNHCR's urban  
refugee policy in  
India's capital city

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## Executive summary

In 2000, UNHCR's Evaluation and Policy Analysis Unit (EPAU) published a case study of urban refugees in New Delhi as part of a larger evaluation of the implementation of the 1997 UNHCR policy on refugees in urban areas. Since then, UNHCR has promulgated a very different policy document on urban refugees. The new policy is a marked reversal of the 1997 policy, a document that focused more on reducing assistance and security issues for urban refugees and less on protection.

In sharp contrast, the 2009 policy, UNHCR's policy on refugee protection and solutions in urban areas, reinforces the intrinsic rights of refugees to international protection whether they are in camps or cities. The 2009 policy outlines twelve protection strategies to make cities recognized and safe places for refugees.

At the invitation of the UNHCR Chief of Mission in India, PDES decided to revisit New Delhi in January 2013 to examine to what extent the new policy is being implemented and how deeply ingrained the philosophical shift of the new policy is in the mindsets of UNHCR staff and partners.

A return to New Delhi was especially interesting since the author of the new policy had been on the earlier evaluation team and noted that the earlier mission seeded many elements of the new policy. Two-thirds of the 2000 evaluation made explicit suggestions for amending the 1997 policy and laid considerable groundwork for the 2009 policy. Thus, a return to New Delhi in January 2013 to evaluate the viability of the new, more progressive policy toward urban refugees and the applicability of the twelve protection strategies was perhaps an overdue analysis.

Both the city and the refugee population have expanded in the intervening years. Over this timespan, the refugees and asylum seekers diversified from an almost all Afghan demographic to now include people from Myanmar, Somalia, Iran, Iraq, Palestine, Eritrea, Sudan, the Democratic Republic of Congo, and other African, Middle Eastern and Eastern European countries. Now, New Delhi is a bustling national capital with a beautiful new airport, elevated highways, and metro lines to keep people moving around its ballooning spaces.

The city's teeming economy has a lot to offer refugees especially in comparison to the situations reviewed in other recent evaluations of urban refugees. Yet, India's recent and much touted burgeoning economy sits in paradox to its other source of notoriety: severe poverty. In response to the juxtaposition of an economic boom and a persistently high poverty rate, India has spent billions of dollars on poverty alleviation schemes in the past decade.

Even though many Indians continue to be mired in poverty, the government provides access to health, education and potentially to selected poverty alleviation schemes to refugees. This is all the more significant since India is neither a signatory to the 1951 Convention nor does it have a national refugee law.

Despite India's ad hoc approach to their legal status, there is no tradition of refoulement, discrimination or detention of refugees. Moreover, India has recently agreed to allow mandate refugees to apply for long-term visas that would provide them with the legal right to work and access to all academic institutions. Taking all this into consideration, New Delhi appears to be a city with distinct advantages for today's refugees.

Even so, many of the refugees in New Delhi would like to move on to a third country and recently the UNHCR Office has spent considerable resources in discouraging unrealistic aspirations for resettlement. It is gradually becoming clear to these refugees that India may not be a way-station but a destination. And at this destination, refugees need to navigate how to live amongst the multitudes of the indigenous poor. For the most part, refugees are only accessing entry-level jobs and they are competing with Indian nationals for them.

The compensation from these jobs is so meager that most households need to have two or more people working full-time to cover rent and food. Children are dropping out of school or only attending partially in order to supplement the family income. There can be security risks in traveling to and from work especially the occasional and lucrative catering jobs at large night time parties. Sexual gender-based violence (SGBV) is prevalent in New Delhi and refugee women are victimized because they look different. . African refugees are the target of racist attacks.

Accessing services and justice is also a challenge. The UNHCR refugee ID cards are not always accepted by schools for enrolment and few refugee youth, if any, have attended the secondary and senior secondary National Open School, a distance learning format high school. In trying to avail themselves of services, refugees have learned they must navigate another hallmark of India: an exceedingly slow paced bureaucracy. This is of particular concern in the face of the promises of the long stay visas.

With those visas, and the accorded rights to work and enroll in any academic institutions, refugees in Delhi could break the cycle of poverty and begin to establish a higher degree of income security. Thus far, the Myanmarese refugees are obtaining the long stay visas easily and the Government of India has agreed to waive the associated fees. It is hoped that all other refugee communities will acquire these visas with the same facility. With the work opportunities this visa affords in an up and coming city, it can open doors to a better socio-economic status.

Thus, it is understandable that refugees dream of resettlement to a more developed nation while they are confronting the paradoxes of modern India. However, poverty is not grounds for resettlement. The very limited spaces for resettlement to Australia, Canada, and the USA are reserved for refugees with protection needs that cannot be met in India and the limited spaces may be subject to resettlement countries preferences for particular nationalities.

For the existent refugees in New Delhi, there is not much connection with families for reunification claims in Australia, Canada and the USA. Most of the family reunification opportunities would be in Europe. Thus, the UNHCR Office has a two-fold challenge in implementing the new policy for refugees in urban areas: 1) shifting the mindset of refugees from leaving India to staying and exploiting the opportunities offered, and, 2) advocating with the Government of India to make the lives of refugees tenable by actualizing their promises of widely recognized documents that would enable refugees to compete for more than slum-based opportunities.





