States Parties to the
1951 Convention relating to the
Status of Refugees and the 1967
Protocol

The Convention was drafted and signed by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, held at Geneva from 2 to 25 July 1951. The Conference was convened pursuant to General Assembly resolution 429 (V) of 14 December 1950. The Convention was adopted on 28 July 1951; in accordance with Article 43, it entered into force on 22 April 1954. The Protocol was adopted on 31 January 1967; it entered into force on 4 October 1967 in accordance with its Article VIII.

States Parties (as of April 2015)
Total number of States Parties to the 1951 Convention: 145
Total number of States Parties to the 1967 Protocol: 146
States Parties to both the Convention and Protocol: 142
States Parties to one or both of these instruments: 148

States Parties to the 1951 Convention only:
Madagascar, Saint Kitts and Nevis

States Parties to the 1967 Protocol only:
Cabo Verde, United States of America, Venezuela (Bolivarian Republic of)

The dates indicated below are the dates of deposit of the instrument of ratification or accession by the respective States Parties with the Secretary-General of the United Nations. In accordance with Article 43 (2), the Convention enters into force on the ninetieth day after the date of deposit by the ratifying or acceding State. The Protocol enters into force on the date of deposit of each acceding State (Article VIII (2)). Exceptions are indicated below.

Most recent ratification/accession: Convention Protocol
Nauru 28 June 2011 a 28 June 2011 a
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Limitations:

Article 1 B (1) of the 1951 Convention provides: “For the purposes of this Convention, the words ‘events occurring before 1 January 1951’ in article 1, Section A, shall be understood to mean either (a) ‘events occurring in Europe before 1 January 1951’; or (b) ‘events occurring in Europe or elsewhere before 1 January 1951’, and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purposes of its obligations under this Convention.”

The following States adopted alternative (a), the geographical limitation: Congo, Madagascar, Monaco and Turkey. Turkey expressly maintained its declaration of geographical limitation upon acceding to the 1967 Protocol. Madagascar has not yet adhered to the Protocol.

All other States Parties ratified, acceded or succeeded to the Convention without a geographical limitation by selecting option (b), ‘events occurring in Europe or elsewhere before 1 January 1951’.

Note:

* Ratification (r), Accession (a), Succession (d).

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Preamble:

Acknowledging the fact that India has a long tradition and experience in accommodating inflows of refugees, and demonstrating its faith in the principle of non-refoulement;

Affirming its commitment to uphold international human rights principles through accession to all major human rights treaties, and adoption of appropriate legislative steps to implement them;

Considering the pronouncements of the Supreme Court and High Courts extending the protection of fundamental rights to refugees and asylum seekers;

Reaffirming the initiatives taken by Parliament under Article 37 and 253 of the Constitution of India to provide an administrative system free from arbitrariness and guarantee equality, fairness and due process of law;

Recognizing the need for an appropriate legal framework to process matters relating to forced migration in respect of determination of refugee status, protection from refoulement and treatment during stay;

The following Act is enacted to consolidate, streamline, and harmonize the norms and standards applicable to refugees and asylum seekers in India; to establish a procedure and the requisite machinery for granting refugee status; to guarantee them fair treatment, provide for their rights and obligations and regulate matters connected therewith. For the purposes of this Act, the grant of refugee status shall be considered a peaceful and humanitarian act and does not imply any judgement on the country of origin of the refugee.

1. Short title, Extent and Commencement
   (a) This Act may be called the Refugees and Asylum Seekers Protection Act, 2000.
   (b) It extends to the whole of India.
   (c) It shall come into force on the day specified by the Union Government by notification in the Gazette of India.

2. Terminology
   In this Act, unless the context otherwise requires:

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*Drafted under the auspices of the Regional Consultations on Refugees and Migratory Movements in South Asia, initiative in 1995, with Justice P.N. Bhagwati as the Chairperson of the Drafting Committee of the India-specific version of the national law on refugee protection.
(a) ‘Asylum seeker’ means a person who seeks recognition and protection as a refugee.
(b) ‘Refugee’ means a ‘refugee’ defined in Article 3 and includes dependants of persons determined to be refugees.
(c) ‘Country of origin’ means the refugee’s country of nationality. Or if he or she has no nationality, his or her country of former habitual residence.
(d) ‘Commissioner’ means the ‘Commissioner of refugees’, defined under the provisions of Articles 7 and 8 of this Act.
(e) ‘Refugee Committee’ means the ‘Committee’ established as an Appellate Board by the Government under Articles 7 and 8 of this Act.
(f) ‘Refugee Children’ means children below the age of 18 years who are seeking refuge or where protection is extended by the state to children under Article 22 of the Convention on the Rights of the Child, 1989.
(g) ‘Serious non-political offence’ refers to any offence determined in accordance with Article 17 of this Act, and listed in schedule A of the Act.
(h) ‘Government’ shall mean Union Government.

3. Definition of a Refugee
A refugee is defined as:
(a) any person who is outside his or her country of origin, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of a well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion, or;
(b) any person who owing to external aggression, occupation, foreign domination, serious violation of human rights or other events seriously disrupting public order in either part or whole of his or her country of origin, is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin.

4. Persons who shall be Excluded from Refugee Status
A person shall be excluded from refugee status for the purpose of this Act if:
(a) He or she is convicted for a crime against peace, a war crime or a crime against humanity, in accordance with the applicable principles and rules of International
Law! Conventions including the SAARC Regional Convention on Suppression of Terrorism, 1987;
(b) He or she has committed a serious non-political crime as specified in the Schedule A, outside India prior to his or her admission into India as a refugee.

