CHAPTER-V

UNHCR AND REFUGEES IN INDIA: A PERUSAL

5.1 Introduction

Refugees in the loose sense are people in flight, seeking shelter away from their usual geographical living space and within the confines of another collective entity have been known in history since time immemorial. The classic case cited in this respect in Europe is that of the French Huguenots who fled to Britain, the Netherlands and Switzerland when Louis XIV revoked the Edict of Nantes in 1685. No less memorable is the absorption of Iberian Jews in Muslim states of North Africa and the Middle East when they fled Spain in 1492 and later because they refused to convert. But only with the advent of the 20th century did the concept of the refugee undergo a serious transformation, turning it into a subject of law. Sovereign nation states set in place normative standards and control mechanisms including the right to exclusion so as to keep the international movement of people in check. Following the upheavals of the First World War and the great revolutions it brought in its wake, the European continent was the theatre of several major population displacements such as the flight of over one million Russians from their homeland between 1917 and 1922 or that of a large body of Armenians from Turkey in the early 1920s.\(^1\)

The need for appropriate international legal instruments offering a clear cut definition of refugees and stating the rights and duties of states in their dealings with this group was felt because Europeans incrementally understood that the refugee issue should be dealt with in a regionally and internationally coordinated manner rather than by nationally entrenched policies. Adhoc instruments were drafted and the result was the beginning of refugee law. The first treaties and arrangements specifically focusing on the question of refugees date back to 1921 when the League of Nations endowed itself with an operational arm appointing the Norwegian scholar, Dr. Fridtjof Nansen as the High Commissioner for Russian refugees, a mandate which was later extended to include Armenians, Assyrians, Assyro-

Chaldeans and Turks and refugees from the near East. On Dr. Nansen's death in 1930, a new office was created bearing his name the Nansen International Office for Refugees. In 1933, a new High Commissioner for Refugees coming from Germany was appointed. In 1938, both offices were shut down in order to be replaced by a new High Commissioner for Refugees under the protection of the League of Nations. But the outbreak of World War II brought to an end any League of Nations involvement in the question of refugees.\(^2\)

In the period following World War II, Europe was awash in millions of displaced people including Germans trying to return to their country, ethnic Germans driven out of neighbouring countries and people uprooted because of the war. Refugee camps were set up to house the displaced persons and a UN organization, the United Nations Relief and Rehabilitation Agency (UNRRA) was created to assist them until they could be repatriated. But many of the displaced persons did not want to return, particularly to the Soviet Union or the countries under Soviet control. The mass repatriations of 1945 slowed and came to an almost complete halt by the end of 1946, leaving more than one million people in camps with few prospects for a solution. While UNRRA was supposed to oversee repatriation increasing tensions with the Soviet Union led some governments, particularly the U.S. government, to resist forcing refugees to return. The United States provided seventy percent of UNRRA funds and in 1947 it decided to withhold its funds, effectively killing the agency. The United States pressed for the creation of a new organization, the International Refugees Organization (IRO), whose mission was not the repatriation of refugees but their resettlement. The western bloc insisted that the mandate of the IRO be broad enough to offer protection to individuals with valid objections to repatriation including objections based on persecution or fear based on reasonable grounds of persecution because of race, religion, nationality or political opinions and objections of a political nature judged by the organization to be valid.\(^3\)

The IRO was established in 1946 to coordinate the international action then required to respond to the urgent problem generated by the mass displacement and

\(^2\) Id. at p.161.

dislocation of populations following the Second World War. The IRO's function was expressed in the following terms: “The repatriation, the identification, registration and classification, the care and assistance, the legal and political protection, the transport, the resettlement and re-establishment in countries able and willing to receive them of persons who are concern of the organization under the provisions of Annex I.” The IRO was the first international organization to make a sharp distinction between a refugee and a displaced person. It was also the first to focus on the individuals seeking refuge rather than the group or category to which they belonged. Its constitution described a displaced person as one who was forced to leave his or her home due to conditions brought about by war or natural disaster. Although they lived outside of their country of citizenship, they still retained their nationality and were considered to be under the protection of their state of origin. Refugees, on the other hand, were considered to be victims or potential victims of political persecution and as such could neither return home nor rely on their states to provide diplomatic protection. In defence to the Soviet and Yugoslav position, the IRO Constitution limited this definition to victims of Nazi, Fascist or Quisling regimes, Spanish publicans and those who were already outside of their country of origin and were unwilling or unable to avail themselves of their governments protection. This definition clearly reflected the desire of the liberal states and their allies including India and the Latin American countries to place the protection of refugees within the context of an international order based on international law and collective responsibility. In particular, the West European states viewed refugees as possessors of human rights who were entitled to protection from the tyranny of state action. Louise Holborn, for example, argues that the creation of the IRO was designed specifically to uphold the purpose and principles of the United Nations, particularly those sections of the Charter that focused on prompting human rights and the dignity of the individual. For this reason, the IRO mandate did not extend to displaced persons or economic migrants even though in large numbers they could

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also constitute a threat to stability. The records of the deliberations within the two committees support this contention.\textsuperscript{6}

The Western delegates argued that all refugees should be given a right to seek asylum and freedom of movement and that pending this determination, they should be under the protection of international law and the UN agencies administering the refugee camps. As the Dutch delegate Sassen argues, "A person who has expressed his desire not return to his country of origin is entitled to resettlement elsewhere as a basic human right." The delegates agreed that the IRO should protect all those awaiting a final resolution of their situations. As such, the organization maintained a network of camps to provide food, shelter and medical care and provide legal protection for those individuals certified as refugees. Consistent with the emphasis on individual determination, the IRO registered and classified those requesting certification to ascertain whether they fell within the mandate of the organization. Its main task, however, was the re-establishment of refugees through repatriation to the country of origin, integration into the country of refuge or resettlement in a third country.\textsuperscript{7} The IRO was a highly operational organization. It described itself as the largest mass transportation agency in the world and it disposed of a fleet of twenty five ships on full charter with the capacity of moving 19,000 persons per month and comprised a staff of 4,289 persons deployed in twenty six states. When the IRO decided to discontinue its work, it indicated that the UN should assume responsibility for the remainder of the Second World War refugees as well as new refugees, those fleeing communist rule. The suggestion from the IRO resulted in the creation of the contemporary regime.\textsuperscript{8}

\section*{5.2 Evolution and Development of UNHCR}

In the late 1940s, a need was felt by United Nations that there was a prerequisite of body that could see the general worldwide displaced person issues as the IRO dropped out of support. By Resolution 319 (IV) of the United Nations General Assembly of December 1949, the United Nations High Commissioner for Refugees was established as an auxiliary organ of the General Assembly subsequent

\textsuperscript{6} Id.at p.171.
\textsuperscript{7} Ibid.
\textsuperscript{8} Marjoleine Zieck, \textit{UNHCR's Parallel Universe: Marking the Contours of Problem}, 7 (Vossiuspers UVA, Amsterdam, 2010).
to having an extreme talk on this issue. Since numerous individuals from the United Nations did not shape an accord over the foundation of a lasting body subsequently this association was just proposed to labor for a long time, from January 1951. UNHCR's command was initially set out in its statute, added to Resolution 428 (V) of the United Nations General Assembly of 1950. According to UNHCR, "Its mandate is to provide on a non political and humanitarian basis, international protection to refugees and to seek permanent solutions for them." The prior United Nations Relief and Rehabilitation Administration was succeeded by UNHCR and it appeared eventually on 14 December, 1950. The UNHCR is depended with the assignment of ensuring the privileges of displaced people and determining their issues worldwide furthermore to lead and co-ordinate global activity in this appreciation. Its fundamental article is to accomplish security for exiles and to withstand for the reason for displaced people. UNHCR needs to ensure that there must not be infringement of human privileges of exiles in the nation where they have taken asylum. Alongwith it needs to guarantee that alternate alternatives dependably stay practical to exiles like voluntary repatriation, local integration or resettlement in third country.  

At the point when Hungarian unrest was pounded by the Soviet strengths, there was a surge of evacuees and it was the main significant crisis confronted by UNHCR in 1956. Any desire that UNHCR would get to be superfluous has never reemerged. UNHCR need and intercession was again felt when in the 1960s there was a tremendous displaced person emergency because of the decolonization of Africa which was the first of that mainland's emergency. The coming two decades were no less dreary for UNHCR as it needed to manage the uprooting emergency in Asia and Latin America. Before the end of century there were crisp outcast issues in Africa and turning full circle, new influxes of evacuees in Europe from the arrangement of wars in Balkans. The start of 21st century has likewise seen the UNHCR work towards real displaced person emergency in Africa, for example, Democratic Republic of the Congo, Somalia and Asia. The work of UNHCR does not end here rather its need was likewise felt in the circumstance of inner dislodged persons by strife. The UNHCR part got extended however less obvious in giving

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help to stateless individuals who are denied of their fundamental human rights on the appearance that they are nationals of no nation and thus their number is on expansion. Taking 1951 as the premise for ensuring refugee rights different provincial instruments were formulated in various regions of the world, for example, Africa and Latin America. In 1954, UNHCR won the Nobel Peace prize for its historic work in helping the refugees of Europe. More than a quarter century later, UNHCR got the 1981 award for what had ended up overall help to refugees.\(^\text{10}\)

No international organization has had such an unpromising beginning as UNHCR. The first UN High Commissioner for Refugees, Gerrit Jan Van Heuven Goedhart, had a mandate to protect refugees and to provide solutions to refugee problems but he had only three years to demonstrate the office's relevance and practically no funds with which to carry out his work. Determined to keep UNHCR a strictly limited agency and to restrict their own obligations to costly refugee resettlement, states provided very little financial support to UNHCR in its early days. The United States did not fund UNHCR until 1955 and chose instead to generously fund rival humanitarian agencies including its own refugee office, the US Escapee Program that were closely aligned to American foreign policy interests. From its conception, UNHCR tried to overcome these financial and operational restrictions. The High Commissioner realized that without a bigger budget the office would not be able to fulfill its refugee protection mandate, would enjoy little, if any, autonomy and would exercise limited influence in the international system. From the very beginning, therefore, UNHCR's challenge as an organization has been to demonstrate its relevance in changing conditions while preserving its original mandate of protecting refugees and finding a solution to their plight.\(^\text{11}\)

UNHCR's expansion took a great leap forward with the end of the cold war. The collapse of empires and the rise of ethno nationalist wars meant that the world was experiencing wave of mass flight and the agency became a major player. No one thought to ask whether these populations in flight were bonafide refugees or not. Additionally many displaced were unable to cross an international border either


because it was of reach of the neighbouring country that refused them entry. In these new circumstances states encouraged UNHCR to bring assistance to refugees rather than waiting until refugees crossed the border to safety. Lastly, UNHCR was becoming one of the world’s lead humanitarian agencies, handed operational control in new conflict zones and expected to help coordinate the delivery of relief efforts on an unprecedented scale. In most cases UNHCR could hardly be accused of paternalism because it was delivering assistance to those who had no other sanctuary. And at those times when it simply acted without asking the refugees what were their preferences, it might have had good reason either because there were no good choices or because it would have been logistically and practically impossible to assess what the refugees wanted. As UNHCR moved from its protection to its assistance mission and as it began to redefine on its own, what protection meant, it began to act in ways that were not only paternalistic but also potentially placed refugees in jeopardy - even though, according to UNHCR, it as in their long term interests.  