## Introduction to the review

1. In 2000, UNHCR New Delhi's operations served as a basis of inspiration for revising the urban refugee policy. In 2013, UNHCR's PDES returned there with the purposes of: 1) examining the way that the urban refugee situation has evolved over the past decade; 2) examining the way in which the Office of the Chief of Mission has sought to implement the 2009 UNHCR's Policy on refugee protection and solutions in urban areas; and 3) identifying examples of effective practice that can be incorporated into a forthcoming and web-based good practice database on urban refugee programmes. In order to ensure consistency with other recent urban refugee reviews (i.e. Bulgaria, Kenya, Malaysia, Tajikistan) this review of urban refugees in India will be structured along the lines of the 2009 urban refugee policy paper. The review was undertaken in accordance with UNHCR's evaluation policy.
2. This review was undertaken by two members of PDES, one of whom was the co-author of the 2000 review, Evaluation of UNHCR's policy on refugees in urban areas: A case study review of New Delhi and the lead author of the 2009 UNHCR's policy on refugee protection and solutions in urban areas. The other team member co-authored, The Implementation of UNHCR's Policy on Refugee Protection and Solutions in Urban Areas: Global Survey – 2012. Their methodology included: the examination of programme documents relating to UNHCR's urban refugee activities in India; a review of secondary literature on this issue; and the results of the urban refugee implementation survey.
3. In addition, members of the team conducted face-to-face meetings with a wide range of stakeholders, including: Persons of Concern to UNHCR, local communities in which refugees are accommodated; urban service providers and employers; law enforcement authorities; as well as the representatives of civil society organizations. The team made particular efforts to speak with refugees and service providers in their neighborhoods throughout New Delhi. The team interviewed staff at six refugee centres, one legal aid centre, and one registration centre in addition to meeting with the Deputy Commissioner of Police for South Delhi.
4. Ad-hoc focus groups with women were conducted at two of the refugee centres. The authors also conducted three home visits and attended one inter-agency meeting. The team took every opportunity to speak directly with individual or groups of refugees and asylum seekers. The interviews were conducted mostly in English and when there were exceptions, refugees translated for each other or the staff of the centres translated.
5. Other than traversing the crowded streets of New Delhi to reach refugee neighborhoods on different sides of the city, there were no obstacles to conducting the review. This logistics and agenda for this evaluation were arranged with remarkable efficiency by the UNHCR New Delhi Office. The warm welcome the evaluation team received throughout New Delhi was clearly based on the positive, constructive relationships the Office has nurtured at all levels of civil society. The current positive reputation of the UNHCR Office was noteworthy and came forward often. The team would like to thank all the people who contributed to the review, in particular, the national staff who accompanied the team during long days and translated and answered endless questions with intelligence and grace. Most of all, we thank the refugees we interviewed and responded to myriad and personal questions.



## The operational context

6. The enormity of India and the persistence of poverty are the obvious contextual factors that influence any examination of urban refugees in New Delhi, the nation's capital. It is hard to imagine how this crowded nation of 1.2 billion people that hosts one third of the world's poor can absorb more residents on its soil. In 2010, the World Bank reported that 32.7 per cent of the total Indian people fall below the international poverty line of US\$ 1.25 per day (PPP) while 68.7 per cent live on less than US\$ 2 per day.

7. As an additional demand on India's resources, it is estimated that there are already 10 million Bangladeshi labourers in India. Although they are contributing to India through their labour, they also constitute additional users of India's health care and educational systems. Refugees could easily fall into abject poverty in modern India where the chasm is vast between the rich and the poor.

8. To add to the uncertainty of refugee reception, India is neither a signatory to any of the refugee conventions nor is there national legislation on refugees. Reasons given for India's non-accession to the convention include: it is a Eurocentric document; the country has been too vulnerable to "infiltrators and terrorists" since Partition; the problem of migrant workers will increase; India is too poor a country to accommodate refugees in accordance with the Convention; and, India provides some relief and assistance to refugees despite not signing the Conventions. A national refugee law was once hoped for as a solution to the legal void for refugees in India. As of yet, that hope has not been realized.

9. As it stands, refugee rights and entitlements are mainly determined within the context of India's Constitution and the Foreigners Act of 1946. It is also noteworthy that to date, UNHCR does not have a Branch Office agreement with the Government of India; UNHCR works under the umbrella of UNDP in India. Another factor in the precarious welcome India currently offers to refugees is its pre-occupation with national security in the aftermath of the Mumbai bombings of 2011 and the coordinated terrorist attacks of 2008, and longstanding, unresolved conflict with Pakistan over the contested territories in Kashmir. In light of their national security concerns, some groups of refugees may be regarded with suspicion by their Indian hosts.

10. Even though their status is ambiguous and they struggle to survive within India's epic poverty, 185,000 refugees live in India. The majority of these are Tibetan and Sri Lankan refugees registered by the government. Sri Lankan refugees are mostly hosted in government run camps that UNHCR has only recently been allowed to access. UNHCR's mandate includes more than 22,000 refugees and asylum seekers who are living independently mainly within New Delhi, a sprawling city of 20 million people spread over 1,483 square kilometres. At the end of 2012, the office reported the following composition of refugees in New Delhi: 7,289 Hindu-Sikh Afghans, 2,344 ethnic Afghans, 6,680 Chins from Myanmar, 991 others from Myanmar, 739 Somalis, 113 Iraqis, 60 Palestinians (mostly from Iraq), and 275 other nationalities Iranians and people from other African countries.

11. The recent, steady influx of Rohingya from the Rakhine State of Myanmar may soon eclipse other ethnicities of asylum seekers in India. The force of the influx can be better understood by the asylum seeker statistics for the same time period: 53 Hindu-Sikh Afghans, 518 Ethnic Afghans, 2,472 Rohingya from Myanmar, 352 others from Myanmar, 35 Somalis,

28 Iraqis, eight Palestinians (mostly from Iraq), and 93 from other countries. Based on information shared amongst UNHCR offices in the region, the current levels of Rohingya arrivals should be consistent through the year. An increase in the arrivals of ethnic Afghans is also anticipated this year and next year as NATO withdraws from Afghanistan in 2014.

12. Like in many places, it is easier for some groups of people to integrate than it is for others. In general, the Afghan-Sikhs have been able to integrate more easily because of their ethnic alliances and middle-class profile. The Myanmar, especially the Rohingya, and Somalis have faced greater challenges.