5. Principle of Non-Refoulement
(a) No refugee or asylum seeker shall be expelled or returned in any manner whatsoever to a place where there are reasons to believe his or her life or freedom would be threatened on account of any of the reasons set out in sub-sections (a) or (b) of Article 3;
(b) Where an asylum seeker or refugee has been convicted by a final judgement of a crime against peace, a war crime or a crime against humanity and constitutes a danger to the community, or where a Minister has certified that there are reasonable grounds to believe that an asylum seeker or refugee is a threat to the sovereignty and integrity of India, such an asylum seeker or refugee may be asked to leave India. However, such an asylum seeker or refugee shall not be returned to a situation or to any country in which his or her life or liberty is threatened for reasons of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion.

6. Application
(a) Where an application is made by, on behalf of, or in relation to an asylum seeker, for the recognition of the said asylum seeker as a refugee, either at the point of entry or subsequently, the applicant shall, in accordance with the principle laid down in Article 5 be directed and assisted to apply to the Commissioner of Refugees;
(b) Where an application is made by, on behalf of, or in relation to an asylum seeker, for the determination of refugee status, pending determination of such status, no restrictions shall be imposed on the asylum seeker save and except those that are necessary in the interests of sovereignty and integrity or public order of India. Such application may be made within such reasonable time as may be prescribed in accordance with Article 17 of this Act;
(c) Where an application for refugee status is made by, on behalf of, or in relation to a child, accompanied or unaccompanied; or where a refugee child is found within the territory of India; he or she shall receive immediate and appropriate protection and humanitarian assistance in accordance with the existing policy and legal
framework of the state. The requirement of filing an application form on their behalf may be entrusted to a local Legal Service Authority or their representatives or any other recognized NGO involved in the welfare of children in general.

7. Constitution of the Authorities
In order to implement the provisions of this Act:
(a) The President shall appoint the Commissioner of Refugees, and Deputy Commissioners of Refugees as may be necessary on the basis of the eligibility requirements and procedure laid down in Articles 7 and 8 of this Act;
(b) Other officers as may be necessary shall be appointed after consultation with the Commissioner of Refugees;
(c) The President shall appoint the Chairperson and Members of the Refugee Committee;
(d) The Chairperson of the Refugee Committee shall appoint the staff of the Committee.

8. Appointment and Functions
(a) The Commissioner of Refugees shall be a sitting or retired High Court Judge, and shall be appointed after consultation with the Chief Justice of India.
(b) The Deputy commissioner should be qualified to be appointed as a High Court Judge; and shall be appointed after consultation with the Chief Justice of India.
(c) The Chairperson of the Refugee Committee shall be a retired Supreme Court Judge.
(d) The Refugee committee shall consist of the following three members: a sitting or retired High Court Judge, appointed by the President in consultation with the Chief Justice of India, and two independent members with knowledge and experience of refugee issues and refugee law.
(e) The Commissioner of Refugees may assign such of his functions as may be necessary to the Deputy Commissioner of Refugees appointed under this Act.
(f) The decision of the Commissioner of Refugees shall be final. Any appeal against such decision shall lie only with the Refugee Committee, as the Appellate Board for reconsideration of the decision.

9. Determination of Refugee Status
(a) An asylum seeker who wishes to claim refugee status under the terms of this Act shall be heard by a Commissioner of refugees before the determination of his or her status;
(b) During the refugee determination interview, the asylum seeker shall be provided necessary facilities including the services of a competent interpreter where required, and a reasonable opportunity to present evidence in support of his or her case;
(c) The asylum seeker, if he or she wishes, shall be given an opportunity, of which he or she should be duly informed, to contact a representative of UNHCR;
(d) The asylum seeker, if he or she wishes, shall be entitled to be assisted in the determination of the status by a person of his or her choice including a legal practitioner. A list of competent legal practitioners, who are conversant with refugee law, shall be provided by the Government to the asylum seeker;
(e) If the asylum seeker is not recognized as a refugee, he or she could be given a reasonable time as provided in the rules, to appeal to the Refugee Committee;
(f) Where an application by the asylum seeker is rejected, the Commissioner of refugees shall give reasons for the order in writing and furnish a copy of it to the asylum seeker;
(g) If the asylum seeker is recognized as a refugee, he or she shall be informed accordingly and issued with documentation certifying his or her refugee status.

10. Publication of Findings and Decisions
(a) The findings, as well as the orders of the Commissioner of Refugees, the Refugee Committee and other authorities established under this Act shall be published by them periodically.
(b) The Commissioner of Refugees and the Refugee Committee shall publish an annual report. The annual report and any other periodic or special reports related to their work shall be made public.

11. Appellate Procedure
The Refugee Committee shall receive and consider appeals made by asylum seekers against the decision of the Commissioner of Refugees. The Committee may also consider applications for refugee status suo moto.

12. Persons who shall cease to be refugees
A person shall cease to be a refugee for the purpose of this Act if:
(a) he or she voluntarily re-avails himself or herself of the protection of the country of his or her origin; or
(b) he or she has become a citizen of India; or
(c) he or she has acquired the nationality of some other country and enjoys the protection of that country; or
(d) he or she has voluntarily re-established himself or herself in the country which he or she left, or outside which he or she remained owing to fear of persecution; or
(e) he or she can no longer, because the circumstances in connection with which he or she was recognized as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of his or her nationality.

13. Rights and Duties of Refugees

(a) Every refugee so long as he or she remains within India, shall have the right to:
(1) fair and due treatment, without discrimination on grounds of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion;
(2) receive the same treatment as is generally accorded under the Constitution or any other laws and privileges as may be granted;
(3) be provided a means to seek a livelihood for himself or herself, and for those dependent on them;
(4) be given special consideration to ensure their protection and material well-being in the case of refugee women and children;
(5) choose his or her place of residence and move freely within the territory of India, subject to any regulations applicable to refugees generally in the same circumstances;
(6) be issued identity documents;
(7) be issued travel documents for the purpose of travel outside and back to the territory of India unless compelling reasons of national security or public order otherwise require;
(8) be given the right of access to education, health and other related services.
(b) Every refugee shall be bound by the laws and regulations of India.