Not only did Goedhart has few resources at his disposal but the office was also confronted with a number of legal limits on its activities. UNHCR's mandate only allowed the office to offer protection to those who were refugees as "result of events occurring before 1 January 1951." The statute also precluded the organization from conferring refugee status on an entire national population fleeing repressive government but instead could confer such status only on individual whose claims had to be assessed on case by case basis. People fleeing from international or civil conflicts, economic hardship, famines or natural disasters were excluded from UNHCR's protection. Moreover, the 1951 Convention’s refugee definition contained both geographical and temporal restrictions. It was intended to be used by the western states in dealing with arrivals from Eastern Europe and consequently reflected the international politics of the early cold war period. Perhaps most significantly, the scope and extent of the authority of the High Commissioner were further limited by the importance attached by states to the international norms of sovereignty and non intervention in the domestic affairs of the states. UNHCR's statute restricted the authority of the High Commissioner to assist refugees who have

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crossed international borders and expressly forbade the High Commissioner from involving himself in political activities. Because the causes of refuge flows were considered to fall outside the organization's humanitarian and non-political mandate set out in its statute, UNHCR was reluctant to become involved in human rights monitoring. UNHCR officials were also inclined to avoid raising delicate political questions when dealing with host governments for fear of overstepping their mandate or damaging relations with governments, most of whom would consider such intrusions to be interference in their internal affairs. During most of the cold war, the norms of sovereignty and non-intervention limited the scope of UNHCR activity and with few exceptions restricted the office to work in countries of asylum rather than countries of origin.13

Throughout the Cold War, UNHCR generally approached the refugee problem in a manner which can be characterized as reactive, exile-oriented and refugee-centric. The office primarily worked with people after they had fled across borders to neighboring countries where they required protection and assistance. UNHCR staff concentrated their activities on assisting refugees in camps or settlements and negotiating with host and donor governments for support and paid little attention to preventing or averting refugee movements. It placed primary responsibility for solving refugee problems on states that hosted refugees rather than on states that caused refugees to flee. Hence, UNHCR emphasized local settlement and resettlement rather than repatriation as solutions for refugee problems in its early years.14 The UNHCR predominantly discharge its refugee mandate through ‘protection’, a term repeatedly used but not formally defined in the working and statutory languages of these agencies. Even so, what amounts to ‘protection’ in Europe or Africa may differ in Asia today or America tomorrow. Protection is a term of art rather than a legal expression capable of precise definition. Its meaning, however, will change depending on who is being protected and where they are located. While this flexible understanding allows the accommodation of unforeseen contingencies, the lack of certainty creates a fear that the term may be abusively deployed. Nonetheless, at least two elements of protection can be identified. The first may be derived from the two agencies working language. For example, The

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13 Id. at. p. 19.
14 Ibid.
International Committee of Red Cross (ICRC) considers “to protect implies preserving victims of conflicts who are in the hands of an adverse authority from the dangers, sufferings and abuses of power to which they may be exposed, defending them and giving them support.” The second draws upon a general reading of Refugee treaties, and the Additional Protocols to the 1949 Geneva Conventions. The term protection by inference means employing legal and administrative mechanisms to guard and preserve the vulnerable lives of human beings against the dangers arising from ‘military operations’ and natural causes. Minimally, protection requires the maintenance of human life to a level that is as normal as possible, regardless of whether an individual fleeing persecution is situated within their native state or is within a third state.¹⁵

For most of its history, the office has also acted as a teacher of refugee norms. The majority of the UNHCR's tactics have mainly involved persuasion and socialization in order to hold states accountable to their previously stated policies or principles. For example, High Commissioners have frequently reminded Western states that as liberal democracies and open societies they are obliged to adhere to human rights norms in their asylum and refugee admissions policies. Because the UNHCR possesses specialized knowledge and expertise about refugee law, states at times have deferred to the office on asylum matter. This was particularly the case before the 1980's when the UNHCR had a monopoly on information about refugee law and refugee movements. During the early decades of its existence, the office enjoyed maximum legitimacy as it simultaneously tried to define the refugee issue for states, to convince governments that refugee problems were soluble, to prescribe solutions and to monitor their implementation.

In recent decades, however, states have questioned UNHCR's moral authority or simply ignored UNHCR in the interest of pursuing more restrictive asylum and refugee policies. As the scope of the global refugee regime has increased, efforts to ensure international solidarity and burden sharing have been more problematic. For example, in recent years the global settlement of refugees had declined and local integration in the global south remains exceedingly difficult.

States have often sought means of pursuing their interests in the global refugee regime by attempting to shift responsibility to other actors and by avoiding additional responsibilities.\textsuperscript{16}

Nevertheless, while its authority and legitimacy has consequently declined, the office still tries to influence how states respond to refugees. During 2001-2002, UNHCR initiated the Global Consultations on International Protection which resulted in the adoption of an “Agenda for Protection”. Moreover, since 2007 the High Commissioner's annual dialogues on protection challenges have provided a forum for states, NGO’s and experts to discuss action plan on issues such a mixed migration, burden sharing, protracted refugee situation, urban refugees and environmental displacement. Finally, UNHCR provides training and promotes guidelines and standards for the international protection of refugees in a variety of forums involving not only states but also experts, NGO’s and regional and local actors around the world. UNHCR had not only acted as a transmitter and monitor of refugee norms but also socialized new states to accept the promotion of refugee norms domestically as part of becoming a member of the international community.\textsuperscript{17}

The commitment of states to participate with the High Commissioner is, for occurrence, expressly said in universal and provincial legitimate instruments for the assurance of evacuees, outstandingly the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. A portion of the capacities and obligations are likewise installed in worldwide law ideas all the more comprehensively, for example, the surrogate capacity of political and consular insurance for exiles and stateless persons or global human rights assurance ideas. The High Commissioner is additionally legitimately qualified for and in charge of mediating specifically for the benefit of refugees and stateless persons who might some way or another not be spoken to lawfully on the worldwide plane. The viable activity of his command both presupposes and is supported by the dedication from states to participate with him and his Office. The High Commissioner is likewise enabled to "welcome the co-operation of the different particular offices" to help his


\textsuperscript{17} Id. at. p. 218.
Office in the execution of his command. This two dimensional lawful establishment has given the High Commissioner and in addition his Office its extraordinary personality, particular lawful power and freedom. The General Assembly chose in 2003 to expel the transient restriction on the continuation of the Office, allowing a changeless command “until the refugee problem is solved.”\textsuperscript{18}

5.3 UNHCR and Executive Committee

The governing body of UNHCR is the Executive Committee of the High Commissioners Programme (EXCOM) representing its member states elected by Economic and Social Council (ECOSOC).\textsuperscript{19} EXCOM was set up by ECOSOC in 1958, on the solicitation of the General Assembly and comprised in 2013 of agents from eighty seven states with a specific enthusiasm for outcast matters either as a displaced person host or UNHCR benefactors. The part of EXCOM recommended by the General Assembly is to exhort the High Commissioner in the activity of his or her worldwide security capacities under the statute, to audit and favor UNHCR's help programs and to set the budgetary targets expected to actualize them. UNHCR is obliged to look for the guidance of EXCOM, especially in troublesome cases. EXCOM's choices and conclusions on UNHCR's actuates are sent in a yearly report and are in this way supported by the General Assembly. EXCOM's decisions are not lawfully official on states but rather the way that the advisory group is made out of an expansive scope of states with specific interests in exile matters guarantees the accord accomplished in EXCOM turns out to be generally acknowledged as global principles. In spite of the fact that its part was at first anticipated that would be constrained, EXCOM and its Standing Committee which was made in 1995 have come to practice extensive impact both on UNHCR's everyday exercises and on arrangement advancement. For example, EXCOM significantly empowered UNHCR's strategy change in the 1990's by more than once contending that the environment in which the office worked had fundamentally changed with the end of the cold war and that as a result, UNHCR must search out creative answers for new

\textsuperscript{18} “Note on the Mandate of the High Commissioner for Refugees and His Office”, available at: <http://www.unhcr.org/> (Visited on July 8, 2015 at 5:20pm).
sorts of dislodging issues. One purpose behind the expanding significance of UNHCR of EXCOM's opinions and decisions in the 1990s was the agency's rapidly growing budget.\textsuperscript{20}

UNHCR's total expenditures were US$ 497 million in 1980, US$ 544 million in 1990, US$ 1 billion in 1999, US$ 1.6 billion in 2008 and US$ 2.3 billion in 2012. UNHCR's major donors are members of EXCOM. As billion dollar budgets became the rule rather than the exception from the 1990s onwards, the views and opinions of the states providing these funds weighed heavier both on UNHCR's choice of policies and choice of words to describe the challenges it faces. The said relationship between UNHCR and EXCOM also provides the former with means to influence the latter. EXCOM's report to General Assembly as well as most of the discussion papers and information notes considered in the meetings of EXCOM and its Standing Committee are drafted by UNHCR's thus giving the agency an opportunity to raise the problems and questions it deems most important.\textsuperscript{21}

5.3.1 Structure and Organization of EXCOM

A UN General Assembly Resolution [1166(XII)] had asked for ECOSOC to build up an Executive Committee comprising of agents of UN part states or individuals from any of the specific offices. It determined that these delegates ought to be chosen by the gathering on those greatest conceivable land premise from those states with an exhibited enthusiasm for and dedication to the arrangement of the displaced person issue. Although built up by ECOSOC, EXCOM capacities as auxiliary organ of the General Assembly and its documentation is issued in a General Assembly arrangement. EXCOM's report is submitted straightforwardly to the General Assembly for thought in the third committee. Article 3 of the UNHCR's statute coordinates that “the High Commissioner shall follow policy directives given him by the General Assembly or the Economic and Social Council.” EXCOM does not substitute for the approach making elements of the General Assembly or ECOSOC however has its own executive and advisory functions.\textsuperscript{22} These include:

\textsuperscript{21} Id. at p. 79.
• To advise the High Commissioner in the exercise of his/her functions.
• To review funds and programmes.
• To authorize the High Commissioner to make appeals for fund.
• To approve proposed biennial budget targets.\textsuperscript{23}

The EXCOM presently has 98 members. The following table gives a detailed view regarding number of its member states since its inception:

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\textsuperscript{23}Source: ExCOM Members and How to Apply, available at: <http://www.unhcr.org/>(Visited on July 16, 2015 at 12.10pm).

\textsuperscript{23} Ibid.
In regard to the Annual Sessions of the Executive Committee (ExCom) these are held in the month of October. Not only they are attended by its members but also the observers, representatives of UN member states and various intergovernmental and non-governmental organizations are present in its session. One entire session of ExCom is held every year by UNHCR though the Standing Committee of ExCom meets thrice a year. On the other hand the informal consultative meetings of the Standing Committee are conducted throughout the year. ExCom works with respect to survey the working of the Standing Committee of the earlier year and set up a system of work for the following coming year. ExCom additionally sees to the budgetary prerequisites of UNHCR for the forthcoming year furthermore endorses the yearly program target. Further it additionally embraces certain conclusions perhaps on global assurance and also choices on a scope of regulatory, money related and procedural issues. The Executive Committee Bureau contains four office holders: the Chairperson, two Vice-Chairpersons and the Rapporteur. The Bureau is chosen toward the end of the yearly whole session in October. By convention, the seat is held in substituting years by benefactor and non-contributor representatives.