13. Reportedly, the general population of India holds a largely positive attitude toward refugees. It is also reported that they are sometimes unclear as to who is a refugee and as a result confuse refugees with migrants from Bangladesh. A possible explanation for this generalized goodwill toward refugees can be attributed to the country's long tradition of hosting those fleeing persecution. Whereas, others go so far as to say that the collective trauma of partition generated an implicit sympathy for refugees. In any case, India has a large, vibrant civil society dedicated to supporting human rights. India is proud of this tradition of a civil society and often points to its flourishing civil society as a competitive edge in outpacing other nations in Asia.

14. However, tangible improvements to refugee recognition and services can be linked to improved relations with the Government of India. In the past few years the UNHCR New Delhi Office improved its credibility through more efficient refugee status determination procedures and they cleared a sizeable backlog of asylum seekers. The Office also collaborated with the Government on solutions to very sensitive individual cases. As a result, the government counterparts became more forthcoming and engaged more positively with UNHCR.

15. Despite the progress of the past few years, problems still exist in Delhi for the Somali and Rohingya refugees. The other ethnicities can often pass for one of the many and diverse ethnicities within India. A number of Somalis and Rohingya have settled in Hyderabad where they can resource services through COVA, a local partner.

16. For the most part, the Rohingya find jobs there as laborers. In Hyderabad, they can also find protection through a community from their countries of origin. Hyderabad is a Muslim majority area and as such affords a friendlier environment for Muslim refugees. There is a downside to leaving Delhi though; the salaries are even lower in the cities of Hyderabad and the same can be said of Jammu in the state of Jammu & Kashmir where many of the indigenous population are equally or even more poor than refugees.

17. Another concern specific to the Rohingya is that they are not well organized; they have no leadership or congress; UNHCR is present only in Delhi and can access refugees in Hyderabad through its partner COVA. So far, there is no system in place to access refugees in Jammu & Kashmir although the UNHCR New Delhi office has been granted access to visit the refugee community there. The other ongoing area of concern for all the refugee communities in Delhi is the prevalence of Sexual Gender Based Violence both inside the refugee community and from outside.

## Expanding protection space

18. Overall, the protection space in Delhi has expanded not only due to the significant efforts of the UNHCR office, but also through key Government of India policies. The recent Government of India decision to grant all UNHCR mandate refugees the opportunity to apply for long stay visas of a one year renewable duration augments the protection space considerably. These long stay visas allow refugees to work in the private sector and enroll in any academic institution.

19. In the meanwhile, refugees holding the current UNHCR-issued ID cards with photos and microchips already enjoy freedom of movement, and have access to legal remedies through the national judicial system and access to government health and education services” The more widely recognized documentation coupled with the Government of India’s de facto policy of non-refoulement and the absence of any pervasive campaigns for “eviction, arbitrary detention, deportation, harassment or extortion by the security services and other actors “ also go a long way in safeguarding the protection space in New Delhi.

20. In addition to upholding the rights to freedom of movement, association and expression, the police of New Delhi have exhibited a patient and measured approach when confronted with recent refugee demonstrations. In an interview with the Deputy Commissioner of Police of South Delhi, this balanced approach was attributed to an open and sustained dialogue with the UNHCR office. The positive relationship with the police of New Delhi has had other benefits. In a reaction to the rising reports of SGBV, over 200 women were provided with a self-defence course by the New Delhi police.

21. UNHCR’s legal aid partner, Socio-Legal Information Center (SLIC), provides sensitization to local police in addition to the courses the police already receive in cadet training. SLIC also maintains a “duty officer” system for SGBV complaints so that there is always someone available to respond. Additionally, SLIC provides specific training to women inspectors at each station so that they can better respond to SGBV complaints. The police offering to help refugees and participating in discussions of human rights is indicative that the protection space for urban refugees is expanding.

### **Providing reception facilities**

22. UNHCR New Delhi operates a model reception facility per the guidelines set forth in the UNHCR urban refugee policy. Most asylum seekers approach UNHCR’s West Delhi reception and registration center,” Vikaspuri”, a facility that provides clean and adequate indoor and outdoor waiting areas and facilities, videos explaining documentation procedures, and posters in many languages explicitly stating that all services are provided free of charge. Male and female guards are present at the front entrance. All refugee interpreters are provided with UNHCR’s Code of Conduct training. The physical space and all areas of the operations of the reception center are models for compliance with the good practices outlined in UNHCR’s urban refugee policy.

23. However, it is the efficiency of the documentation and status determination processes that sets this center apart. Asylum seekers are given appointments within three weeks of physically approaching the office. The exceptions to this pattern are Rohingya living in

Hyderabad who can request a registration appointment to be made for them through UNHCR's implementing partner there, COVA. The registration appointments for Rohingya refugees take longer because the UNHCR New Delhi office combines registration and refugee status determination (RSD) on the same day in order to minimize travel for this impoverished group. It can take longer than three weeks to arrange for a registration officer and status determination officer to both be available on the same day but the consolation is that the family only has to travel once to the reception center.

24. The Rohingya refugees usually pool funds in order to reach the reception facility in Vikaspuri. They normally arrive in families of five to ten people or as single men who come as advance scouts for their families. At the time of this report, UNHCR does not have an implementing partner in Jammu, Kashmir where an estimated 5,000 Rohingya refugees and asylum-seekers live.