14. Situations of Mass Influx

(a) The government may, in appropriate cases where there is large-scale influx of asylum seekers, issue an order permitting them to reside in India without requiring
their individual status to be determined under Section 11 of this Act, until such time as the reasons for departure from the country of origin have ceased to exist, or the Government decides that their status should be determined on an individual basis under this Act;

(b) Asylum seekers who have been permitted to reside in India under this provision, may be subject to reasonable restrictions with respect of their location and movement but will otherwise be granted normally the same rights as refugees under this Act;

(c) Women and children asylum seekers in mass influx shall have the right to be given special consideration as to their protection and material well being.

15. Refugees Unlawfully in India
The Government shall not impose penalties on refugees on account of their illegal entry, or presence who, coming directly from a place where their life or freedom was threatened in the sense provided in Article 3, enter or are present in India without authorisation, provided they present themselves with immediate effect to the authorities and are able to show good cause for their illegal entry or presence.

16. Voluntary Repatriation
The repatriation of refugees shall take place at their free volition expressed in writing or other appropriate means, before the Commissioner of Refugees. The voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of transparency and safety to the country of origin shall be respected.

17. Rules and regulations
The Government may propose to Parliament, from time to time, rules and regulations, to give effect to the provisions to this Act.

18. Non-Obstante Clause
The provisions of this Act shall have effect notwithstanding the provisions of any other law.
THE ASYLUM BILL, 2015

By

DR. SHASHI THAROOR, M.P.

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THE ASYLUM BILL, 2015

By

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A

BILL

to provide for the establishment of an effective system to protect refugees and asylum-seekers by means of an appropriate legal framework to determine claims for asylum and to provide for the rights and obligations flowing from such status and matters connected therewith;

WHEREAS, the Constitution of India requires all persons to be treated in a fair and just manner consistent with the guarantees of equality, fairness and due process of law;

AND WHEREAS, the Supreme Court and the High Courts in India have extended the protection of certain fundamental rights to refugees and asylum-seekers;

AND WHEREAS, India has acceded to all major international human rights instruments and demonstrated its commitment to international law and human rights norms including the right to seek asylum and the principle of non-refoulement;

AND WHEREAS, India has a long tradition and experience of providing humanitarian assistance and protection to refugees and asylum-seekers;
AND WHEREAS, there is a need to consolidate, streamline and harmonize the varied practices, policies and standards applicable to refugees and asylum-seekers in India.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Asylum Act, 2015.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires—

(a) “Appellate Board” means the National Appellate Board of Asylum established under section 20;

(b) “applicant” means an asylum-seeker who, after entering the national territory of India, has filed an application for asylum under this Act;

(c) “application for asylum” means an application for the grant of asylum made under section 10;

(d) “asylum” means refugee status recognized in terms of this Act;

(e) “asylum-seeker” means a foreigner who after entering the national territory of India expresses an intention to seek a grant of asylum;

(f) “Chairperson” means the Chairperson of the Appellate Board appointed under section 21;

(g) “Chief Commissioner” means the Chief Commissioner of the Commission appointed under section 17;

(h) “child” means any person under the age of 18 years;

(i) “Commission” means the National Commission for Asylum established under section 16;

(j) “Commissioner” means a Commissioner of the Commission appointed under section 17;

(k) “country of origin” means the country of nationality of the refugee or asylum-seeker, or, if he has no nationality, the country of his former ordinary residence;

(l) “dependant” in relation to an asylum-seeker or a refugee, includes the spouse, any dependant child, or aged or infirm family member of such asylum-seeker or refugee;

(m) “foreigner” means a person who is not a citizen of India;

(n) “hearing” means the proceedings before the Commission or the Appellate Board, as the case may be, under the terms of this Act;

(o) “mass influx” means a situation where considerably large numbers of people from a specific country or geographical area, arrive at, or cross, an international border of India, and are notified as such under section 30;

(p) “Member” means a Member of the Appellate Board appointed under section 21 of this Act;

(q) “nationality” means the status of a person who is attached to a state by the tie of allegiance and includes but is not limited to citizenship, membership of an ethnic, linguistic or racial group.
(r) "person" does not include any company or association or body of
individuals, whether incorporated or not;

(s) "persons with special needs" include unaccompanied children, disabled
persons, aged or infirm persons, pregnant women, single mothers or single fathers
with accompanying child or children or persons who have been subjected to torture,
rape or other serious psychological, physical or sexual violence;

(t) "prescribed" means prescribed by rules made under this Act; and

(u) "refugee" means an applicant whose application for asylum has been
determined to meet the criteria under section 4 by the Commission or the Appellate
Board, as the case may be, under the terms of this Act or who has been declared to be
a refugee by a notification under section 30.

3. In exercising the powers conferred by this Act, regard shall be had to the following
considerations, namely—

(a) that all foreigners who have faced or are at risk of facing persecution in their
country of origin, and who enter India, whether directly from their country of origin or
indirectly, or who are already present in India, are entitled to seek asylum;

(b) that care has to be taken to ensure that the principle of non-refoulement
mentioned under section 8 is upheld;

(c) that the determination of applications for asylum must be by a fair and
transparent system that must abide at all times with the norms of due process;

(d) that asylum-seekers are entitled to interim legal protection and shall not be
expelled or returned before a final decision on asylum is reached;

(e) that asylum-seekers and refugees are vulnerable persons deserving of basic
social and economic protection;

(f) that the repatriation of a refugee to his country of origin must be conducted in
a safe and dignified manner and only after ensuring that the decision to repatriate is
voluntary and informed; and

(g) that the unity of a refugee's family shall be maintained.