5.4 Role of UNHCR in India

UNHCR does not have a formal agreement with the Government of India but instead under the agreement of the United Nations Development Programme (UNDP). UNHCR was first granted permission to work in India in 1969 in order to provide vocational training to Tibet refugees and was later permitted a limited role in monitoring repatriation of Tamils to Sri Lanka. While India joined the UNHCR Executive Committee (EXCOM) in 1995, it has not ratified the 1951 Convention Relating to the Status of Refugees nor its 1967 Protocol. Inspite of the policy commitment, UNHCR has an extremely limited mandate in India and is authorized to work with only a small number of the total refugee population. UNHCR is not permitted to access to the border areas of Mizoram and Manipur and was only granted access to the camps in the South, hosting refugees from Sri Lanka in early

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2013. UNHCR area of work with in Delhi is also restricted and does not include refugees from Tibet, Bangladesh, Bhutan or Nepal. The major groups with whom UNHCR works in New Delhi are refugees from Burma, Afghanistan, Somalia and a smaller number from a range of other African and Middle Eastern countries.\(^{26}\)

UNHCR's operation in India is based in New Delhi and has an office in Chennai. In New Delhi, UNHCR conducts mandate Refugee Status Determination (RSD) for individual asylum seekers from non neighboring countries with the exception of Myanmar. The UNHCR office in Chennai supports the voluntary repatriation of Sri Lankan refugees to their home country. As of end December 2014, there are some 31,000 refugees and asylum seekers registered with UNHCR in India.\(^{27}\)

### 5.5 Implementing Partners of UNHCR in India

The United Nations High Commissioner for Refugees has established partnerships with a wide variety of actors to deal with the crucial issues of refugee protection, resettlement and operations. These range from government to non-governmental organizations, the private sector, civil society and refugee communities. In order to more efficiently carry out its mandate, UNHCR India works with its 'Implementing Partners'.\(^{28}\) The following paragraphs shall have a detailed description about the working and role of the implementing partners of UNHCR in India.

#### 5.5.1 BOSCO

In January 2002 BOSCO (Delhi) became one of the implementing partners in the Refugee Assistance Programme of UNHCR in Delhi (United Nations High Commissioner for Refugees) for serving as a helping hand. BOSCO runs various programmes for refugees and it is one of its target to reach twenty thousand refugees belonging to different countries. The main purpose behind running such assistance programmes is to help the refugees under the directive of UNHCR- Delhi. Such

\(^{26}\) Id. at p.144.


\(^{28}\) “Implementing Partners”, available at: <http://www.unhcr.org.in/> (Visited on June 24, 2015 at 2.00pm).
assistance would enable them to grow and settle down at least having worthwhile life until they return to their own country or get resettled to a third country. As part of the holistic approach of BOSCO it has various tailor made programmes for the refugees like, Vocational Skill Training Programmes, Income Generation Activities, Psychosocial Support, Medical Support and Sustenance Allowance Programme and Placement Assistance etc.29

Education Programme: BOSCO gives due acknowledgment and spotlight on giving training to refugees as it considers that education enables a man to become independent. It encourages the flourishing of every refugee taking into account assorted instruction necessities. It gives education running from little children to grown-ups and concentrates on the essentials of adding qualifications as far as anyone is concerned bank. In doing as such, it includes in their day by day exercises, extending their points of view, giving them a soul of rivalry to contend with the consistent exercises in the host nation. The fundamental reason behind this is to build up a feeling of confidence in the people so they are all around outfitted with the ability of learning in all accords of lives. The quality of learning fulfills outcasts happily and builds up a feeling of trust in them. English being the pervasive dialect of correspondence is taught from an expanded level, as it is a quintessential hindrance to advanced education, livelihood opportunities and social abilities. BOSCO conducts English dialect classes at all four focuses in Delhi. These are isolated into four levels: pre-apprentice, learner, pre-middle of the road, halfway and upper-moderate take after the Cambridge book and NCERT syllabus for reference. A passageway test is led at every level for enlistment which decides the status of the outcast who is above thirteen years old. Similarly, refugees who are outsiders to our nation and are not knowledgeable with our national dialect Hindi, BOSCO has assumed the liability of familiarizing them with this particular dialect. This is fundamental as it makes feasible for an evacuee to end up self dependant and blend with the Indian society furthermore gives them better choices to discover the employment. It makes an open space for learning for all exiles by giving a comprehensive way to deal with learning Hindi. The Hindi system is an action and computer based project, taught for nothing to the displaced person staying around

Delhi/National Capital Region (NCR) ranges. The point is to make refugees learn Hindi to comprehend and represent overcoming any issues of dialect obstruction for their confidence, with a key stake being in business. Along with this computer training is likewise given to the exiles so they could meet the difficulties of this innovation period.

The training sponsorship for professional aptitudes is another project which licenses people who need to enhance their abilities in a given decision of mastery to acquire their employment. This project qualifies the contender for get fiscal sponsorship for the courses settled on; however inclination is given to those courses that are employment situated as they would permit them to gain a living. This sponsorship is for courses that have length of one to fifteen months. The qualification for the Training Sponsorship by the refugee is to be a Blue Card Holder inside the age gathering of seventeen to forty years. The competitor once conceded the sponsorship is qualified for present the course finish testament to BOSCO, this would empower the contender to be supported sooner rather than later once more. The Training Sponsorship is a great means for a refugee to enhance their aptitudes in a specific field and create it further through vocation. This achievement supports the assurance of the displaced person and helps them pick up a notoriety in the work place and the general public. BOSCO additionally works Outreach Center for outcast youngsters where their essential needs are dealt with. This inside gives nourishment, attire and instruction to the kids since they need such offices in India. This as well as the office of creche has likewise been given by Bosco. Another activity taken by BOSCO is as to extension classes which makes the understudies furnish themselves with such information and aptitude which helps them to take confirmation in Indian schools.

With their endeavour to give instruction, preparing and situation all the time, it empowers interest from those outcasts also, who because of unavoidable reasons can't go to classes. In cases like such, BOSCO gives admission to The National Institute of Open Schooling built up by The Ministry of Human Resource Development of India. Under this framework, refugees are permitted to submit

30 Ibid.
31 Ibid.
applications to the central focus at Vikaspuri. The candidates are required to be at least fourteen years old, to be selected to show up for the exams. Those refugees with legitimate Refugee Certificates are accepted, and those that are asylum seekers are conveyed to their notification to be conceded a birth testament by the UNHCR for their affirmations. The National Institute of Open Schooling (NIOS) framework gives a simple technique to the refugees to finish their course and pick up a declaration of training like a customary school going understudy. BOSCO encourages this framework to a normal of 200 refugees during a time according to the timetables set by the NIOS in India. BOSCO additionally runs DAFI an Albert Einstein German Academic Refugee Initiative (Deutche Akademische Flüchtling Initiative) a German grant given to refugees in India for graduation courses in (Arts, Sciences, Commerce, Social Work, and so forth). It's an activity to venture refugees as equivalent go getters with the Indian understudies. This activity allows the refugee to increase level with instruction in organizations like an ordinary understudy. The designation for this sponsorship is a minor portion, which depends on different criteria that include: the financial condition, scholastic learning and determination of the competitor. In 2013 there were 44 refugees that picked up the advantage to this prestigious grant. The affirmation procedure to be chosen for this grant includes the accumulation of the applications from its different centre's, home visits to decide the financial state of the candidate, a detailed report to be sent to UNHCR, and a meeting for the last determination. Those enduring the investigation are qualified for this grant.32

Health: BOSOCO with its health wing encourages refugees and asylum seekers to government healing facilities, dispensaries and Directly Observed Treatment, Short-Course (DOTS) Centers through the MCSPs since the outcasts have dialect obstructions. A thousand patients visit these focuses each month. The Medical Social specialists or Health Coordinator actually visits these patients if the case is entangled. Procurement of nonexclusive prescriptions to the refugees that are denied its acquirement at doctor's facilities is given at four scientific experts found near these wellbeing habitats for nothing. These guides incorporate clean napkins which are conveyed to the outcast ladies of regenerative age bunch for a time of three

32 Ibid.
months. Health appraisals are analyzed for medicinally powerless cases particularly HIV and handicapped individuals and appropriate direction is given with respect to finding, examinations prescriptions, forecast, surgery, and so on. Money related help for uncommon cases is likewise prescribed for endorsement by UNHCR. Appraisals are accomplished for health issues in psychosocial cases and treatment for the same is encouraged in government doctor's facility. To enhance a channel of reference, the Medical Referral Committee (MRC) comprises of three senior specialists from government doctor's facilities who assess exile cases which require budgetary help above five thousand for determination, surgery and meds. They with their skill constantly screen and talk about the displayed case among different focuses. The case is then sent to UNHCR for further endorsement. The MRC specialists additionally help with the examination of scientific expert bills and restorative appraisals for giving budgetary help (Subsistence Allowance) to wipe out and impaired patients. By this the referral board of trustees is firmly connected to the wellbeing prerequisites and states of the refugees and this gives them as a group to lay trust on our arrangement of work. In this universe of consistency and regularity, systems administration is a fundamental type of building compatibility and pacing each other's lives by sharing data. Organizing with the specialists from government clinics, giving a channel of connection among other NGO's encourages help for directing health camps, mindfulness sessions, giving inability helps, hospitalization and advising for cancer patients and home visits.

Doctors' meet is an occasion held once consistently where specialists from all the administration healing centers crosswise over Delhi are welcomed for introduction to this anticipate and to express the appreciation towards their inputs and endeavors in the prosperity of the outcasts. The health camps are held consistently to screen the outcasts against numerous maladies alongside mindfulness sessions to make them comprehend the significance of wellbeing with unique reference to preventive measures. The health camps are of two sorts; General Health Camps help in screening the basic and regular maladies. Specific Health Camps/Screening are directed to screen the evacuees for Cancer, bone sicknesses, eye issues, heart maladies, TB, HIV and so forth. The wellbeing group under the direction of Health Coordinator and Deputy Health Coordinator effectively help day
and night instances of SGBV (assault) among the refugees. There is a specific Post-Exposure Prophylaxis (PEP) Kit which has been obtained from United Nations Fund for Population Activities (UNFPA), which is administered to the rape survivor. Genuine cases including premature birth and different systems are additionally encouraged through a NGO. Aside from the specific wings of medicinal services and help it likewise gives mosquito nets, handicap helps, grown-up diapers, glucometer, inhalers and lactogen powders that are a piece of the essentials for huge numbers of the refugees.  