### **Registration and data collection**

25. Large India shares a border with many countries: Pakistan, Afghanistan, China, Nepal, Bhutan, Bangladesh and Myanmar in the north and Sri Lanka and the Maldives are in her vicinity in the Indian Ocean. At this point in time, it is mainly Tibetans, Pakistani Hindus, Afghans and ethnic groups from Myanmar who are registering as asylum seekers in India. The Government of India registers newly-arrived Tibetan refugees who enter through the UNHCR Reception Center in Nepal. The Government of India also has administrative arrangements for Pakistani Hindus; they may obtain long stay visas but they are not considered refugees by the government. Whereas, UNHCR registers asylum seekers from the neighboring countries of Afghanistan and Myanmar and they are the majority of Persons of Concern for the office in New Delhi.

26. UNHCR New Delhi streamlined its registration and RSD procedures in the last four years and decreased waiting periods from months and years down to weeks. Their efficiency has improved relationships with refugee communities, the Delhi police and the Ministry of Home Affairs of India. To remain current and avoid reverting to a backlog, the UNHCR New Delhi Protection Unit has developed the good practice of publishing and analyzing statistics every week in order to review the time asylum seekers are spending in their documentation pipeline.

27. At the Vikaspuri center, asylum seekers complete registration forms and instruction sheets with the help of interpreters from SLIC, who provides registration interviews at the rate of 10-15 cases a day. In addition to having SLIC on the premises to provide registration support and legal services, a team from the other principal implementing partner, BOSCO is also present every day to provide psychosocial support services to asylum seekers. Before the registration interview, a vulnerability determination that is designed to be sensitive to issues emerging from SGBV and disabilities.

28. Female heads of household are often fast tracked through the RSD process since subsistence allowances (SA) are only available to recognized refugees. Best Interest Assessments (BIA) are also conducted for unaccompanied minors to refer them immediately to partners for services and to investigate potential trafficking routes. Age verification remains a challenge for the registration process. In recent years the majority of unaccompanied minors were from the Chin community of Myanmar, and Chin arrivals have dramatically diminished since 2010.

## Documentation

29. The correct documentation of non-Indian nationals is especially important in this country where national security is currently of heightened concern. The documentation of all foreigners is verified for every individual on a door-to-door basis by police on Republic Day in January and Independence Day in August. UNHCR New Delhi shares basic bio-data of refugees and asylum seekers with the Ministry of Home Affairs and by default their subsidiary, the police.

30. Asylum seekers are provided with an “under consideration certificate” that contains their photos and an official stamp. This paper certificate is usually valid for two to four months pending the RSD interview or until the time of an appeal decision in the case of rejected asylum claims. Recognized refugees receive a micro-chipped identity card, a “smart card”, that is valid for three to five years. UNHCR is able to read refugee information by scanning the smart card.

31. This photo ID smart card looks similar to a Government of India issued identity card. Standard refugee status description text is written in English and Hindi on the back of the card. The only additional entitlements that recognized refugees have are the possibility of subsistence allowances, participation in the BOSCO income generation activities and job placement programmes, and resettlement opportunities.

32. The smart card is vastly more credible and convincing than previous paper certificates. The card plays a very important role in finding accommodations as the landlords want to establish the identity of tenants and the UNHCR smart card is often the only document they have. The same can be said for its role in seeking employment. However, the UNHCR card is not always effective in and of itself in accessing all government services, e.g. enrolling children in schools where some schools request birth certificates and transcripts of prior studies<sup>1</sup>.

33. In addition to the smart card, some refugees have attained the national AADHAR card as part of India’s Unique Identity Scheme. Reportedly the AADHAR card requires specific paperwork. The registration times and places for the AADHAR card is announced within neighbourhoods. This government issued identity card is free of cost and provides biometrics for all recipients over the age of five. Children under the age of five can still receive it though. This national card could make accessing critical government services, including enrolment in English language schools, much easier.

## Determining refugee status

34. UNHCR New Delhi conscientiously adheres to the proscribed good practice of providing a RSD decision within 180 days of registration; their average is 135 days, and decisions are consistently delivered within 30 days of the first status determination interview. In 2011, the Office launched a password protected website where asylum seekers could access their status decision. At times, the smart card is sent to the refugee in order to spare him or her a trip.

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<sup>1</sup> UNHCR New Delhi has an understanding with the education authorities in New Delhi whereby the documentation requirements are waived for refugees. Nevertheless, some schools insist on these documents in which case BOSCO intervenes on behalf of the refugees

35. As mentioned earlier, the UNHCR New Delhi's "Enhanced Procedure for Rohingya" RSD protocol provides for registration and RSD on the same day at the Vikaspuri facility in West Delhi. This saves the applicant multiple trips. Simplified RSD procedures are in place for refugees from the Rakhine State of Myanmar. The recognition rate for Rohingya refugees has steadily increased due to inter-communal violence in the Rakhine State that erupted in June 2012 and the deleterious situation of those who have taken refuge in other countries. As long as India continues to accept them, the number of refugees from the northern Rakhine State will probably continue to rise although these numbers pale in comparison to the number of Rohingyas approaching other countries in the region.



## Community relations

36. UNHCR New Delhi's approach to community relations is in many ways a study in good practices. In an effort to enhance interaction with refugees and provide services with sensitivity and intelligence, 11 refugee centres operate throughout the city as of the time of this report. The office has done a lot to move away from its legacy of a subsistence system and ad-hoc, middle-class level support to refugees, e.g. admissions to private education and hospitals, and move toward more community based programming. The former approach was not only improbable to sustain it also resulted in the office doing a great deal for refugees and very little for asylum seekers, most of whom were minors.

37. Currently, the office maintains a broader social protection model with programmes designed to reduce poverty and vulnerability by promoting access to labor and enhancing their capacity to manage economic and social risks. This has been done mainly through direct dialogue with the various communities and well thought out planning with their two main implementing partners, BOSCO and SLIC.