CHAPTER II

PRINCIPLES OF REFUGEE STATUS

4. (1) A person qualifies as a refugee for the purposes of this Act if such person—

(a) is outside his country of origin and is unable or unwilling to return to or avail
himself of the protection of that country because of a well-founded fear of persecution
on account of race, religion, sex, nationality, ethnicity, membership of a particular
social group or political opinion; or

(b) has left his country owing to serious and indiscriminate threats to life, physical
integrity or freedom resulting from generalized violence or events seriously disturbing
public order.

(2) Dependents of a person who qualifies as a refugee under sub-section (1) shall also
be deemed to be refugees.

(3) In the case of a person who has more than one nationality, the term country of
origin shall mean each of the countries of which he has nationality.

5. (1) A person shall be excluded from protection under this Act if—

(a) there are serious reasons for considering that—

(i) he has committed a crime against peace, a war crime or a crime against
humanity, as defined in any international legal instrument dealing with any such crimes which India has acceded to; or

(ii) he has committed a serious non-political crime outside India prior to his entry into the national territory; or

(iii) he has committed inhuman acts for any reason whatsoever outside of India; or

(iv) he has instigated, abetted or otherwise participated in committing the acts mentioned in sub-clauses (i), (ii) or (iii); or

(b) he poses a serious threat to the public order or national security of India and—

(i) has been convicted of an offence in India which is punishable by a term of imprisonment of at least 10 years; or

(ii) has committed an act outside India that, if committed in India, would constitute an offence punishable by a term of imprisonment of at least 10 years; or

(c) he has been recognised by competent authorities of India as having the rights and obligations of an Indian citizen.

(2) The exclusion of the applicant from protection under this Act shall not require the exclusion of his dependants where none of the reasons for exclusion applies to them.

6. (1) A person shall cease to be a refugee for the purposes of this Act if—

(a) he can no longer refuse to avail himself of the protection of the country of his citizenship, because the circumstances in respect to which he was recognised as a refugee have ceased to exist; or

(b) he voluntarily re-avails himself of the protection of his country of origin; or

(c) he has acquired the citizenship of India; or

(d) he has acquired the citizenship of some other country and enjoys the protection of that country; or

(e) he has voluntarily re-established himself in the country which he left, or outside which he remained owing to fear of persecution; or

(f) he has voluntarily regained the citizenship that he had been deprived of; or

(g) he, having been stateless, is able to return to the country of former ordinary residence as the circumstances in respect to which he was recognised as a refugee no longer apply.

(2) In the assessment under clauses (a) and (g) of sub-section (1),—

(i) consideration shall be given to whether the circumstances upon which the status was granted no longer apply or have changed significantly and permanently; and

(ii) due consideration shall further be given to any compelling reasons presented by the refugee concerned, arising out of previous persecution, for refusing to return to his country of origin or his former ordinary residence.

7. (1) A person's status as a refugee may be cancelled for the purposes of this Act if—

(a) he, or a third party acting on his behalf, misrepresented or concealed facts that were material to the determination of refugee status, with or without fraudulent intent; or
(b) he is guilty of misconduct, including threats or bribery; or
(c) there was an error of fact or law in the granting of the status; or
(d) there was misconduct or administrative error at any stage in the hearing, including the wrongful issuance of relevant documents.

(2) A person's status as a refugee shall be revoked for the purposes of this Act if he subsequently engages in conduct that falls within the exclusion criteria under section 5.

8. No refugee present within the national territory of India shall be expelled or returned in any manner whatsoever to any country where his life or freedom would be threatened on account of his race, religion, sex, nationality, ethnicity, membership of a particular social group or political opinion.

9. (1) Subject to section 8, a refugee or asylum-seeker may be removed from India only if—

(a) the concerned authority of the Central Government has certified that the refugee or asylum-seeker falls within the grounds specified under sub-section (1) of section 5, or sub-section (1) of section 6 or section 7; or

(b) his application for asylum has been finally denied.

(2) The removal of a person on the grounds specified in sub-section (1) shall be effected only after such person has been duly informed of the intention of the Central Government to remove him and given the opportunity to show cause against such removal, within such time and in such manner as may be prescribed, with regard thereto.

(3) Where an order is made for the removal of a refugee or asylum-seeker from India, any dependant of such refugee or asylum-seeker, who has not been granted asylum, may be included in such an order and removed from India:

Provided that before any order for the removal of a dependant is made, such dependant shall be afforded a reasonable opportunity to make an application for asylum and he either fails to apply or his application for asylum is finally denied by the Appellate Board.

(4) The Central Government may, by an order in writing, cause any refugee or asylum-seeker ordered to be removed from India, to be detained pending such removal.

(5) Where an order for removal is made, the concerned refugee or asylum-seeker will be removed to his country of origin:

Provided that where such refugee or asylum-seeker wishes to be removed to a third country, he shall be afforded reasonable time to obtain approval from such country, for his removal to that country.

(6) An order for removal shall be made only by the concerned authority of the Central Government in writing.

(7) An order for removal shall not be made until the final determination of an application for asylum under this Act.

CHAPTER III

PROCEDURE TO APPLY FOR ASYLUM

10. (1) Every asylum-seeker shall have the right to make an application for asylum addressed to the Commission in such manner as may be prescribed.

(2) Where a police officer or any other person exercising powers under the Foreigners Act, 1946, intercepts a foreigner who is seeking entry into India at any port of entry or international border and who expresses the intention to make an application for asylum, such
police officer or person shall not deny entry into the national territory to such asylum-seeker and shall give him the necessary information regarding the procedure for asylum, and assist him in making an application for asylum under this Act.