*Livelhood:* Setting up an arrangement of records for actualizing Refugee employment, recognizing components of independence and anticipating challenges in their usage, extends the position cell as a beam of plan to the unemployed gifted work power. BOSCO helps refugees with position and post situation support. The officer in-control audit the hopeful's points of interest, direct the meeting in light of the abilities and award the best arrangement at the business sector by reaching and arranging for the impetuses at the required position's office. In the year 2013 it put 684 hopefuls as a major aspect of the Placement Incentive Scheme (PIS). Independence being a key goal empowers the refugee to be sure and self dependant in a brief length, to make the plan empty to the individuals who need it more. It offers eleven plans and place significance for the Burmese people group who are back followed because of dialect hindrances. At BOSCO it is guaranteed that the competitors are given the well-suited position that would facilitate their brain and adapt to dislodging to the best of their capacity. With respect to this, the directing is offered to the refugee looking for a vocation to empower them to comprehend the sort of employment, pay structure, necessities, and the position's significance that would advantage their development to the greatest potential. Another part of the office is the "On Job Training Scheme" given to a refugee between the ages of 17-18 years. This plan gives one thousand rupees for each month for a time of six months as a motivating force on the off chance that they are utilized. Work Seekers Training also is a procedure of bestowing a comprehension to the universe of vocation for those refugees that are crisp to this thought. This preparation clarifies the sort of occupations, their areas, its control, and deride interviews. Aside from every one of

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33 Ibid.
the procurements given to the refugees, BOSCO runs market review to scan for business open doors for the outcasts. Hindi Language preparing choices are additionally accommodated those refugees that stand in requirement for it, in their work place. A linkage framework with the businesses for better arrangement of its hopefuls is likewise created. BOSCO guarantees change in its relations with the refugees to advocate growth and support to their opportunities.34

BOSCO's desire of taking into account the requirements of the refugees conveys it to the procurement of conceding endowment for business. Delhi being the capital of the nation lashes vocation difficulties to this group of individuals. As the greater part of them need legitimate qualifications, dialect and showcasing mastery that are required at formal work segments. It has gave its regarded bunch with the preferred standpoint to setup little scale business wanders in Delhi/NCR zones under Small Business Grant Scheme. With Self Reliance being its standard interest, it proposed to enhance the financial states of the refugees. The business gift plan commenced in the year 2010, was started with an aggregate of fifteen thousand rupees for every individual. Positive results recognized by the refugees and the UNHCR permitted it to climb the stipend add up to thirty thousand rupees in the year 2013. A bigger gathering of refugees from Myanmar and a lesser group of Afghan's were encouraged for business, for example, nourishment shops, computer classes, piece of clothing shops, magnificence salons, customizing work, circuit repairmen, carpentry, rickshaw pulling, cell telephone shops, diners, music classes, inside and web planning, products of the soil distributing, dispatch administrations and comparative different organizations. BOSCO grants refugees to arrange their business as per the Indian Market Strategy. The Business Grants division goes with the refugees to spots, thinks about the business sector and gives all the required backing and procurements to get the most extreme increase inside the constrained sum depended. Post follow up sessions with the refugees build up a compatibility with their group and the general population. Fundamental budgetary proficiency classes held at BOSCO fortify a fortified record support, promoting technique, client dealings and different portions to build up the business. It gives preparing to penniless members on issues of business, smaller scale funds, promoting and

34 Ibid.
aptitude improvement. This current project's secure participation at an expansive number, and give the start up to a groups' introduction to building up a business.\textsuperscript{35} Not only this but the psychological support is also given to refugees in collaboration with various medical institutes.

\textbf{5.5.2 Human Rights Law Network}

The Human Rights Law Network (HRLN) is a group of legal counselors and social activists whose prime point is to work towards assurance of human rights and to build up a lawful framework taking into account it in India and the sub-continent. HRLN has collaboration with human rights groups and grass-roots improvement and social developments to authorize the privileges of poor marginalized people and to challenge oppression, exploitation and oppression against any group or individual on the grounds of caste, sex, incapacity, age, religion, dialect, ethnic gathering, sexual orientation, and wellbeing, financial or societal position. HRLN gives pro bono legal services, conducts public interest litigation, engages in advocacy, conducts legal awareness programmes, examines infringement, distributes 'know your rights' materials, and takes an interest in crusades. HRLN is a division of Socio-Legal Information Center (SLIC). SLIC is a non profit legal aid and educational organization enlisted under the Registration of Societies Act, 1860, Indian Public Trust Act, 1950 and the Foreign Contributions (Regulation) Act, 1976.\textsuperscript{36}

The Human Rights Network advanced out of a national workshop on 'Human Rights, Social Movements and the Law in India' in 1989. In the late 1980s, when its work started, it took the type of everyday lawful guide for destitute individuals. HRLN wound up developing in a circumstance where there were not very many gatherings giving legitimate guide to poor people. By the late 1980s, PILs ran as an inseparable unit with working up a system and crusades. Meanwhile, the state set up its legitimate guide administrations, yet these stayed bureaucratic and unavailable. The late 1980s likewise saw a level headed discussion on the methodology that was required for legitimate work. Some felt that work must be accumulated at the High Courts and the Supreme Court since they trust that change would originate from that

\textsuperscript{35} Ibid.

\textsuperscript{36} "Human Rights Law Network", available at: <http://www.hrln.org/> (Visited on July 26, 2015 at 7:30pm).
point. HRLN trusted that a wise blend of work in the lower courts – the Labour Courts, the Family Courts, the Criminal Courts, thus on alongside work in the High Courts and the Supreme Court was the best approach. Instances of men against women and bosses against laborers are, as an issue of standard, never attempted. The last way was a more strenuous course yet it established a superior framework since it kept up at all times a nearby contact with the general population. The year 2000 was a defining moment in more than one way. The national gathering on 'Human Rights, Social Movements, Globalization and the Law' carried HRLN middle of everyone's attention with 1,400 legal advisors, activists, judges, columnists and others taking part more than seven days. The Conference was gone to by numerous agents from grassroots developments, improvement associations and gave a stage where individuals from the legal could pick up an understanding into social developments. The Conference additionally arranged the Indian development in a global connection, especially with the cooperation of the South African Constitutional Court judges, individuals from the CRC and judges from Europe. From various perspectives the Conference merged HRLN's work. It demonstrated that there was an expanding requirement for such human rights and law activities and numerous youngsters approached to join the development. HRLN has subsequent to developed and is today recognized as a significant national presence.37

**HRLN and Refugees:** HRLN bargains with the issues of refugees as well as has classes of individuals to be managed like youngsters, ladies, workers, dalits, individuals with handicap, individuals experiencing HIV/AIDS and so forth. The Refugee Rights Initiative at HRLN works for the assurance of the privileges of refugees and to enhance their circumstance in India with a mission to help asylum seekers, refugees and other dislodged populaces in understanding their essential human rights and getting to the equity framework. The Refugee Rights Initiative helps refugees in securing their common and political rights by helping them get Indian citizenship, from which further financial and different rights take after. HRLN group has worked with individuals from various nationalities, including yet not restricted to outcasts from Tibet, Sri Lanka, Bhutan, Somalia, Ethiopia, Sudan, Palestine, Iran, Iraq, Burma, Laos, Liberia, Kazakhstan, Sierra Leone, Eritrea,

China, and Afghanistan. HRLN has separated itself as being one of the not very many gatherings to help refugees and asylum seekers by method for directing, lawful guide, preparing and a sensitization program. As an executing accomplice of the United Nations High Commissioner for Refugees, it gives help on a scope of administrations for refugees. For instance, enrollment of the fresh debut and offering introduction to the asylum seekers, displaced person declaration issued by UNHCR must be re established at regular intervals. As of now, the whole refugee family meets with its social specialists for a present refugee reassessment status, which incorporates legitimate security, financial, restorative/mental, instructive/professional segments, and additionally abundant time to air grievances. These exercises are joined with endeavors to identify durable solutions for the mandate refugees, which include voluntary repatriation, naturalization, and third-country resettlement. HRLN likewise encourages applications for Indian citizenship in the interest of mandate refugees qualified furthermore keen on applying for naturalization in India. HRLN contests for safe shelter and the insurance of human privileges of refugees in the nation by giving free legal aid to refugees and asylum seekers, incorporating support in cases to secure home licenses, to stop refoulement, for refugees captured or facing deportation, for the enrollment of protests by the refugees at police headquarters, and for refugees in emergency circumstances. Alongside the Women's Justice Initiative at HRLN, represents women refugee outcasts in marital cases, including for the custody of kids. In situations where refugees face issues inside the group or with the police, its group gives help through defensive intercessions with the local and refugee community and the local police. It additionally makes intercessions in the interest of exiles before different administrative bodies.38

The Initiative attempts emergency reaction missions, examination, observing, and actuality discovering visits, for example, a mission embraced in Mizoram to reveal the mass-movement of Chin refugees from Myanmar. Through its mediations and counsels it attempts to cross over any barrier between uprooted groups and approach producers. HRLN conducts preparing programs for the overall population, lawful specialists, law understudies, activists, social labourers, and the

police to sharpen them on the best way to utilize the current laws for refugee protection. The Initiative has set up another sub-focus in Vikaspuri, to help refugees in procuring Indian citizenship. This has brought about 648 outcasts as of now accomplishing Indian citizenship and the acknowledgment of more than 250 applications by the Ministry of Home Affairs for naturalization. Throughout the years, HRLN has helped more than 5000 refugees in endorsement recharging, which consequently guarantees that they get their living arrangement license restored or developed. This is an especially imperative point of reference as it issues forward generally unattainable government help including budgetary and psycho-social bolster, instruction, professional preparing and business help. Moreover the license gives access to durable solutions, including resettlement, local integration, and voluntary repatriation.\textsuperscript{39}

5.5.3 The Gandhi National Memorial Society

The Gandhi National Memorial Society (GNMS) is the actualizing accomplice of UNHCR since 1997. It advances Gandhian strategies and goes for general improvement of deprived women and children. Education, professional instructional classes, guiding, restoration and different exercises concentrating on women and youth are done by the organization. GNMS is an UNHCR implementing partner and helps refugees in Pune and encompassing regions of Maharashtra by giving advising, legitimate and social backing.\textsuperscript{40}

5.5.4 Confederation of Voluntary Associations

Confederation of Voluntary Associations (COVA) is a national network organization in India devoted to the issues of social amicability, peace and equity. The prime center of COVA is on citizenship rights and on point of view working for concordance in India and advancement of participation and peace in South Asia. Through direct projects and by systems administration with other common society associations and establishments, COVA composes point of view building exercises and projects, completes crusades and leads research for affecting various segments of society and the state device to embrace comprehensive, mainstream and populist

\textsuperscript{39} Ibid.

\textsuperscript{40} Available at: <http://www.unhcr.org/> (Visited on July 27, 2015 at 11.55pm).
viewpoint and arrangements that would cultivate rights and advance equity and peace for all. Started in 1994 and enlisted as a general public in 1995 as a reaction to the common clash in the old city of Hyderabad, COVA has following advanced a few associations, trusts and systems crosswise over India intended to unite distinctive groups to encourage coordinated improvement and concordant society through collaboration and joint activities. Some effective systems incorporate empowering individuals to perceive and attest their citizenship rights, group support, riot control measures including groups, entomb confidence exchange, activity research, approach mediations, contacts with Parliamentarians and elected representatives, empowerment of women, personality development, livelihood guidance and orientation to social activism for youth and children. COVA is working as implementing partner of UNHCR since 2010 and its main working area for refugees in Hyderabad.

5.5.5 Development and Justice Initiative

Development and Justice Initiative (DAJI) is concerned with advancement and equity forms. It is an activity that takes a shot at human rights, environment, gender and administration. Improvement strategies of the previous decades in India have brought about a dissent of privileges of minorities, landless, little and minimal ranchers, Dalits, Adivasis, Indigenous People, workers, women and youngsters. The strategies develop existing imbalances and make new ones bringing about enormous financial and social incongruities. Clashes, despite crusades and biological calamities keep on forcing individuals to escape their countries. Unequal levels of advancement power individuals to move from their homes looking for survival and better improvement choices – even outside national limits. The uprooting, brutality and xenophobia prompting constrained movement cause debilitating of the human office and informal organizations of influenced individuals. DAJI believes that it is imperative to sort out and bolster the marginalized people and secure them the rights that are globally acknowledged in various UN declarations, rules and conventions;

and guaranteed in the Constitution of India.\textsuperscript{42} DAJI is working with UNHCR since 2014 and it supports the refugees living in the areas of Jammu, Mewat and Jaipur.