38. In another good practice, the current UNHCR Representative maintains a direct dialogue with refugees through systematically holding town hall meetings in various refugee centers throughout the city. She uses these meetings to deliver clear and difficult messages to the refugee community such as telling them that their future is in India and encouraging them to focus on integration and coexistence. BOSCO reinforces this message in their training of refugee community workers, Community Service Providers (CSPs). The CSPs encourage refugees to initiate a positive dialogue with the local community and invest in good neighborhood relations. By delivering the same message through various interlocutors, a consistent broadcast reaches across the refugee community.

39. In cooperation with BOSCO, UNHCR is also encouraging youth to be community interlocutors. Youth clubs develop campaigns on myriad subjects including HIV/AIDS awareness and primary school enrolment. They also compete in sports and cultural activities. The youth club "battle of the bands" event is attended by thousands of people. In addition to public service campaigns, each youth club explores psycho-social issues that impact their own communities: Afghan youth discuss forced marriages; Somali youth discuss violent displacement; and the Myanmar youth discuss parental alcoholism and child labour.

40. The 11 youth clubs in New Delhi have a substantial membership of over 700 participants. The clubs seek to integrate with the host population by requiring 30 per cent Indian participation. The youth clubs also reinforce diversity by requiring each club to have two male leaders and two female leaders. The youth clubs are also a place where cultures collide and there is some resistance amongst refugee parents to having their children participate and acquire values and information that conflicts with their own cultural traditions.

41. UNHCR New Delhi is also attempting to improve their outreach through tracking neighborhood politics, networking more actively with new partners and local government departments, e.g. the child welfare board, local police chiefs, and, "PaAnchayats", the local resident welfare associations or "RWAs". SLIC is working to promote links amongst these

resident welfare associations, the local police, and the refugee communities by hosting meetings for the three groups to come together.

42. In addition to registering refugees, SLIC provides legal counseling on a “walk in” basis at the Vikaspuri refugee center in West Delhi as well as in South Delhi. The counseling focuses primarily on interactions with landlords, employers, police and also court cases. Evictions and landlord harassment at times resulting in assault are prevalent complaints from refugees. At the same time, SLIC provides sensitization training to the local police force. The training includes guidance on differentiating between refugees and economic migrants and gender based violence.

43. Because of SLIC’s efforts, refugee leaders can now call the local police station and have some confidence in the response. New Delhi’s Hindu-Sikh Afghan community and, to a lesser degree, the Chin refugee community who have intact leadership structures in place are able to benefit from this. However, the Somali, ethnic Afghan and Rohingya communities suffer from a dearth of leadership and are therefore not as effective in advocating for their own community. To address this, there is a leadership training project for the Somali and Afghan communities that is managed by the Centre for Refugee Research, University of New South Wales and funded by the Australian Government. At this point, it is a small scale project though.

### **Maintaining security**

44. The main criminal problems for refugees in New Delhi are assault, molestation, purse-snatching, employer exploitation and violent disputes with landlords. It is taken for granted that many crimes against refugees go unreported. Sexual gender based violence (SGBV) is a significant threat for all women in New Delhi, and refugee women in particular. Because Myanmar women look delicate and dress in modern clothes, they are often targeted, especially when they are coming home from work at night. Many of the Somali women in New Delhi are widows and single heads of households and have decided to share accommodations.

45. Unfortunately, these all-female households are sometimes misinterpreted to be brothels and have been subjected to harassment such as men knocking on the door in the middle of the night. Indian women would be more likely to report this harassment to the police and access advice through national systems, e.g. the Women’s Helpline. Because of language barriers and a lack of confidence in reporting procedures, refugee women were not accessing the Indian social welfare or the criminal justice system.

46. In the aftermath of the recent and widely reported gang rape and subsequent death of a female medical student, all women in New Delhi are speaking up and reporting assaults more often. This appalling incident and the worldwide attention it garnered opened up new spaces for collaboration and dialogue on SGBV issues.

47. SLIC’s staff is comprised of social workers and lawyers. Through their combined efforts, refugee women are gradually learning their rights in SGBV workshops. SLIC is also conducting sensitivity training for the local population along with the New Delhi police force. SLIC plans to sensitize women police officers at each sub-station in the city. In the beginning of 2013, the South Delhi police provided self- defense courses for over 200 women. In addition to fundamental knowledge of self-defense, the real impact of these courses is the improvement of the relationship between refugee women and the police.

48. The police also provide ways for the refugee communities to link with the Resident Welfare Associations (RWAs) which in turn promotes integration in at the neighborhood level. The police and RWAs enjoy a mutually beneficial relationship and work jointly to install CCTV cameras, guards at neighborhood gates and other activities to enable residents to participate in their own security. In return, the residents help the police in tenant verification, an important activity for all foreigners in India.

49. The police encourage refugees to participate in these meetings as fellow residents, not as a refugee community. As the Deputy Police Commissioner stated, "Some refugees are looking for special treatment in how they are heard and treated" but should not expect exceptional treatment. She went on to say that a language is only a minor problem as most refugees have enough "broken English" to make themselves understood to the police constables. After all, many of India's internal migrants also do not speak Hindi.

50. Improved language skills are only part of the solution. Refugee leaders could be much more effective as community moderators by making an attempt to understand Indian law and speak Hindi or English. In every case, the refugee community is being encouraged to promote their own security by participating in neighborhood initiatives and maintaining good relationships with the policemen and women on their "beat".



## Self-reliance and solutions

51. One of the biggest differences in how UNHCR New Delhi serves refugees today versus thirteen years ago is its attitude toward subsistence allowances (SA). Nowadays, subsistence allowances are only available to refugees assessed to be in need for three months at a time with the exception of unaccompanied and separated children who get SA until they turn eighteen. At the time of this report, the Office reported that over the course of a year there could be up to 1,600 subsistence allowance recipients, and that at any point in time there are 400-450 people receiving SA.