(3) An application for asylum shall be made within sixty days following the asylum-seeker's entry into India:

Provided that the Commission may extend the period for making an application for asylum if it is satisfied that the asylum-seeker was prevented for sufficient reasons from filing the application:

Provided further that the Commission may, after due consideration, admit an application for asylum after the said period of sixty days, where such application is based on a claim arising as a consequence of events which have occurred in the asylum-seeker's country of origin since his departure, or because of a significant intensification of pre-existing factors since his departure, or because of a change in his personal circumstances:

Provided also that the Commission may, after due consideration, admit a fresh application for asylum made by the asylum-seeker after the said period of sixty days, where his previous application for asylum was finally rejected, provided however that such fresh application for asylum must arise out of change in the asylum-seeker's personal circumstances or change in the circumstances in his country of origin.

(4) The applicant may apply on behalf of accompanying family members who are not his dependants but whose applications are on the same grounds, provided a written consent of the adult family members is attached to the application made on their behalf.

(5) No asylum-seeker shall be detained or subjected to any penalty solely on account of his illegal entry into, or stay in India, pending the determination of his application for asylum.

(6) Every applicant shall, upon submitting the application for asylum, be issued a registration document by the Commission in the prescribed form, valid for six months and containing identity information of the applicant and, where applicable, the identity information of his dependants and which shall enable those included in it to stay in India pending the determination of the application for asylum, and shall be issued without being subject to any fee:

Provided that where the decision on the application for asylum is not issued before the expiry of the registration document, the document shall be renewed for a further period of sixty days at a time, until a decision is issued.

(7) Where the application for asylum is rejected by the Commission, the registration document shall be renewed for a period of sixty days from the date of such decision:

Provided that where the applicant files an appeal application before the Appellate Board, the Commission shall renew the registration document as under sub-section (2) of section 12.

11. (1) The Commission shall examine every application for asylum and, after giving an opportunity to the applicant to be heard, and after making such further inquiry as is necessary under this Act, determine whether the applicant is entitled to be recognised as a refugee in accordance with the principles under this Act.

(2) During the hearing under sub-section (1), the applicant shall be informed of and provided with the services of a competent interpreter and adequate opportunity to present evidence in support of his case.

(3) The Commission shall, within three months of the conclusion of the hearing, issue a decision in accordance with section 14, granting or denying asylum to the applicant.

(4) Where an application for asylum is accepted by the Commission, or where the
appeal application is accepted by the Appellate Board, the Commission shall issue a refugee certificate containing identity information and indicating the legal status of the refugee and his dependants where applicable and which shall enable those included in it to stay in India legally.

5 Where an application for asylum is rejected, the Commission shall issue a rejection letter containing detailed reasons for the decision.

12. (1) An applicant aggrieved by a decision of the Commission made under this Act, may, within sixty days from the date of such decision and in such manner and form, as may be prescribed, prefer an appeal to the Appellate Board:

Provided that the Appellate Board may accept an appeal application after the stipulated time period if reasonable cause for the delay is shown.

(2) On receipt of an appeal application under sub-section (1), the Appellate Board shall direct the Commission to renew the registration document issued under sub-section (6) of section 10 for a period of sixty days at a time, until a final decision is issued.

(3) The appellate Board may, after giving an opportunity to the applicant to be heard, and after making such further inquiry as is necessary under this Act, confirm, modify or set aside the decision of the Commission.

(4) During the hearing under sub-section (3), the applicant shall be entitled to all the rights set out in sub-section (2) of section 11.

(5) The appellate Board shall, within three months of the conclusion of the hearing, issue a decision in accordance with section 14.

(6) Where an application for asylum is accepted at appeal, the Appellate Board shall direct the Commission to issue a refugee certificate as under sub-section (4) of section 11.

(7) Where an appeal application is rejected, the Appellate Board shall issue a rejection letter containing reasons for the decision.

(8) The decision of the Appellate Board shall be final.

13. (1) All hearings by the Commission under section 11 and the Appellate Board under section 12 shall include an in-person interview with the applicant within ninety days of the receipt of the application for asylum, with a view to reaching an effective and fair decision:

Provided that where the applicant is unable to be physically present for the in-person interview, the Commission or, as the case may be, the Appellate Board, may alternative arrangements to ensure that the applicant has the opportunity to be heard.

(2) During the asylum interview, the applicant shall be given the opportunity to express himself in the best possible manner and upon the applicant's request, his lawyer shall be permitted to attend the interview as an observer.

(3) The entire hearing shall be conducted under such principles of confidentiality as may prescribed.

(4) Due consideration shall be given to the circumstances of persons with special needs during the entire hearing.

(5) All asylum hearings shall be recorded in writing.

(6) Where dependants are included in the application for asylum, only those above thirteen years of age shall be interviewed.

14. (1) All decisions of the Commission and Appellate Board shall contain, in writing, the reasons for arriving at the decision, and a copy of the same shall furnished to the Applicant.
(2) The decisions, judgements, decrees or orders of the Commission and Appellate Board shall be published, as prescribed, with due regard to principles of confidentiality.

15. (1) The applicant or refugee, as the case may be, shall have the right to seek the assistance of a legal practitioner of his choice.

(2) Legal assistance shall include legal representation throughout the hearing conducted by the Commission or the Appellate Board, as the case may be.

CHAPTER IV

CONSTITUTION, FUNCTIONS AND POWERS OF AUTHORITIES

16. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established, for the purposes of this Act, a Commission to be called the National Commission for Asylum.

(2) The Commission shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name, sue or be sued.

(3) The head office of the Commission shall be at New Delhi and the Central Government may direct that additional offices of the Commission be established in any other location as may be necessary.

17. (1) The Commission shall consist of a Chief Commissioner, and not less than six other Commissioners to be appointed by the Central Government.

(2) The Chief Commissioner shall be a person who has been a judge of a High Court and shall be appointed in consultation with the Chief Justice of India.

(3) The Commissioners shall be appointed by the Central Government in consultation with the Chief Commissioner and shall be persons of ability, integrity and standing who have special knowledge and professional experience of not less than ten years in refugee law and policy, or not less than ten years of litigation experience in the field of human rights.