5.6 Non Governmental Organizations and UNHCR in India

There are various non governmental organizations which are working in collaboration with UNHCR in India for the cause of refugees and their upliftment. The following paragraphs shall have a detailed description of the working of these organizations.

5.6.1 Ara Legal Initiative

Ara Legal Initiative is the pilot activity of the Ara Trust which was enlisted on February 20, 2013 with the essential target of giving lawful guide to refugees and asylum seekers in India. The organization gets its name from the Latin word "Ara" which implies asylum or safe house. The organization is enlisted under Sections 12A and 80G of the Income Tax Act, 1961. Ara Legal Initiative is India's first refugee law centre that gives lawful guide and directing to exiles in India. Ara is the main association in India which has a 'Letter of Understanding' with UNHCR which interestingly organizes the idea of lawful delegates for refugees and asylum seekers in India by permitting attorneys to be available amid the asylum interviews and represent cases before UNHCR.\textsuperscript{43}

The thought behind Ara was to help refugee seekers to comprehend the UNHCR RSD process and help them make a compelling legitimate case for asylum. At the point when asylum seekers are enlisted with UNHCR, there is next to zero comprehension amongst the group of RSD, which is a semi legal procedure. UNHCR's own particular procedural rules give asylum seekers the privilege to draw in legal advisors for representation however this approach has not been actualized all around. Before the foundation of Ara and presentation of lawful representation for d refugees/asylum seekers, most candidates in India were experiencing the RSD procedure without having any data about the asylum technique and not knowing how to introduce their case. The absence of data prompted asylum seekers depending on hearsay information and being defenseless against abuse by touts and operators. Ara works as a specific law community for outcasts and means to fill

\textsuperscript{42} Available at: http://www.daji.org.in/ (Visited on July 28, 2015 at 6:05pm).
\textsuperscript{43} Our Mission, available at: <http://www.aralegal.in/> (Visited on July 28, 2015 at 06:30pm).
these holes. Ara essentially takes a shot at cases including: (i) unaccompanied minors; (ii) casualties of Sexual and Gender Based Violence (SGBV) and constrained marriage; (iii) single ladies who need compelling male bolster; (iv) Lesbian, Gay, Bisexual and Transgender and Intersex (LGBTI) claims; (v) elderly candidates; and (vi) refuge seekers experiencing genuine restorative afflictions. More than seventy-five percent of Ara's customers are ladies and kids. Further, the quantity of shelter seekers in India has significantly expanded in 2013 because of the progressing strife in Afghanistan and Burma, and the figures are relied upon to increment consistently till 2015. In this way, there is a dire requirement for common society engagement to upgrade existing abilities to manage the deluge and give direct help to the refugee community in India.\footnote{Our Work, available at: <http://www.aralegal.in/> (Visited on July 28, 2015 at 6:45pm).}

Ara has effectively drawn in with UNHCR to present and standardize the possibility of lawful representation in asylum seekers in India. On October 28, 2013, Ara turned into the main legitimate guide focus to sign a 'Letter of Understanding' with UNHCR to formally archive its part as a lawful guide supplier for the refugee group in India. The nearness of a lawful delegate amid the RSD procedure achieves straightforwardness and responsibility as well as guarantees a reasonable trial. Ara's staff individuals are the main attorneys in India to have taken an interest in the RSD procedure directed by UNHCR and have displayed shutting explanations in the interest of the client. Further, Ara is additionally campaigning with UNHCR to begin giving motivations to dismissal of asylum cases. Inside a limited capacity to focus time, the task has positively affected the haven giving strategies in India. Ara receives a collective methodology with UNHCR and other evacuee help associations to advance complete and solid exposure of an applicant’s case, realize important data about the concerns and issues confronted by groups and give information about arrests, detainment and other legitimate issues for UNHCR's convenient intercession.\footnote{Ibid.} Ara aims to achieve the following objectives:

- provide legal help and representation to asylum-seekers and refugees;
- record patterns and profiles of asylum cases coming to India;
- continue to fortify the RSD process by campaigning for more transparency and responsibility in existing processes;
• provide examination, investigation and evaluation of refugees and refugee policies;
• conduct lawful guiding sessions for the refugee community;
• conduct workshops in universities and NGOs, to make mindfulness about the requirement for legal representation and aid; and
• facilitate psychological counseling to victims of oppression.\textsuperscript{46}

5.6.2 \textit{Burma Assist}

Burma Assist is an international development organisation and registered philanthropy whose objective is to handle destitution in probably the most underestimated segments of the Burmese individuals, by helping them run ventures required for creating reasonable employments. This is achieved by helping them distinguish and grow professionally oversaw group drove ventures; through a procedure of coaching, limit fabricating and giving the required money related backing. Burma Assist is a global improvement philanthropy situated in Edinburgh, Scotland that gives proficient and money related bolster at present to the Dorcas Center, a Burmese Chin Women's customizing preparing venture situated in Delhi, India. Its methodology is a participatory procedure that unites discourse, nearby experience and great practice in worldwide improvement. It encourages a quarterly 3-4 day audit with the ladies (administration group and students), to help the ladies assess how they are advancing, that the undertaking is achieving the progressions they are working towards and that the learners are using the aptitudes learnt. It additionally gives accounting preparing as required and quarterly examining of the receipts and records.\textsuperscript{47} Its working is as follows:

• enables the individuals from the undertaking to be dynamic members in realizing changes in their lives (and not simply be aloof beneficiaries of help).
• promotes consideration and self sufficiency from the undertaking group in decision making.
• enables distinguishing proof of difficulties to accomplishing ideal usage of the aptitudes.

\textsuperscript{46} Ibid.
\textsuperscript{47} \textit{Available at: <http://www.burma-assist.org/>} (Visited on July 29 at 11:50pm).
ensures sufficient balanced governance set up to secure appropriate budgetary responsibility.

builds a situation of trust and assembles a relationship of common regard that reinforces possession, obligation and cooperation.  

The lives of the Burmese Chin refugees in India [Delhi] are extremely testing and the conditions they live in are terrible. The anxiety and injury brought about by getting away from their nation, deserting everything, is just exacerbated living in Delhi. The Chin people group confronts a steady battle in getting to fundamental luxuries, for example, nourishment, lodging and clean drinking water. Being thrashed, attacked and assaulted is a consistent apprehension they confront whether at their work environment, in the city, or even inside the limits of their homes. Because of this, a significant number of them endure extreme mental issues. Self-assurance with aptitudes is indispensable to have the capacity to survive. A large portion of the Burmese Chin exiles who go to the Dorcas Center have little instruction, no self-regard, and no chance to have built up any abilities in Burma. The preparation at Dorcas is an immense change. At regular intervals the administration group of the Dorcas Center visits every one of their "graduates" to discover how they are currently getting along. The overview is an audit of their work by which the Dorcas Management group comes to know whether they can accomplish their objectives or not? The following stories revealed by Chin refugees show how far has been achieved by the efforts of Dorcas Centre.

➢ "Before I had these skills I was not able to earn anything, if I did not have skills I could not imagine being able to work while I am pregnant. I am able to earn enough to take care of some of the family's needs and save money that would have been spent in buying clothes. I can do all these while taking care of my child. I did not have to spend anything to get these skills. My husband also appreciates the skills I have, our condition would have been terrible if I did not have these skills." As told by Chingu (21 years).

➢ "There is a huge change in my life after I learnt these skills, earlier I was dependent on my husband, at the most I was able to earn about 2,000 rupees

48 Ibid.
49 Ibid.
50 Ibid.
per month selling a range of things... Now we have confidence to continue living in Delhi ... we were able to support ourselves and lead a very better life, the relationship between myself and my husband is much better as our tensions related to basic survival has eased. If I have to purchase these skills I am ready to pay up to 200,000 rupees. I am confident of recovering the amount I pay." As told by Lal Nun Zari (25 years).51

➢ "Before I had these skills I was working in a factory, the salary was less, there is nothing to improve, I was living on borrowed money. It is a big relief to be able to earn, I am now earning 4-5 times what I was earning earlier, there is lots of difference in the way we live, I have peace of mind and a feeling of security. My husband is very happy, he says I have made the right decision by joining Dorcas. My husband has some problems with his kidneys and we borrowed a large amount from the church and I have repaid most of the money. I have only 4,000 rupees that needs to be repaid." As told by Mai Mai (25 years).52

➢ "I was a teacher earlier I resigned when I came to India, living in the family of my husband without an income is difficult, I was not treated well, the skills I got from Dorcas has been like a treasure, if I did not have them I don't know how I will be treated, I am now respected in the family. The skills I got in Dorcas have been more valuable than my certificate of graduation. It is worth more than the 40-50,000 rupees I spent for my graduation." As told by Biak Chin Tial (24 years).53

5.6.3 Indo Global Social Service Society

Indo-Global Social Service Society (IGSSS) is a non-profit organization working with the command for an altruistic social request in light of truth, equity, flexibility and value. Set up in 1960, IGSSS works for improvement, capacity building and edification of the powerless groups the nation over for their compelling interest being developed. With its nearness in 25 states and one Union Territory of India, IGSSS has set its topical spotlight on advancing practical job, invigorating the young as change producers, ensuring lives, job and resources from the effect of

51 Ibid.
52 Ibid.
53 Ibid.
risks, pushing for the privileges of City Makers (Homeless Residents) and creating unit of pioneers from the group and common society associations. Sexual orientation and Youth are underlining subject over every one of its intercessions.⁵⁴

5.6.4 Jesuit Refugee Service

The Jesuit Refugee Service (JRS) is a global Catholic organization with a mission to go with, serve and backer in the interest of refugees and other coercively dislodged persons. JRS attempts administrations at national and territorial levels with the backing of a global office in Rome. Established in November 1980 as a work of the Society of Jesus, JRS was formally enrolled on 19 March 2000 at the Vatican State as an establishment. JRS projects are found in 50 nations, giving help to: refugees in camps and urban areas, people dislodged inside their own particular nations, refugee seekers in urban communities, and to those held in confinement focuses. The fundamental regions of work are in the field of instruction, crisis help, medicinal services, occupation exercises and social administrations. Toward the end of 2013, more than 900,000 people were immediate recipients of JRS ventures. More than 1,400 workers add to the work of JRS, the many of whom work on a willful premise, including around 78 Jesuits and 66 religious from different assemblages. These figures do not exclude the substantial number of refugees selected to join in the projects as instructors, wellbeing laborers and others. JRS is additionally especially worried with backing and human rights work. This includes guaranteeing that outcasts are managed their full rights while in a state of banishment and amid repatriation as ensured by the 1951 Geneva Convention Relating to the Status of Refugees and attempting to reinforce the insurance stood to inside displaced persons (IDPs). It reaches out to campaigning for and advancing international human rights legislation, either through cooperation in global crusades and coalitions or through participation of international fora, for example, the UN Economic and Social Council (ECOSOC).⁵⁵

The foundation of the JRS mission is to offer all encompassing human administrations to coercively uprooted persons. Every one of the endowments on the

