



COUNTRY OPERATIONS PLAN

Country: India

Planning Year: 2004

Part I: Country Level

Executive Summary

(a) Context (Beneficiary Population(s) and Theme(s))

Since its independence, India has protected and assisted millions of refugees. Two of the largest refugee groups currently in India, the Tibetan and Sri Lankan Tamil refugees, are assisted in settlements and camps by the Government of India. The protection of and assistance to these refugees is based on political and administrative decisions made by the Government in the absence of national refugee legislation.

India is not a signatory to the 1951 Convention or the 1967 Protocol but is an active member of the Executive Committee of UNHCR. In the absence of a national refugee mechanism based in law, UNHCR India would continue to determine the status of individual asylum seekers and exercise its mandate over 12,746 refugees currently recognised by UNHCR. This function would be carried out under the auspices of UNDP in the absence of a Country Agreement between India and UNHCR.

As there is no national refugee law, current legislation applicable to foreigners is also applicable to asylum seekers and refugees. However, Indian authorities have based on discretionary powers, exceptionally granted residence permits to a large number of the refugee population recognised under UNHCR's mandate. This act has considerably improved the situation for most Afghan and Myanmarese refugees.

The largest urban refugee caseload consists of two groups, Afghans of Indian origin and ethnic Afghans. Together they represent 89% of the overall mandate refugee population. The second largest caseload is the Myanmarese, which represents 8% of the urban refugee population, the majority being Chins from Chin State in Myanmar. Other nationality groups, without residence permits, represent 3% of the population and belong to many nationalities such as the Iranians, Somalis, Sudanese, Iraqis and others from Africa and the Middle East.

Positive changes in Afghanistan allowed a small number of Afghan refugees to repatriate in 2002. It is foreseen that more refugees will avail themselves of this opportunity in 2004. As an initial planning figure for 2004, UNHCR India is making a budgetary provision for the return of 400 Afghans.

In parallel, UNHCR will promote the naturalisation of Afghan refugees, mainly of Indian origin, who have shown interest in acquiring Indian citizenship and who fulfil criteria under relevant laws. Several thousand individual applications are expected to be filed with the authorities in 2004 with the assistance of UNHCR and its NGO partner. Ultimately, the granting of Indian citizenship would allow successful applicants to settle permanently in India.

Resettlement efforts in 2004 will focus on those refugees who are not granted residence permits and who face protection problems in India. It is foreseen that resettlement departures of ethnic Afghans will come to an end during the course of 2004, once those who have been submitted for resettlement in 2003 depart. The remaining ethnic Afghans would be expected to remain in India, subject to the extension of residence permits which were valid until 30 June 2003, pending voluntary repatriation to Afghanistan.

UNHCR India will use the Agenda for Protection as the basis for its promotional activities. The absence of a legal framework for refugees in India makes it necessary for UNHCR to continue to develop activities with groups that are able to influence domestic discussions on refugee issues and improve the treatment of refugees in India. Besides, promoting accession to the 1951 Refugee Convention and the 1967 Protocol, efforts will focus on the creation of a refugee regime based in law as well as solving the outstanding issue of accreditation with the Government.

UNHCR works through seven implementing partners as part of its care and maintenance project. These are the Socio-Legal Information Centre (SLIC), the Public Interest Legal Support and Research Centre (PILSARC) and the Gandhi National Memorial Society (GNMS) in Pune, for protection related activities; the New Delhi Council of YMCA on education, the Voluntary Health Association of Delhi (VHAD) on health issues, BOSCO on income generation activities and World Vision India (Umeed Project) for psychosocial support.

All refugees will continue to benefit from health and primary education assistance provided through national institutions. Efforts will be made in 2004 to further increase enrolment not only in primary education but also in lower and secondary education as well as increasing the number of scholarships at the university level from ten to twenty. The UNHCR supported health programme will be strengthened to enable local institutions to assist Indian origin Afghans who are expected to be naturalised in the coming years.

Self-reliance activities initiated in 2002 will continue to include skills and vocational training, skills development and job placement/self-employment support. Young Afghan refugees, particularly those of Indian origin, will be the main beneficiary group.