18. (1) The Commission shall determine:

(a) applications for asylum, in accordance with the principles under this Act;

(b) cessation of refugee status in accordance with section 6; and

(c) cancellation or revocation of refugee status in accordance with section 7.

(2) The Commission shall issue documentation in accordance with section 10 and section 11.

(3) The Commission may also inquire, _suo moto_ or on an application presented to it either by an asylum-seeker, refugee or by someone acting on their behalf, in respect of the following—

(a) the detention of an asylum-seeker; or

(b) any conditions or consequent orders to be passed following the determination of asylum; or

(c) the repatriation of a refugee; or

(d) any other order that may be necessary under this Act.

(4) The Commission shall maintain a record of the details, as prescribed, of applicants who have been granted refugee status under the terms of this Act and shall make the same periodically available to the Central Government.

(5) The Commission may consult agencies of the United Nations, non-governmental organizations or experts for the purposes of this Act.
(6) The Commission shall undertake such measures and give such directions or pass such orders as are necessary for the purpose of discharging its functions under this Act.

19. (1) In the discharge of its functions, the Commission shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules made by the Central Government, the Commission shall have the power to regulate its own procedure.

(2) The Chief Commissioner and the Commissioners shall have the power to delegate to one another such powers or functions as may be prescribed.

(3) In particular and without prejudice to the generality of the foregoing provisions, the powers of the Commission shall include the power to determine the extent to which persons interested, or claiming to be interested, in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives, or to examine witnesses, or otherwise take part in the proceedings:

Provided that any such procedure as may be prescribed or followed shall be guided by the principles of natural justice.

(4) The Commission, for the purposes of any inquiry or for any other purpose under this Act, shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, while trying suits in respect of the following matters, namely—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavit;

(d) the requisitioning of any public record from any court or office;

(e) the issuing of any commission for the examination of witnesses; and

(f) any other matter which may be prescribed.

(5) The Commission may cause an inquiry to be made into the compliance of its orders or directions made in the exercise of its powers under this Act, and may impose such penalties as may be prescribed.

(6) The Commission, with a view to rectifying any mistake apparent from the record, shall have the power to amend any order or direction passed by it under the provisions of this Act:

Provided that the Commission shall not, while rectifying any mistake apparent from the record, amend the substantive part of such order or direction.

(7) The Commission may, appoint such administrative, technical, and other staff as it may consider necessary.

20. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, there shall be established, for the purposes of this Act, a body to be called the National Appellate Board for Asylum.

(2) The Appellate Board shall be a body corporate by the name aforesaid having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The office of the Appellate Board shall be at New Delhi or such other location as directed by the Central Government.
21. (1) The Appellate Board shall consist of a Chairperson, and not less than four other Members to be appointed by the Central Government.

(2) The Chairperson shall be a person who has been a judge of the Supreme Court and shall be appointed in consultation with the Chief Justice of India.

(3) A Member shall be appointed by the Central Government in consultation with the Chairperson and shall be a person who has been a judge of a High Court, or has had at least five years of experience as a Commissioner, or has special knowledge of and professional experience of not less than fifteen years in, refugee law and policy.

22. (1) The Appellate Board may, suo motu or on the presentation of an appeal application, examine, confirm, modify or set aside any decision, direction, judgment, decree or order of the Commission.

(2) The Appellate Board may also inquire on an appeal application presented to it either by an asylum-seeker or by someone acting on his behalf, in respect of any decision or order given by the Commission under sub-section (3) of section 19.

(3) The Appellate Board shall direct the Commission to issue documentation in accordance with section 12.

(4) The Appellate Board may consult agencies of the United Nations, non-governmental organizations or experts for the purposes of this Act.

(5) The Appellate Board shall undertake such measures and give such directions or pass such orders as are necessary, for the purpose of discharging its functions under this Act.

(6) Subject to the provisions of the Rules, the Appellate Board shall have the power to review any decision, judgment, decree or order made by it.

23. (1) In the discharge of its functions, the Appellate Board shall be guided by the principles of natural justice and, subject to the other provisions of this Act and any rules made by the Central Government, the Appellate Board shall have the power to regulate its own procedures.

(2) The Chairperson and the Members of the Appellate Board shall have the power to delegate to one another such powers or functions as may be prescribed.

(3) In particular and without prejudice to the generality of the foregoing provisions, the powers of the Appellate Board shall include the power to determine the extent to which persons interested, or claiming to be interested, in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives, or to examine witnesses or otherwise take part in the hearing:

Provided that any such procedure as may be prescribed or followed shall be guided by the principles of natural justice.

(4) The Appellate Board, for the purposes of any inquiry or for any other purpose under this Act, shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, while trying suits in respect of the following matters, namely—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavit;

(d) the requisitioning of any public record from any court or office;

(e) the issuing of any commission for the examination of witnesses; and

(f) any other matter which may be prescribed.

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(5) The Appellate Board may cause an inquiry to be made into the compliance of its orders or directions made in the exercise of its powers under the Act and impose such penalties as prescribed.

(6) The Appellate Board, with a view to rectifying any mistake apparent from the record, shall have the power to amend any order or direction passed by it under the provisions of this Act:

Provided that the Appellate Board shall not, while rectifying any mistake apparent from the record, amend the substantive part of such order or direction.

(7) The Appellate Board may, appoint such administrative, technical, and other staff as it may consider necessary.

24. (1) At the time of appointing the Chief Commissioner, Commissioner, Chairperson or Member, the Central Government shall satisfy itself that such person does not and will not have any financial or other interest as is likely to affect prejudicially his functions as such Chief Commissioner, Commissioner, Chairperson or Member.

(2) The Chief Commissioner, Commissioner, Chairperson or Member shall hold office for a term of five years from the date on which he enters his office and shall eligible for reappointment for a further term of five years:

Provided that no person shall hold office after he has attained the age of seventy years.