⁵⁴ Available at: <http://www.igsss.org/> (Visited on July 29 at 12:20pm).
⁵⁵ Available at: <http://www.en.jrs.net/> (Visited on July 29 at 12:20pm).
planet will never have the capacity to supplant the glow of help rendered by one individual person to another. JRS perceives the human poise in displaced people through its backup. It is this immediate and individual methodology of individual connection and participation with displaced people which commonly enables outcasts and JRS staff alike. It is through giving backup to displaced people, touched by their world in camps, struggle zones, confinement focuses or wherever else they might be, that JRS staff sees how best to serve and promoter for their benefit. In light of the necessities of outcasts and the limits of the association, JRS staff gives a wide scope of administrations to roughly 950,000 refugees and other coercively uprooted persons around the world. These administrations are made accessible to exiles and dislodged persons paying little mind to their race, ethnic source, or religious beliefs.56

Education is the core JRS movement in many locales. It contains an extensive variety of administrations including formal and casual guideline, including pre-school, essential, auxiliary and third level education, distance education, scholarships, life-skills and vocational training, adult literacy, computer and language classes, extra tuition and revision classes, and education for peace and reconciliation. In Africa and Asia, JRS fortifies the instructive framework in groups via preparing educators and giving them motivations, building schools, giving school hardware and supporting guardian instructor affiliations. A vast part of the work of JRS includes the dissemination of sustenance and non-nourishment things, for example, sleeping cushions and covers, garments, seeds and instruments, cash for transport and referrals and the procurement of medicinal treatment. JRS additionally disseminates tents in outcast camps, remodels structures in post-struggle circumstances and helps refugees discover convenience in urban ranges. Human rights security of JRS spreads lawful casework, including asylum cases, and lawful exhortation. Another part of this work is the association of preparing and mindfulness workshops, which are given to open authorities, nearby NGOs, and refugees. In JRS, lawful work and support are firmly fixing to inquire about into the reasons for constrained dislodging. Whether helping outcasts incorporate into their new host groups or setting them up for their arrival home or resettlement in a third

56 Ibid.
nation, JRS tries to advance independence among displaced people. Administrations incorporate helping exiles access work and land, giving specialized preparing and help, and encouraging the foundation of little organizations by making accessible finances, allows and credits, and in addition devices and different assets. Such activities are executed in numerous circles – cultivating, creates, generation of sustenance, cleanser and different products – and go past the monetary parts of life (independence, procuring a pay) to envelop human (rebuilding of nobility and trust) and social (coordination, group activities) elements.\(^{57}\)

### 5.6.5 South Asia Human Rights Documentation Centre

South Asia Human Rights Documentation Center (SAHRDC) is a system of people over the region. It tries to explore, report and scatter data about human rights settlements and traditions, human rights instruction, outcasts, media opportunity, prison reforms, political detainment, torture, summary executions, disappearances and other pitiless barbaric corrupting treatment. SAHRDC gathers data on human rights particularly on infringement of common and political rights. The workplace of SAHRDC is situated in New Delhi. At whatever point it is vital as a solidarity measure, SAHRDC sends activity alarms asking for the national and universal human rights group to appeal to governments in South Asia to stop the infringement of human rights in their nations.\(^{58}\)

### 5.6.6 Public Interest Legal Support and Research Centre

The Public Interest Legal Support and Research Center (PILSARC) is a non profit legal organization situated in New Delhi. It gives composed institutional backing and arrangements in the different fields of human rights, common freedoms, administration and social equity. PILSARC works pro bono, depending on stipends and steady financing for its proceeded with presence as an open interest law office to be specifically utilized by persons working around issues of social equity, non-legislative associations, human rights foundations and others. PILSARC additionally attempts to give lawful exploration and hypothetical examinations for open interest prosecutions and social activity crusades. A critical segment of PILSARC's lawful

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57 Ibid.
58 Available at: <http://www.hrdc.net/> (Visited on August 1, 2015 at 8:00pm).
guide and backing is centered around vital mediations on the premise of its skill in particular regions through documentation, case support, legitimate exhortation and open promotion. The workplace incorporates an uncommon unit on refugee law and is an actualizing accomplice of the United Nations High Commissioner for Refugees in New Delhi.59

5.6.7 SANLAAP

SANLAAP is an advancement association that works towards rectification of social irregular characteristics which show in sexual orientation bad form and savagery against ladies and youngsters. It conflicts with trafficking of ladies and kids for commercial sexual misuse, sexual abuse and prostitution.60 In 2007 SANLAAP has guaranteed the salvage of thirty kids from trafficking and business sexual abuse. SANLAAP's procedure of repatriation of its kids to Bangladesh has been acknowledged by the West Bengal Government as a standard model for repatriation. In particular SANLAAP has assumed the part of key facilitator during the time spent creating and formalizing the Standard Operational Procedures (SOP) for repatriation through a respective understanding between the Government of India and Bangladesh.61

5.6.8 The Other Media

The Other Media was set up in 1992 to give a wide based stage in backing of battle based individuals' developments in the sub-mainland and issue-based crusades at national and provincial levels. The association's basic goal is to advance qualities and standards, for example, peace, majority rules system, secularism, and financial, natural and sex equity. Set up in 2003 inside The Other Media, the Corporate Accountability Desk (CAD) encourages the association's destinations by working particularly on ecological wellbeing and corporate responsibility among pollution-impacted communities.62

60 Available at: <http://www.unhcr.org/> (Visited on August 1, 2015 at 11:55pm).
61 Available at: <http://www.sanlaap.org/> (Visited on August 1, 2015 at 11:58pm).
62 Available at: <http://www.aidprojects.org/> (Visited on August 1, 2015 at 12:05am).
5.6.9 Zakat Foundation of India

Zakat Foundation of India was set up in 1997 as a grassroots level association by concerned inhabitants of New Delhi. It is a non governmental and non profit association which gathers and uses "zakat" or philanthropy for socially valuable activities in a straightforward and organized way. Its activities incorporate running an orphanage, altruistic doctor's facility, giving stipends to widows and so forth.63

5.7 India’s Report vis-a-vis Executive Committee of the High Commissioner Programme (2010 to 2015)

On October 5, 2010 India’s representative at the Executive Committee of the High Commissioner Programme stated that India has commitment of cooperation towards UNHCR to make it a strengthened body especially at the time of emergency situations. The High Commissioner has identified various priorities which include the issues of refugees in urban areas, international protection of refugees, to strengthen emergency response etc. India shared its concern over the dividing space for refugees and also the challenges faced by the UN officials who have to perform their task in an insecure ambience. Further it is stated that India recognizes the complexity of the present time in which the issue of the refugees is dealt with and because of this India provides its full support to the practices of repatriation, reintegration, rehabilitation and reconstruction of the UNHCR. But in order to make these practices fully viable it is mandatory that the cooperation and support of the host country must be taken first hand along with the requisite financial resources. Developing countries have always been a host to a large chunk of refugees and therefore their role must be recognized. India recommended that cohesive and collaborative approach of the states is necessary towards UNHCR. The relationship between UNHCR and member states need to be reinforced so as to recognize the contribution and services of the states hosting refugees.64

In March 2011 at the 50th meeting of the Standing Committee of UNHCR India pledges to remain committed with UNHCR in the matter of providing protection to refugees. India emphasized that the need at present is to draw attention

63 Available at: <http://www.zakatindia.org/> (Visited on August 1, 2015 at 12:45am).
64 “Executive Committee of the High Commissioner Programme”, Statement by India (5 October 2010), available at: <http://www.pmindiaun.org/> (Visited on September 13, 2015 at 3.00pm).
towards the unpleasant and appealing conditions which cause refugee movements in the developing countries. A complete analysis and in-depth study of the reasons would definitely result into some positive solution towards the challenges faced by the refugees. Further the concept of burden sharing needs to be developed on a common framework. India focused on the issue of its commitment of cooperation towards UNHCR and international community in regard to address the agenda for refugees. It was stated that the challenge of displacement is interlinked with the establishment of peace, security, social and economic development. Common objectives, partnership and cooperation among member states can act as a stepping stone to achieve this success.65

India extends its commitment to cooperate with UNHCR and also with the international community to effectively deal with the issue of refugees. Further it was stated that the continuing cooperation between all the member states is the most desirable solution to attain the peace and economic development at the global level.66 Moving further to the year of 2012, in the month of March, India at the UNHCR Standing Committee meeting expressed its gratitude towards UNHCR in regard to its reports and documentation in the Standing Committee which gives an overview regarding the challenges faced by UNHCR and the steps taken by it along with the member states to overcome this. India assured that it shall always remain committed towards UNHCR so as to make it a strengthened body in context of its working capacity and financial stability. It is further stated that India gives support to the policy of repatriation, reintegration, rehabilitation and reconstruction adopted by UNHCR in order to resettle the refugees. The need at present is to bolster up the relation between UNHCR and the member states especially regarding those states who host the refugees. India also raised the issue of economic migrants and stated that “The situation analysis which was prepared by UNHCR for Asia and reiterate the need for separating the migration dynamics from those related to international protection that tend to be clubbed under the term mixed migration. It would be necessary to develop the capacities to differentiate between potential economic

66 Ibid.
migrants and the vulnerable individuals in need of protection. In the case of Asia, we would urge a better analysis and understanding of the underlying reasons for durable solutions, as we have long held that adequate attention has not been paid to the widespread and abject poverty and deprivation in which the refugee movements, largely in the developing countries have and continue to take place.”

During the 54th meeting of the Standing Committee of the UNHCR India highlighted the aspect of non refoulement and its importance in international protection of refugees. It is of the view that non refoulement is pivotal for providing safety and well being of the refugees. But it is also a harsh truth that despite being the primary aspect for the protection of refugees the political complexities limit the option of implementing voluntary return. India stressed the need of strengthening the option of voluntary repatriation through the means of bilateral, regional or political dialogue among the nations. India also heartily welcomed UNHCR’s advocacy of inclusion of refugees in the national HIV strategic plans and programmes and reiterated its commitment to cooperate with states and UNHCR through productive dialogue and implementation of programmes for benefit of refugees.

In the 55th meeting of the Standing Committee held in September 2012, the representative of India stated that Indian Government is doing efforts to improve its legal administrative mechanisms in order to provide better hospitality to refugees and it also includes earning a livelihood in India during their stay. But the need at present is that the UNHCR and the international community have to divert their attention towards the situations of poverty and deprivation in which refugee movements especially in the developing countries have and continue to take place. At the 63rd Session of the Executive Committee of the UNHCR India emphasized that "We agree with the High Commissioner in regards to the expanding requests on UNHCR because of the duplication of new emergencies including the continuation of existing refugee situation. To this end the focal part of the States for executing

helpful exercises can't be overemphasized. As States are responsible to their kin, it is
plainly obvious that the assent and collaboration of States are essential for
compelling release of the center command of UNHCR, that of assurance of refugees.
While perceiving the progressing political complexities, States and UNHCR must
recall that willful return ought to be the essential choice for refugees. This is our
center obligation to console the refugees of safe and stable come back to their
nations of starting point. The way this is the essential choice for refugees, is borne
out by the insights gave by the UNHCR in its archive Revised Biennial Programme
Budget 2012-2013 where this pattern for voluntary return is reflected as the most
elevated measurements in all regions.\textsuperscript{70}

During the 64\textsuperscript{th} session of the Executive Committee of the High
Commissioner’s Programme India took serious note of deteriorating humanitarian
condition in Syria. As per the UNHCR records 1.96 million Syrian refugees were in
need of immediate humanitarian assistance. About 15000 Syrians want to cross their
country border. It is one of the worst situation that Syria is facing taking into
consideration all these hardships which the Syrian people are suffering. India
supported the work of UNHCR to cater the need of humanitarian assistance to the
Syrian people. The way UNHCR handled the humanitarian crisis of Syria especially
of women and children was highly appreciated by India. Keeping its commitment to
support UNHCR, India pledged U.S. $2.5 million towards the humanitarian
assistance to the people of Syria at the International Pledging Conference held in
Kuwait in January 2013. The assistance was offered in the form of life saving drugs,
food and other essential items required by the people of Syria. India once again
conveyed its full support to UNHCR for its deep commitment and untiring efforts in
this noble cause.\textsuperscript{71}