52. At this juncture, SA was being paid by bank transfers to accounts that refugees can access through ATM machines in the only bank that would allow refugees to have accounts, the Federal Bank. Banks in New Delhi ask for a permanent address and recognized ID card: this can be problematic for refugees settling into New Delhi.

53. Unfortunately, the Federal Bank is not conveniently located and can take refugees half a day to access this bank's ATM machines and incur 300 INR in expenses. . However, during the home visit interviews some refugees were concerned that the ATMs were too complicated for some of their older compatriots. When asked about receiving funds via mobile phone networks, they thought it was too complex since they use their phones sparingly and only for voice calls because they cannot read the texts in Hindi or English.

54. The monthly subsistence allowances were set at 3,100 INR (=US\$ 55) for the principal applicant and 950 INR (=US\$ 17) for dependents at the time of this report. The common monthly rental amount in the refugee neighborhoods was about 2,500 - 3,000 INR for a studio apartment that was usually shared by a three to five people. In South Delhi, where the Afghans live, a two room apartment could cost 12,000 INR (=US\$ 215) per month.

55. Refugees also complained to the team that the rate of inflation has been rising steadily for the past few years and they have seen daily price hikes on staples such as rice (18 INR or US\$ .33 per kilo) in the Indian run shops. When most of the monthly SA goes to covering the rent, the few refugees who receive it are hard pressed to find work to supplement this allowance.

56. Most refugees work six days a week in "irregular factories" or in jobs that BOSCO Placement Programme found for them. BOSCO operates a job placement service for refugees whereby they meet with employers before and after the placement to see if the work environment is safe, non-exploitive and free from harassment. BOSCO also mediates management and employee disputes that for the most part are about unauthorized absences. The placement team also helps employers differentiate between refugees and economic migrants, the main competitors for the jobs available to refugees.

57. Although many employers favour refugees on the basis of their work and grooming habits, economic migrants are more flexible as employees. Many of the refugees, especially those from Myanmar, have to leave the workplace before nightfall for security or family reasons whereas the migrants who are mostly single men can stay as late as the employer wishes.

58. Some Afghans have found employment in shops, especially pharmacies, or as medical translators and “fixers” in service of wealthy Afghans who have traveled to New Delhi for operations. This medical translator job can pay as well as 7-10,000 INR per day. A few men from Myanmar have found work as “office boys”, delivering tea. UNHCR offers small business grants of amounts up to 20,000 INR. The start-up grants are used for materials for more than 30 cottage industry businesses. The Myanmar refugees are the primary recipients of these grants.

59. Over time, it has become clear that the grant recipients need tutelage in financial literacy in addition to material support. Due to a lack of financial accounting it is hard to determine if these businesses are running at a profit or just turning over cash. Otherwise, the highest paid jobs are found in the humanitarian community workers for NGOs.

60. Some of the refugee women from Myanmar have found employment as domestic workers yet this employment can be fraught with abuse. During the home visits, the evaluation team heard the story of a group of eight Chin adolescent girls who were recruited by an Indian woman to become domestic workers. Their families approved the employment since it appeared to be a legitimate opportunity. It emerged that the girls were being beaten and a few girls could not be found. At the time of the evaluation, the police were continuing to search for the missing girls.

61. Also during the home visits, the refugee women complained that the sexual harassment they endured was so severe that they wondered if it could be used as grounds for resettlement. Nevertheless, the inflation and low wages in New Delhi compel women to take risks for jobs. To enable both parents to work, BOSCO operates crèches in refugee neighbourhoods five days a week from 9.30 to 5.30. The Myanmar community has been operating two days care centres since 2012 which are open six days a week from 7am to 7pm and later if need be. Unfortunately, all the interviews with Chin refugees indicated that their adolescents were skipping school in order to work to sustain the family.

62. The decision of the family to enlist their adolescents in the work force is understandable when one considers how precarious their financial security is. If one of the adult earners falls ill, there are limited economic supports for a refugee family in New Delhi. Many of the focus group participants responded that when someone falls sick, they borrow money from “Indians who understand our problems” at an interest rate of about 20 per cent per month. Borrowing money from the church is also a strategy they use to get through a difficult economic period. The refugees in the focus groups indicated that high levels of debt are normal for families in their communities.

63. Economic insecurity plagues refugees and host country nationals alike. Impoverished families often suffer from a chain reaction of bad events that lead to even worse circumstances especially when predatory lending is involved. For refugees, poverty is one of their two primary protection concerns; as one focus group participant stated, “Security and higher salaries are the two big solutions.” India is de facto the international laboratory of poverty alleviation schemes, and, after the outrageous gang rape incident in New Delhi at the end of 2012, the Indian authorities are also trying to improve security measures.

### **Healthcare, education and other services**

64. The Government of India provides recognized refugees with the same entitlements to health and education at par with Indian citizens. In 2010, India enacted the Right of Children

to Free and Compulsory Education Act which includes refugee children. From the first time an asylum seeker approaches the UNHCR reception facilities, the staff there orient them toward the available education and health care providers.

65. The refugee Community Service Providers, are instrumental in making sure that new arrivals understand their entitlements in India. As one UNHCR staff member said of the Community Service Providers, “They are the backbone of the health and education programmes as they help mobilize the community and create awareness on the main issues as well as provide translation services. They receive regular training from UNHCR and partners on UNHCR services, immunization, maternal and child health care, water borne diseases, reproductive health and HIV/AIDS.”

66. Despite the automatic entitlement to education and the outreach efforts of refugee service providers and youth clubs, very few refugees are consistently enrolled in the national educational system. They do, however, enroll their children in private schools where the classes are in English and the students are predominantly refugees when they can afford them, e.g. a Korean Baptist school.

