

NATIONS UNIES
HAUT COMMISSARIAT
POUR LES REFUGIES



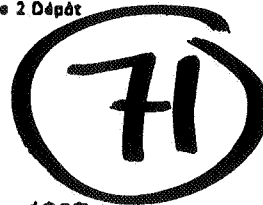
UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

INDIAN (25)

Télégrammes : HICOMREF
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FN-MISSI.		GENEVE	
		BIL. G	
07 OCT. 1997			
17	DAN.	1/4.	

Case Postale 2500
CH-1211 Genève 2 Dépôt



Geneva, 2 October 1997

Dear

Reference is made to your inquiry, dated 21 July 1997, regarding one *** asylum-seeker to Denmark with previous stay in India. More in general, your query relates to the treatment in India of *** refugees and, whether refugees recognised under UNHCR's Mandate would enjoy sufficient protection in India.

India is neither a party to the 1951 Convention nor the 1967 Protocol and there is no domestic law governing the protection of refugees in India. The Office of the UNHCR Chief of Mission in India, performs therefore functions under UNHCR's Mandate, including status determination and interventions with the Government in protection and legal matters.

As concerns refugees from neighbouring countries, the Indian Government is particularly sensitive and deals with these groups through internal policies and administrative rules. For those from elsewhere (including ***), UNHCR conducts eligibility interviews and issues Refugee Certificates to those who qualify as refugees under the Mandate. Although such Refugee Certificates are not legally recognised, in practice, the Ministry of Home Affairs and the police have taken cognisance of the UNHCR Certificates and, usually, temporary (renewable) residence permits are granted to Mandate refugees.

Refugees are protected from refoulement on the basis of humanitarian principles respected by the Government of India and by a traditional respect for basic refugee principles. Even though Section 3 (1) of the Foreigners Act grants seemingly absolute power to the Indian Government to expel foreigners from Indian territory, this power has been tempered by a number of judicial decisions. The only incident of refoulement that in 1996 came to the knowledge of UNHCR, concerned six Burmese army deserters, who were refouled before their status had been decided.

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