At the 65\textsuperscript{th} session of Executive Committee of the High Commissioner’s
Programme held on 29-30\textsuperscript{th} September, 2014 India appreciated the way UNHCR had
addressed the African refugee situation. As per the UNHCR report the number of
refugees in Africa is near about 3.5million and this situation can only be controlled

\textsuperscript{70} “63\textsuperscript{rd} Session of the Executive Committee of the UNHCR, Statement by India”, (1-5 October,
\textsuperscript{71} “India’s Statement at International Conference on Solution Strategy for Afghanistan”, 2012,
available at: <http://www.pmindiaun.org/> (Visited on September 14, 2015 at 2.10pm).
when there is an end of armed conflict. It was specifically stated that India keeps on encouraging UNHCR to work intimately with African nations on assistance for intentional repatriation, nearby joining and resettlement of progressively huge number of refugees. India is hopeful that these endeavors will prompt tough answers for the refugee issues. It is understanding on part of India that in treatment of the IDPs, UNHCR’s assistive part is restricted to the degree to which the nearby Governments have looked for such help, and where it has a doled out lead part under the Inter-Agency Standing Committee (IASC). It keeps on supporting UNHCR's endeavors for capacity building of refugee response and administration in the host nations and urges it to further upgrade its operations in this heading with accentuation on ability advancement of outcasts so they can recover certainty to come back to their nations of beginning. India's dedication to African nations has been repeated through the India-Africa Forum Summits held in 2008 and 2011, by method for offering solid projects for limit building, sharing of involvement being developed, aside from offering US $ 5.4 billion as credit extensions for formative activities. As a component of India's endeavors to address the Ebola scourge, Prime Minister of India has declared a commitment of US $ 12 million to the UNSG's Ebola Fund, aside from a money commitment of US $0.5 million to the WHO.72

At the 65th session of the Executive Committee of UNHCR during the general debate Indian Deputy Permanent Representative Mr. B.N.Reddy expressed its concern over the ever increasing problem of refugees and asylum seekers all over the world due to violence in various parts of different regions. As per the statement by High Commissioner a real picture of burden borne by developing countries came into limelight when it was stated that out of ten nine refugees take shelter in developing countries. India has shown its concern that at the end of 2013 there is a high increase in the number of refugees and asylum seekers which has gone to 51 million and all this is due to violence and persecution. India appreciated the efforts of UNHCR and its working and compatibility with the developing countries and its efforts to find viable solutions for humanitarian actions and also to work in direction towards protection of women and children from sexual abuse. India once again

reiterated its commitment towards protecting rights of refugees and also to adhere to the principle of non refoulement. This protection regime towards refugees in India has constitutional roots and basis and therefore India took the stance of improving its administrative mechanism to deal with refugees.\textsuperscript{73}

Recently in March 2015, at the 62\textsuperscript{nd} Meeting of the Standing Committee of UNHCR, Mr. Anil Kumar Rao, the counsellor gave the following statement that India remains committed towards working with UNHCR for protecting refugees. India expressed its satisfaction the way UNHCR is working with sincerity for refugees in the matter of providing education, shelter, livelihood, food security, sanitation etc. to the refugees. The technique of distance learning adopted by UNHCR to educate refugees is praiseworthy. India wants the greatest involvement of refugees in policy formulation and its implementation. UNHCR must make efforts and devise such policies in consultation with the host countries which protect the rights of refugees. Like efforts should be made to adopt such procedures that would make the refugees capable of gainful employment which would in result contribute towards the host country. An endeavour must be made in the direction of providing dignified and sustainable shelter to the refugees, but the main area of concern must be towards durable solution including voluntary repatriation of refugees to the country of origin or other means of permanent settlement. It is urged that UNHCR must work towards cost effective measures by adoption of innovative means, including voluntary involvement of refugees in various activities directed towards their well-being, to keep its expenditure within the approved budgetary ceilings, as far as possible. India gave a thoughtful idea of seeing the root cause of refugee problem and to find durable solutions for the same rather to consider it an ever unending problem and to lose hope. The eye should be on Post-2015 Sustainable Goals as envisaged and advocated by UNHCR in its Global Programme.\textsuperscript{74}

\textsuperscript{73} “65\textsuperscript{th} session of the Executive Committee of UNHCR, India’s Statement during General Debate (29\textsuperscript{th} Sep.- 3\textsuperscript{rd} Oct., 2014)”, \textit{available at:} <http://www.pmindiaun.org/> (Visited on September 15, 2015 at 8.15pm).

\textsuperscript{74} “62\textsuperscript{nd} Meeting of the Standing Committee of UNHCR, Statement by India (3\textsuperscript{rd} -5\textsuperscript{th} March, 2015)”, \textit{available at:} <http://www.pmindiaun.org/> (Visited on September 17, 2015 at 4.55pm).
During the 63rd meeting of the Standing Committee of the Executive Committee of the High Commissioner’s Programme, Mr. Anil Kumar Rai, Counsellor, Humanitarian Affairs stated that India fully supports the inclusion of additional Global Strategic Priorities (GSP) such as prevention of sexual violence, gender based violence, women empowerment, protection of child rights etc. It was further stated that “UNHCR center must be on GSP to advance human potential through expanded open doors for quality instruction and occupation support. Higher accentuation to this GSP will guarantee fitting ability improvement, business and limit working of the refugees which will be valuable at later stage when they come back to their nation or resettled. This will guarantee their commitment to the nearby and national improvement and reintegration in the general public. India encourages UNHCR to give more noteworthy accentuation on extending open doors for solid answers for exile issues, especially those in ensured circumstances, including through reinforcing of the utilization of far reaching methodologies and adding to willful come back to country, reasonable reintegration and resettlement. This is the main mean for guaranteeing strong and agreeable answer for the refugee problem.”

At the 66th Session of Executive Committee of the UN High Commissioner for Refugees, Mr. Ajit Kumar, Ambassador & Permanent Representative of India to UN Offices and other International Organizations has discussed about the problem of Afghan refugees. The representative of India stated that more than 2.6 million Afghan refugees are outside their native land and the problem of people becoming refugees from Afghanistan cannot be resolved until and unless the Afghanistan Government is provided help by international community to fight against terrorism because of which there is so much disturbance in the country and people have to flee from their homes and have to cross borders. India has also hosted thousands of Afghan refugees and it will always provide cooperation them in collaboration with UNHCR.

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“63rd meeting of the Standing Committee of the Executive Committee of the High Commissioner’s Programme, Statement by India (24-26th June, 2015), available at: <http://www.pmindiaun.org/> (Visited on September 18, 2015 at 9.15pm).”
But the efforts by the present Afghan Government have given a ray of hope of refugee reintegration. On October 7, 2015 in Geneva Mr. Ajit Kumar expressed the following views:

“We need the global group to recognize the significant part of creating nations in tending to the refugee’s issue. The creating nations host around 80% of today's displaced people however an acknowledgment to this commitment stays curbed principally in light of the fact that the host nations commitments are never monetised and consequently does not turn into the part of the money related proclamations. In this setting, ExCom ought to devise ways and method for remembering this immaterial, however yet a yeomen commitment in tending to the worldwide exile circumstance. We are profoundly worried at the ascent in quantities of refugees, especially in Middle East and North Africa region. Absence of appropriate treatment of refugees and disregarding the obligations by nations that are signatories to the Refugee Convention and its Protocol are further convoluting the issue, a long way from settling it. India communicates gratefulness to UNHCR in tending to the different crisis circumstances in different parts of the world and advancement made in bringing answers for different refugee situations through usage of complete arrangements techniques. The choices taken by different host nations to offer nationality through naturalization, regularization of stay, offer of long haul visas, vocation opportunities, and access to instruction and wellbeing will positively help in combination of the refugees in the neighborhood society and lead towards sturdy peace and success in the district. India's assimilative civilizational legacy, innate capacities as a State with a decent record of non-refoulement, facilitating and acclimatizing refugees gives us an adjusted point of view on managing matters relating to outcasts and different persons of concern. India has a convention of accepting refugees and transients since centuries. We stay focused on these standards as these have been a piece of Indian ethos and progress. We repeat our dedication towards a productive and helpful engagement with UNHCR in its

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endeavors to viably address the steadily developing complex outcast circumstance all inclusive.”

5.8 Ascertainment of Refugee Status as per 1951 Convention

The 1951 Convention is purely dedicated towards protection of refugees. The UNHCR has been entrusted with the task of cooperating with states who host refugees and also to determine the status of refugees. In the following paragraphs the researcher shall highlight the various provisions of the 1951 Convention in context of which UNHCR has to determine status of refugees. The Refugee Convention defines the term refugee and outlines the rights and legal protections they should receive from state parties. Article 1A (1) of the Refugee Convention defines a refugee to include those considered refugees under previous arrangements or conventions whilst Article 1 (A) 2 define the term refugee to be applicable to any person who has well founded fear of being persecuted for reasons of: i) Race ii) Religion iii) Nationality iv) Membership of particular social group or political opinion v) Outside the county of his nationality and is unable to avail himself of the protection of that country vi) Not having a nationality and being outside the country of his former habitual residence as a such events is unable to return to it.

The expression well founded fear of being persecuted is the key expression of the definition. Since fear is subjective, the definition includes a subjective component in the individual applying for acknowledgment as a refugee. Determination of refugee status thus basically requires an assessment of the candidate's announcements as opposed to a judgment on the circumstance winning in his region of root. To the component of fear perspective and a subjective condition-is included the capability of all around established. This suggests it is not just the mood of the individual worried that decides his refugee status however that this temper must be upheld by a goal circumstance. The term very much established dread in this way contains a subjective and a target component and in figuring out if all around established apprehension exists, both components must be thought about. An assessment of the subjective component is as one from an evaluation of the

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identity of the candidate since mental responses of various people may not be the same in indistinguishable conditions. As regards the objective element, it is important to assess the announcements made by the applicant. The competent authorities that are called upon to decide refugee status are not required to condemn conditions in the applicant’s nation of birthplace. The applicant’s announcement can’t however be considered in theory and must be seen with regards to the significant foundation circumstance. When all is said in done, the applicant’s apprehension ought to be viewed as very much established in the event that he can build up to sensible degree that his proceeded with stay in his nation of birthplace has gotten to be heinous to him for the reasons expressed in the definition or would for the same reasons be horrendous on the off chance if he returned there.

The Refugee Convention relies heavily on the concept of persecution but does not define it. There is a quote from Atle Grahl Madsen’s classic work on refugee status: “The term persecution has no where been defined and this was probably deliberate. It seems as if the drafters have wanted to introduce flexible concept which might be applied to circumstances as they might arise, in other words that they capitulated before the inventiveness of humanity to think up new ways of persecuting fellow men.”