67. Refugees say that they do not attend the Government of India schools because the curriculum is in Hindi and the refugee children are bullied by Indian children. The Hindi language issue seems to be emphasized by parents who are hoping for resettlement to English speaking countries. The refugee children in New Delhi are reportedly good at speaking Hindi. It is also noteworthy that Hindi and English are the national languages and “English-only” schools admit refugee children. However, the English curriculum schools are usually 3-5 kilometers outside of refugee neighborhoods.

68. On top of this, refugees have also experienced administrative difficulties in enrolling their children in the absence of Indian birth certificates; the refugee ID cards were not readily accepted and BOSCO staff had to intervene on their behalf. Refugees also reported that it was problematic to have credentials from schools outside of New Delhi recognized by the authorities.

69. Nevertheless, if India is indeed the destination for these refugees, they need to acquire educational credentials that are widely recognized in this country. In further efforts to promote enrolment in the national schools, BOSCO provides computer, language and “bridge lessons” to catch refugee children up to the Indian curriculum. Complementary tuition classes are also available for children attending Government schools. They also fill other gaps that occur in the enrollment process.

70. For instance, the government provides refugee children with uniforms, yet the uniforms usually do not arrive until the middle of the year: BOSCO provides the children with uniforms in the interim since any child who is not in uniform would be suspended. In addition to academic preparation for the Indian schools, BOSCO programmes also try to support the broader psychosocial context for refugee learners.

71. BOSCO’s computer training classes are also instrumental in qualifying refugee children over the age of 14 to participate in India’s renowned Open School programme, a distance learning approach to secondary school. A “Learn & Train” programme is also being held for unaccompanied and separated children between the ages 16 to 18 to provide them with basic education and vocational training along with coaching and psycho-social support. Although UNHCR and its partners are actively promoting primary and secondary school education, they are competing with refugees dreams of resettlement and resistance to

integration into India and a deeply ingrained tradition of entering children into the workforce at the age of 11 or 12 in a country where the legal age to start working is 14. The Office cannot do enough to promote and incentivize refugees enrolling in the national educational system.

### **Meeting material needs**

72. Despite the opportunities available because of India's economic boom and access to Indian schools, there are refugees in New Delhi who cannot support themselves for various reasons including mental and physical illness. The UNHCR New Delhi office uses a modified version of the Heightened Risk Identification Tool to screen for especially vulnerable individuals. In addition to Subsistence Allowances, UNHCR also supports "work-fare" programmes or Income Generating Activities (IGAs) for refugees who are unable to participate in the work force.

73. The IGAs are run by BOSCO and refugees produce articles ranging from paper plates from a hand press to attractive tunics from the local fabrics. While the IGAs provide dignified employment to 100+ refugees and refugees can earn up to 3,200 INR a month in these programmes, the skill level and products are not competitive in the marketplace and thus this model is purely an artificial source of support. BOSCO also has assistance programmes for elderly refugees.

74. At the time of this evaluation, SLIC had been attempting to establish the eligibility of refugees for one of India's poverty alleviation schemes, the "BPL" (Below Poverty Line) card in the courts. (India has four ration cards: Above Poverty Line cards for families earning above 12,000 INR per year; The BPL for families earning below 12,000 INR per year; the Anthodaya, Anna Yojana card for the "poorest of the poor" of BPL qualifying homes; and, a fourth card type called Annapoorna is available for families (husband and/or wife) who live without children, are not working, and are not receiving pension).

75. So far SLIC has had some success with their "right to food" argument and making the case through the "Right to Life" (Article 21) under the Indian Constitution. Since the Indian Constitution does not specify "Indian citizens", SLIC often uses it to argue on the behalf of refugees. The BPL card is assessed on income and nutrition levels. The monthly income threshold is 2200 INR. Many Somalis and Rohingya refugees would easily qualify for eligibility.

76. In addition to receiving food distributions, the BPL card bearer can acquire subsidized goods at drastically lower prices, e.g. wheat and rice that sells at 20INR per kilo can be purchased with a BPL card for 2INR per kilo. Aside from the material benefits, inclusion in national poverty alleviation schemes would subtly promote local integration for both refugees and local officials. In Hyderabad, COVA has been successful in obtaining a concession for refugees to access subsidized food on the basis of their refugee card.

### **Promoting durable solutions**

77. This report has described many ways that local integration is being promoted de facto through Government of India policies and UNHCR New Delhi's programming. Certainly, the issuance of the long-stay visas recently introduced by the Government is expected to make a substantial impact on livelihoods and education prospects. Other Government documentation such as the "AADHAR card, will also be an improvement in documentation.



78. Although it requires many identity documents to procure it, some of the refugees in New Delhi already have the AADHAR card. It is free to refugees yet they must sign up for it on the designated days when it is announced for their city blocks. Reportedly, school registration and subscription to other services is much easier with the AADHAR card. It is noted that some human rights groups oppose the AADHAR card because they see it as an instrument of governmental control more than a tool for food and other distributions. Nevertheless, the AADHAR card combined with the long stay visa will go a long way in reinforcing and recognizing the rights of refugees to live in Indian cities.

79. It would also be helpful for the refugees themselves to recognize that these cities are not way stations en route to Australia or North America, but the destination itself. Although resettlement continues to take place from New Delhi, there is less and less support for this solution and it has been reserved for the most vulnerable individuals. And, New Delhi is a case in point whereby the prospect of resettlement has interfered with refugees living productive lives in the city in which they are living. Moreover, in India, good management practices in documentation and status determination and resolving difficult cases, has proved the best strategy for maintaining a positive relationship with the government. The office's efficacy has been far more convincing than a resettlement strategy ever was.

80. Perhaps because resettlement is rare, or for other reasons, some refugees are choosing to return home. The UNHCR Office in New Delhi has been supporting voluntary repatriation of Afghans a rate of over 50 persons a year for the past three years#. It is widely believed that far more Afghans have returned home without consulting UNHCR. Somalis often express a desire to go home because of the racist attacks they endure, but are inhibited by the security situation in Somalia.