(3) Notwithstanding anything contained in sub-section (2), the Chief Commissioner, Commissioner, Chairperson or Member may—

(a) by notice in writing under his hand and addressed to the concerned authority of the Central Government, resign from his office at any time; or

(b) be removed from office in accordance with the provisions of section.

(4) A vacancy caused by the resignation or removal of the Chief Commissioner, Commissioner, Chairperson or Member under sub-section (3) shall be filled by fresh appointment.

(5) In the event of a vacancy in the post of the Chief Commissioner or Chairperson, one of the Commissioners or as the case may be, Members, as the Central Government may by notification authorize in this behalf, shall act as the Chief Commissioner or Chairperson, till such date on which a new Chief Commissioner or Chairperson, appointed in accordance with the provisions of this Act, enters office.

(6) When the Chief Commissioner or Chairperson is unable to discharge his functions owing to absence, illness or any other cause, such one of the Commissioners or as the case may be, Members, as the Chief Commissioner or Chairperson may authorize in writing in this behalf, shall discharge the functions of the Chief Commissioner or Chairperson, till such date on which the Chief Commissioner or Chairperson resumes his duties.

(7) The salaries and allowances payable to, and the other terms and conditions of service of, the Chief Commissioner, Commissioner, Chairperson and Member shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner, Commissioner, Chairperson or Member shall be varied to his disadvantage after his appointment.

(8) The Chief Commissioner or Commissioner, upon ceasing to hold such office, shall not hold any appointment under the Central Government or under any State Government for a period of two years from the date on which he ceases to hold such office, except where he is appointed to the Appellate Board, subject to the provisions of this Act.
(9) A Member, upon ceasing to hold such office, shall not hold any appointment under the Central Government or under any State Government for a period of two years from the date on which he ceases to hold such office, except where he is appointed Chairperson, subject to the provisions of this Act.

(10) The Chairperson, upon ceasing to hold such office, shall not hold any further appointment under the Central Government or under any State Government.

25. (1) The Central Government may remove from office a Chief Commissioner, Commissioner, Chairperson or Member, who—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted for an offence which in the opinion of the Central Government involves moral turpitude; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the functions of his office; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Notwithstanding anything contained in sub-section (1), neither the Chief Commissioner or Commissioner, nor the Chairperson or Member shall be removed from office on the grounds specified in clause (f) or clause (g) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has, on an inquiry held by it in accordance with such procedure as it may be specified in this behalf, has reported that the concerned Chief Commissioner, Commissioner, Chairperson or Member ought on such grounds, to be removed.

26. (1) The Central Government shall appoint a Secretary to the Commission and a Secretary (by whatever name called) to the Appellate Board to exercise and perform, under the control of the Commission or, as the case may be, Appellate Board, such powers and duties as may be prescribed or as may be specified by the Commission or Appellate Board:

Provided that the Secretary to the Commission or the Appellate Board may delegate such of his powers, as he may think fit, to any other officer of the Commission or the Appellate Board.

(2) The Secretary to the Commission or the Appellate Board, as the case may be, shall have the powers of general superintendence, direction and control in respect of all administrative matters of the Commission or Appellate Board:

27. No act or proceeding of the Commission, or, as the case may be, the Appellate Board, shall be questioned on the ground merely of the existence of any vacancy or defect in the appointment of the Chief Commissioner, Commissioner, Chairperson or Member, or any defect in the appointment of a person acting as the Chief Commissioner, Commissioner or Member.
28. The Chief Commissioner, Commissioners, Chairperson, Members and other permanent staff of the Commission and the Appellate Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

29. The Commission and the Appellate Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 and every proceeding before the Commission or the Appellate Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code, 1860.

CHAPTER V

MASS INFUX SITUATIONS

30. (1) The Central Government may, by notification in the Official Gazette, declare such group or category of persons in a mass influx to be refugees as defined under clause (t) of section 2.

(2) The persons who have crossed an international border as part of a mass influx but are not declared to be refugees by a notification of the Central Government under sub-section (1) shall be allowed to make an application for asylum under section 10 of this Act.

31. (1) The Central Government may cause all mass influx refugees notified under section 30 to register their names in such form and manner as may be prescribed.

(2) A refugee who has registered his name in accordance with sub-section (1) shall be issued an identity card in such form and manner as may be prescribed, which shall entitle him to all of the rights set out in section 36.

32. (1) The Central Government may, by order, impose reasonable restrictions on the movement or location of mass influx refugees:

Provided that nothing in this sub-section shall impair the right of a refugee to seek and enter employment outside the designated area in such manner as may be prescribed.

(2) The Central Government may, by order in writing, cause any refugee found violating the restrictions imposed under sub-section (1) to be detained.

(3) Nothing in this section shall apply to any refugee who has been granted asylum in India following an application for asylum made under section 10.

33. (1) The Central Government may, by notification in the Official Gazette, extend, alter, substitute or withdraw a notification concerning mass influx refugees made under section 30:

Provided that such extension, alteration, substitution or withdrawal shall apply only to asylum-seekers arriving after the date of notification.

(2) Any action revoking or altering the grant of refugee status to mass influx refugees shall be reviewed by the Commission.

CHAPTER VI

PROVISIONS RELATED TO VOLUNTARY REPATRIATION

34. (1) Subject to the provisions of this Act, the Central Government may repatriate refugees to their country of origin.

(2) The Central Government shall carry out any voluntary repatriation activities in cooperation with international organisations, public institutions and agencies, and civil society organisations.
(3) A refugee who wishes to be voluntarily repatriated to his country of origin shall make a written application to the Commission in such form and manner as may be prescribed.

(4) No refugee may be repatriated unless the Commission is satisfied, after conducting an inquiry, that the written application for repatriation is voluntary and genuine, and that repatriation to the country of origin is possible in a safe and dignified manner.