On its face the fear element is the easiest to satisfy. It is of particular significance for claimants seeking refuge from environmental harm because the standard excludes other reasons for flight. For instance, those fleeing famine or environmental disaster are excluded from the definition unless they can show that the famine was a means of persecution or they also have a well founded fear of persecution. For one of the reasons stated, “The incorporation of a subjective element in the definition places an emphasis on the particular state of mind disposition and audibility of the applicant. This is combined with an objective standard requiring decision makes to conduct a balancing exercise that gives equal

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80 Id. at p.12.
weight to the state of mind of the applicant and the relevant background situation. An applicant’s fear is well founded if a state party establishes that there is a significant risk that the applicant may be persecuted.” Precisely what meets this evidentiary burden has been the subject of much debate. Earlier approaches involving a balance of probabilities test have now been largely rejected in favour of a more generous reasonable possibility standard as articulated by Justice Stevens of the U.S. Supreme court in *Immigration and Naturalization Service vs. Cardoza Fonseca*:

“There is simply no room in the United Nations definition of concluding that because an applicant has a 10% chance of being……persecuted that he or she has no well founded fear of the event happening…. So long as an objective situation is established by the evidence, it need not be shown that the situation will probably result in persecution but is enough that persecution is a reasonable possibility.”

In an attempt to provide guidance on what constitutes persecution, the Council of Europe included a non exhaustive list in the qualification directive of acts that could be considered persecution such as: “Acts of physical or mental violence, including acts of sexual violence; legal, administrative, police and judicial measures which are in themselves discriminatory or which are implemented in a discriminatory or which are implemented in a discriminatory manner; prosecution or punishment which is disproportionate or discriminatory punishment, prosecution or punishment for refusal to perform military service in a conflict where performing military service would include crimes or acts falling under the exclusion causes as set specific nature.”

In order to be considered a refugee, a person must show well founded fear of persecution for one of the reasons stated in the definition of 1951 Convention. It is immaterial whether the persecution arises from any single one of these reasons or from a combination of two or more of them. Often the applicant himself may not be

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84 Id. at p. 42.
aware of the reasons for the persecution feared. It is for the examiner, when investigating the facts of the case, to ascertain the reason or reasons for the persecution feared and to decide whether the definition in the 1951 Convention is met with in this respect. Discrimination on racial grounds will frequently amount to persecution in the sense of the 1951 Convention. This will be the case if, as a result of racial discrimination, a person’s human dignity is affected to such an extent as to be incompatible with the most elementary and inalienable human rights, or where the disregard of racial barriers is subject to serious consequences. The Universal Declaration of Human Rights and the Human Rights Covenant proclaim the right to freedom of thought, conscience and religion, which right includes the freedom of a person to change his religion and his freedom to manifest it in public or private, in teaching, practice, worship and observance. Persecution for “reasons of religion” may assume various forms, e.g. prohibition of membership of a religious community, of worship in private or in public, of religious instruction, or serious measures of discrimination imposed on persons because they practise their religion or belong to a particular religious community. The term “nationality” in this context is not to be understood only as “citizenship”. It refers also to membership of an ethnic or linguistic group and may occasionally overlap with the term “race”. Persecution for reasons of nationality may consist of adverse attitudes and measures directed against a national (ethnic, linguistic) minority and in certain circumstances the fact of belonging to such a minority may in itself give rise to well-founded fear of persecution. A “particular social group” normally comprises persons of similar background, habits or social status. A claim to fear of persecution under this heading may frequently overlap with a claim to fear of persecution on other grounds, i.e. race, religion or nationality. Membership of such a particular social group may be at the root of persecution because there is no confidence in the group’s loyalty to the Government or because the political outlook, antecedents or economic activity of its members, or the very existence of the social group as such, is held to be an obstacle to the Government’s policies.

5.9 Refugee Status Determination in India

Government of India does not have any legislative framework by which Refugee Status Determination can be done. Indian Government uses its discretion in this regard and recognizes the people of two states only as refugees i.e. Tibetans and Sri Lankan refugees. The process of determining status of refugees is conducted by UNHCR in India. But the drawback in this case is that UNHCR has a restricted area where they have to operate in alone and therefore access to it is quite limited. Government of India does not do any individual status determination but this task has been entrusted to UNHCR in some cases of refugees. Beyond the formalities of law, the Government of India permits the UNHCR to make refugee determinations in some classes of cases that are informally recognized by the UNHCR and on the basis of which residence permits are issued. To the extent to which the government recognizes the certificate, the refugee continues to stay in India with the UNHCR’s certification and Government of India’s residence permit. But such certification does not guarantee freedom from deportation which remains an unfettered reserve power reposed in the government. UNHCR certificates are no guarantee of protection to refugees. Even residence permits are issued selectively to Afghan refugees and Myanmar refugees who were registered earlier. A great deal of the actual practice followed is not known. The reason for this is that apart from the more obvious arrangements much of the practice is handled confidentially on the basis of records and official notations that are not publically available for scrutiny.86

Where the UNHCR makes a determination, it follows the basic guidelines declared by the UNHCR. Such guidelines are by implication also addressed to those states who are not signatories to the Convention of 1951 or the Protocol of 1967 as well as to the UNHCR’s office. No doubt a non signatory state is not technicially bound by these basic requirements guidelines which however represent a universal approach. Indian practice represents a hybrid situation where India is not signatory to the Convention of 1951 and the Protocol but is on the Executive Committee and permits the UNHCR to make status determination in specially designated classes of cases. It follows that the UNHCR’s determination of refugee status in Delhi are necessarily based on its mandate, the principle underlying the Convention and the

86 Rajeev Dhavan, *Refugee Law and Policy in India*, 82-83 (PILSARC, New Delhi, 2004).
Protocol and the basic requirements indicated by the Executive Committee as universally applicable. It would be incongruous if the standards applied by the Government of India are different from the standards followed by the UNHCR in Delhi, in that different standards of refugee determination cannot be applied towards refugee in ways of violative of the provisions relating to the equality and due process of the Indian Constitution.\(^{87}\) The basic requirements or recommendations of the Executive Committee which ensures basic guarantees to a refugee are as follows:

a) The immigration/border officials should have clear instructions for dealing with the cases. They must act in accordance with the principle of non refoulement.
b) The applicant should receive necessary guidance on the procedures to be followed.
c) There should be a single central authority with the responsibility of examining requests for refugee status and taking a decision.
d) The applicant should be given the facility of a competent interpreter to submit the application as well as to contact representatives of the UNHCR.
e) If recognized, the applicant should be informed and issued with documentation certifying refugee status.
f) If the applicant is not recognized as a refugee he should be given time to appeal.
g) The applicant should be permitted to remain in the country in which he is seeking refuge while the decision for the determination of refugee status is pending.\(^{88}\)

But in India all these basic requirements cannot be fulfilled. Government of India has no system to determine refugee status application. There is no guarantee that a person will not be deported while any informal application for asylum is being considered. There is no system of appeal. However, for a limited class of persons, the UNHCR does make determination. In the UNHCR system a right to appeal within thirty days of the decision of rejection of recognition is permissible. The UNHCR is not very strict about the time limit and is known to have entertained

\(^{87}\) Id.at p. 94.
\(^{88}\) Id.at p. 95.
appeals beyond the limitation period of thirty days. The appeal applications are screened by a legal officer and in cases where there is an apparent lack of a well founded fear of persecution are rejected. The appellants are interviewed by a legal officer different to the one who gave the rejection decision. Review of an appeal decision is also permissible but in extremely limited circumstances.\textsuperscript{89} Although the full story and real practice that is followed are not fully known, the determination process by the UNHCR has not totally escaped controversy. On the one hand there is a shared general consensus that the UNHCR’s determinations have generally been fair. In fact it has even been said that in certain controversial cases the UNHCR has withstood political pressure to make the correct humanitarian decision where it was felt that there was a well founded fear of religious and other persecutions. On the other hand there have been more than murmurs of discontent from various communities that the UNHCR’s procedures are daunting, intimidating and unfair.\textsuperscript{90}

\textbf{5.10 Conclusion}

In the Indian situation where neither we have any specific law on refugees nor we are signatory to the 1951 Convention Relating to the Status of Refugees or 1967 Protocol, the role of UNHCR becomes more important and prominent. The paradoxical situation exist in India as UNHCR has been given limited access by Indian Government and has also refused to accept any direct obligations by not becoming party to 1951 Convention but on the other side it has been member of ExCOM since 1995. UNHCR role is also confined to specific regions in India one in New Delhi and other in Chennai where its offices have been situated. Refugees in India have to face a lot of hardship and have to compromise with their human rights at one or other time due to reason of their inability to contact UNHCR as it is not permitted to establish office except two places already mentioned above. The role of UNHCR becomes more important in the matters of Refugee Status Determination as Indian Government does not have such process. UNHCR collaboration with various NGO’s offers a great help to the refugees specially those who are not recognized by Government of India. The recognition by UNHCR by means of certificates acts as a de facto system of refugees in India. Since there are only few categories of refugees

\textsuperscript{89} Id. at.p. 96.
\textsuperscript{90} Id. at.p. 108.
which India recognized and therefore the liability of other refugees lie on the shoulder of UNHCR. Not only the UNHCR but various NGO’s and other organizations are putting their efforts in matters of health, education, vocational and financial assistance etc. for refugees. But the situation needs further improvement as a lot more still needs to be done for refugees. The working of UNHCR has also many flaws within it as the refugees have complaint that RSD process is not transparent and full of complexities.

Since India is not a signatory to the 1951 Convention or the 1967 Protocol, there is no formal supervisory responsibility incurred by the UNHCR. It exercises its mandate in India purely under its statute. However there is no formal agreement between the Government of India and the UNHCR. Nonetheless, given India’s traditional role in granting protection to certain categories of refugees and in the light of India’s membership of the Executive Committee, the UNHCR is able to operate de facto and has sound working relations with its concerned government counterparts. In Chennai there has been continuing interaction with key state government officials on various issues. Even though the UNHCR is unable to supervise the role of Government of India in refugee protection, it nevertheless keep itself abreast of developments and intervenes as it sees appropriate in order to uphold international principles of refugee protection. The UNHCR takes up issues with the Indian Government regarding individual protection cases of detention and deportation, in particular those involving possible refoulement and matters relating to renewal of residential permits including issues relating to the conditions of asylum; it also promotes dialogue with the Government of India and civil society with regard to adherence to the basic standards of refugee protection and enactment of domestic refugee protection legislation. This task requires diplomatic maneuvers, establishing and maintaining links with support groups in Indian civil society and invocation of the Indian judiciary and concerned human rights organizations. But despite of certain lacunas, UNHCR is the hope for refugees amid darkness where in India they are not formally recognised by the Indian Government except Tibetans and Sri Lankans. But certain changes in UNHCR have become the need of hour. Refugee’s faith in the working of UNHCR can be maintained only when it is able to

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approach them in maximum possible way it could be and be sensitive towards their needs.

India’s statement at various meetings of Executive Committee of UNHCR shows that India has sympathy for refugees. India has ensured to the world community in these meetings that it stands for the refugees and is ever ready to help those nations who are suffering from refugee crisis. Indian representatives have also highlighted that developing countries in the world are facing with the problem of refugees who take shelter in these nations because the situation in their countries have become worst to such an extent that it has become unsuitable place to survive. India has appreciated the working of UNHCR and has also offered its support to it. India emphasized that durable solutions must be found out for refugees and in order to solve the refugee crisis the world must be at peace. The maximum burden of refugees is being borne by the developing countries and therefore strong steps need to be taken against the countries which generate refugees. India has shown its positive approach towards the working of UNHCR and is willing to extend its support to it wherever and whenever it needs. The need at present is the unity, collective support and action of international community by which this issue can be fairly dealt with in an effective manner.