## Conclusion

81. Thirteen years ago, the evaluation of UNHCR's urban refugee programmes in New Delhi incited an overhaul of UNHCR's urban refugee policy. This year's evaluation provided proof of UNHCR's ability to implement the more recent urban refugee policy along with a trove of good practices in a country that is neither a 1951 Convention signatory nor that has domestic refugee legislation in place.

82. It appears that the successes of the New Delhi projects have been based on careful consideration of what all the different stakeholders need, consistent analysis of the changing demographics, and pro-active communications. In the past few years the Office designated concerted resources toward cleaning up refugee status determination back-logs and processing difficult cases to engender the respect of the Ministry of Home Affairs whose security and anti-terrorist agenda understandably needed to account for everyone on Indian soil.

83. The local authorities needed sensitization and so the UNHCR Office reoriented the portfolio of an existing partner, SLIC, disengaged with a long-standing partner and expanded the partnership with an existing partner. And, most importantly, the refugee population needed realistic and tenable solutions for living in India. Now they access Indian health care, education, and criminal justice systems. The recommendations of this evaluation encourage the UNHCR Office to continue and deepen integration oriented programming, continue to shift resources consistent with demographic changes, and to exploit India's newly prosperous ranks to aid refugees.

### **Expansion of social capital**

84. One of the largest concerns to the evaluators was the reports of the number of children out of school or in non-accredited, private schools. The lack of recognized education credentials for refugee children is worrisome because it ensures that the next generation will only be able to access livelihoods in the lower echelons of India's economy. This is all the more a shame since opportunities exist in India's marketplace.

85. Thus the recommendation is that the UNHCR Office should support and incentivize not just enrollment but graduation from Indian schools. The two most often repeated impediments to attendance were: insufficient Hindi language skills and bullying by Indian children. BOSCO should continue their English language courses while significantly increasing the number of Hindi language courses. In collaboration with SLIC, the Office can draw upon its extraordinarily good relationship with the local police to provide an anti-bullying campaign in the Indian schools in refugee neighborhoods.

86. Another reported problem with enrolling refugee children in Indian schools is recognizable documentation. The recommendation is for the UNHCR Office to facilitate the acquisition of the readily recognized AADHAR cards for all of the refugees in New Delhi and Hyderabad along with following up on the issuance of the long-term visas. The AADHAR cards may not only help children get into school but can also help refugees receive one of the ration cards. The suggested implementation for this recommendation is to

mobilize the BOSCO trained refugee Community Service Providers to conduct neighborhood by neighborhood campaigns to acquire Atta cards for people.

87. Hopefully the AADHAR cards can also help refugees expand upon their use of Indian health and social welfare resources. It is recommended that the Office explores available services amongst the Indian mental health providers to respond to displacement triggered PTSD, substance abuse, depression, residual trauma from sexual gender based violence and domestic violence along with other psychological conditions endemic to New Delhi's refugee population.

88. Albeit mental health facilities in New Delhi are continuing to develop, creating links for refugees to the Indian mental health systems would allow for more sustained care and a bridge to the host country. Using the Women's Helpline and seeking assistance from national child protection or domestic violence networks would foster more durable support networks for refugees. When an appropriate mental health provider is identified, the Office may consider investing in psychiatric treatment plans instead of or in addition to participation in the informal occupational therapy programs of their workfare schemes, e.g. making paper plates.

### **Keeping up with the changes**

89. The Office is to be commended on keeping up to date statistics and their familiarity with the communities. The field visit for this evaluation coincided with a large-scale profiling exercise of refugee communities in New Delhi which will soon yield even more accurate information and insights into the refugee communities. This thorough, house to house census taking is expensive and time and labor intensive and cannot be often repeated. However in an urban environment as dynamic as New Delhi, and in a country with as many volatile neighbors as India, mapping is an essential activity.

90. During the evaluation, UNHCR chaired a well-attended interagency meeting and it was clear that both international and national NGOs were comfortable with UNHCR's leadership. The recommendation is for UNHCR to continue to lead mapping activities through routine 3W (who is doing what where?) exercises for livelihoods and social services in New Delhi, Hyderabad and if possible, Jammu, to continue to take stock of services available to refugees and gather statistics from service providers.

91. In the past two years the number of Afghan refugee claims filed has decreased. However, it is expected to escalate when the NATO forces leave Afghanistan in 2014, and the drop- in Myanmar Chin claims over the past two years does not offset these potential surges in Rohingya or Afghan claims. In light of this, the office it is recommended that the Office prepares a contingency staffing plan to maintain their exemplary record of processing registrations and status documentation. Although two Refugee Status Determination officer posts were cut, the staff can keep up with the current level of applications. However, a back-up from HQ or elsewhere in the region should be negotiated in the case of a seasonal influx.

### **Tapping into India's wealth and pride**

92. India's flourishing economy and newly minted millionaires offer many opportunities for Private Sector Fund Raising to promote corporate social responsibility. The recommendation is to strengthen PSFR activities in India and to place a PSFR intern in the New Delhi Office. In addition to corporate fundraising, a refugee loan programme should be established with

an Indian bank that can help refugees to avoid informal, predatory lending. As New Delhi's refugees become more integrated they can also eventually provide a client base of 20,000 persons for the same bank.

93. Likewise, the same private hospitals where refugees are working as interpreters for wealthy Afghans, should be called upon to provide stable jobs with upward mobility for refugees and pro-bono specialist services that are not readily available to refugees through the regular Indian systems. India's booming IT sector could also be prevailed upon to create interesting, on-line, interactive Hindi trainings in the languages of the refugee communities. And last but not least, isn't it high time that UNHCR has a Goodwill Ambassador from Bollywood?