(5) Any order of repatriation by the Central Government shall be placed before the Commission for its information, and for such further orders or directions as may be necessary.

(6) No order of repatriation of the Central Government shall be implemented unless it has received the approval of the Commission.

CHAPTER VII

RIGHTS AND DUTIES OF REFUGEES AND ASYLUM-SEEKERS

35. (1) A refugee whose grant of asylum was made in pursuance of an application for asylum under section 10 shall be entitled to—

(a) a formal written recognition of asylum, in such form and manner as may be prescribed under section 11 and section 12 that constitutes an enforceable basis for his continued residence in India;

(b) an identity document of the nature described in section 37;

(c) a travel document of the nature described in section 37;

(d) apply for a residence permit and other government documents for which he may be eligible on the strength of the documents specified in clause (a) of this sub-section;

(e) freedom from discrimination on the basis of race, religion, sex, nationality, ethnicity, place of birth or any of them;

(f) fair and just treatment in accordance with due process and procedure established by law;

(g) choose his place of residence and move freely within the territory of India, subject to any reasonable restrictions that may be imposed in the public interest;

(h) seek and enter employment in the private sector;

(i) the same healthcare rights and services that apply to Indian citizens;

(j) free and compulsory primary education; and

(k) the right to move relevant courts of law by appropriate proceedings for the enforcement of rights conferred by Part III of the Constitution.

(2) Every refugee and asylum-seeker shall be bound by the laws of India.

36. (1) An asylum-seeker whose application for asylum under section 10 is pending, or a mass influx refugee notified under section 30 of this Act, shall be entitled to—

(a) a temporary identity document that constitutes an enforceable basis for his continued presence in India;

(b) seek and enter employment in accordance with government policy;

(c) the same healthcare rights and services that apply to Indian citizens;

(d) free and compulsory primary education;

(e) freedom from discrimination on the basis of race, religion, sex, nationality, ethnicity, place of birth or any of them; and

(f) the right to move relevant courts of law by appropriate proceedings for the enforcement of rights conferred by this Act and Part III of the Constitution.
(2) The rights and benefits extended to refugees and asylum-seekers shall not be construed to provide more rights and benefits than those accorded to citizens.

37. (1) All refugees and asylum-seekers shall be entitled to a legally enforceable document of identity issued by the Central Government which shall mention—

(a) the identity number of the holder, issued in the prescribed manner;
(b) the holder’s legal status in India;
(c) the holder’s surname, forename(s), sex, date of birth, and place or country where he was born;
(d) the country of which the holders is a citizen, if any; and
(e) a recent photograph of the holder.

(2) The document of identity shall be valid for a period of five years and may be renewed for period as may be prescribed.

(3) Such document of identity shall bear the seal of the Government authority that issues it.

(4) A refugee whose grant of asylum was made in pursuance of an application for asylum under section 10 shall be entitled to a legally enforceable document authorising his travel from and to India, subject to such restrictions as may be specified in this regard by the Central Government.

CHAPTER VIII

TECHNICAL ASSISTANCE

38. The Central Government, the Commission or the Appellate Board, as the case may be, may seek the good offices of the United Nations or other relevant agencies for its expertise, technical assistance and guidance in relation to any matter arising under this Act.

CHAPTER IX

FINANCE, AUDIT AND ANNUAL REPORT

39. (1) The Central Government, shall after due appropriation made by Parliament, by law in this behalf, pay to the Commission and the Appellate Board, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission and the Appellate Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

40. (1) The Commission and the Appellate Board shall maintain proper accounts and other relevant records, and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Accounts of the Commission and the Appellate Board shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission and the Appellate Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the Commission and the Appellate Board under this Act, shall have the same rights, privileges, and authority in connection with such audit, as the Comptroller and Auditor-General generally has in connection with the audit of Central Government accounts:
Provided further that the Comptroller and Auditor-General shall, in particular, have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Commission and the Appellate Board.

(4) The accounts of the Commission and the Appellate Board, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Commission and the Appellate Board.

(5) The Central Government shall cause the audit report forwarded under sub-section (4) to be laid before each House of Parliament as soon as may be after it is received.

41. (1) The Commission and the Appellate Board shall prepare, once in every year, in such form and at such time as may be prescribed, an annual report giving a full account of its activities during the previous year, copies of which shall be forwarded to the Central Government.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER X

MISCELLANEOUS

42. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) the procedure for removing a refugee or asylum-seeker from India under section 9;

(b) the detention of refugees or asylum-seekers;

(c) the procedure regarding an application for asylum, subject to the provisions contained under this Act;

(d) the salaries and allowances and other terms and conditions of service of the Chief Commissioner, Commissioners, Chairperson, and Members under section 24;

(e) the salaries and allowances and other terms and conditions of service of the Secretary and other staff for the Commission and Appellate Board under section 26;

(f) the reception and registration of mass influx refugees, and all other matters connected to the management of such refugees;

(g) the procedure for voluntary repatriation of refugees;

(h) the enforcement of the rights and duties of refugees and asylum seekers; and

(i) the effective implementation of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule of both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

43. The Central Government may by order empower the concerned authorities to assist and cooperate with the Commission and the Appellate Board for the enforcement of this Act.
44. On and from the appointed day, no court or authority shall have, or be entitled to
exercise, any jurisdiction, powers or authority in relation to matters specified in this Act,
except the Supreme Court and a High Court exercising powers under articles 32, 226 and 227
of the Constitution.

45. No suit or other legal proceeding shall lie against the Central Government,
State Government, Commission, Appellate Board or any person acting under the direction
either of the Central Government, State Government, Commission or Appellate Board in
respect of anything which is, in good faith, done or intended to be done, in pursuance of this
Act or of any rules or any order made thereunder.

46. The provisions of this Act shall have effect notwithstanding anything inconsistent
therewith contained in any other law for the time being in force.