On 1 March 2003, UNHCR India launched a comprehensive strategy to gradually phase-out Subsistence Allowance (SA) for Myanmar refugees over a period 15 months, excluding those vulnerable categories such as the elderly without support, the sick or handicapped. While SA was originally meant to support newly recognised refugee families in adjusting to their new environment during a maximum period of six months, grants over the years have become open-ended commitments. UNHCR will continue its dialogue with refugee leaders and political activists to explain the purpose and intent of this new policy. Similar subsistence allowances for all Afghan refugees were phased out in 1997.

Newly recognised refugees will benefit from a six-month financial assistance scheme and will have access to self-reliance activities and language training to support their efforts to temporarily lead lives in India.

The second caseload/theme for India relates to the voluntary repatriation of 63,767 Sri Lankan Tamil refugees living in camps in Tamil Nadu. As the peace process between the parties in Sri Lanka achieves further results, UNHCR will continue to facilitate the return of individual Sri Lankan refugees by air and if possible, by ferry. This activity includes the verification of the voluntary character of return through interviews in the vicinity of the refugee camps and in co-ordination with national authorities, the Sri Lankan Deputy High Commission in Chennai and UNHCR Sri Lanka on all procedural and logistical aspects of return. It is foreseen that UNHCR will facilitate the return of 3,000 refugees in 2004.

With positive developments in the peace process in Sri Lanka, it is expected that large-scale return can be initiated during the second half of 2004. It is foreseen that the voluntary return of some 7,000 refugees will be organised by the Indian and Sri Lankan Governments in co-ordination with UNHCR. UNHCR India will continue to verify the voluntary character of return once large-scale voluntary repatriation has been initiated while all logistical aspects in India will be handled by the Government. UNHCR India would also offer support for transportation by air of vulnerable individuals as priority cases.

UNHCR's policy priorities for women, children and the elderly have already been reflected in the concrete activities described above. Women will be given equal access to all programmes and where women are found to be at a disadvantage in obtaining services or training opportunities, particular outreach, efforts will be made. The representation and active participation of women in various consultative fora will be enhanced. Awareness of sexual and gender based violence (SGBV) will be promoted through training and dialogue with women's groups. The further enrolment and

advancement of refugee children through the educational system (from primary to university) will be the priority. Support to elderly persons with particular needs will be done through support to EVIs and specialised health or community services. Refugees status determination procedures will continue to be strengthened to safeguard standards for women and children asylum applicants.

Main Programme Goals and Principle Objectives

Main Goal(s) <ul style="list-style-type: none"> • Improve individual asylum procedures. • Quality protection and delivery • Promote durable solutions. • Effective refugee participation and empowerment programmes • Enhanced refugee protection environment 	
Principal Objectives	Major Related Outputs
<ul style="list-style-type: none"> • RSD process meets UNHCR standards 	<ul style="list-style-type: none"> • standard operating procedures which adhere to UNHCR norms implemented efficiently
<ul style="list-style-type: none"> • All asylum seekers have access to RSD procedures 	<ul style="list-style-type: none"> • All asylum seekers who contact OCM provided pre-registration counselling, and registered in timely manner for RSD interview
<ul style="list-style-type: none"> • All refugees have lawful stay in India 	<ul style="list-style-type: none"> • All refugees possess residential permit
<ul style="list-style-type: none"> • Refugee protection needs addressed in a timely manner 	<ul style="list-style-type: none"> • Successful protection interventions made with concerned government interlocutors on behalf of all refugees with serious protection problems
<ul style="list-style-type: none"> • Refugees have access to naturalisation, voluntary repatriation and resettlement as appropriate 	<ul style="list-style-type: none"> • Refugees identified systematically for appropriate durable solution and assisted in achieving it.
<ul style="list-style-type: none"> • Refugee communities involved in a structured dialogue on all UNHCR aspects of assistance and protection 	<ul style="list-style-type: none"> • Regular meetings with refugee community representatives.
<ul style="list-style-type: none"> • Refugees gainfully occupied 	<ul style="list-style-type: none"> • Refugees vocationally trained and benefit from apprenticeships or job placement
<ul style="list-style-type: none"> • Refugee protection principles respected 	<ul style="list-style-type: none"> • Government interlocutors supportive of UNHCR's protection role
<ul style="list-style-type: none"> • Civil society taking initiative in promoting refugee protection 	<ul style="list-style-type: none"> • Support group for national legal framework on refugee protection, comprising key members of civil society, put forward proposal for legislative changes