

## Monthly Migration Movements

### Afghan Displacement Summary

### Migration to India

October 2017

#### Introduction

This month, the CASWA 4Mi paper focuses on Afghan refugees and asylum seekers in India. The migration of Afghans to India has a long history. During the last two decades, many Afghans, including rulers and officials, has taken refuge in India in the time of war and political instability in Afghanistan. Nowadays, India is both a transit and destination country for Afghan refugees and asylum seekers, especially among religious minorities such as Afghan Hindus and Sikhs. In general, the political and administrative approach of the Government of India towards refugees is tolerant. There are more than 208,000 refugees and asylum seekers in the country, including more than 12,300 from Afghanistan.<sup>1</sup>

The report discusses how migration from Afghanistan to India largely seems to be a middle class phenomenon; it's migrants from urban areas in Afghanistan with high levels of education. For some, India is a transit country for onwards movement. People leave due to the continuous insecure environment in Afghanistan combined with a hope for better job opportunities elsewhere. Protection risks en route to India are few as most people travel via air. However, there are concerns related to the physical protection of refugees and asylum seekers in India.

The paper is based on 4Mi interviews with 136 Afghans conducted during December 2016 and September-October 2017.

#### Afghans in India

India has for years been home to refugees not only from its neighboring countries but also from distant countries such as Iran, Iraq, Somalia and Sudan. However, it is neither party to the 1951 Convention on Refugees nor the 1967 Protocol. This lack of specific refugee legislation in India has led to a situation in which the status of refugees is governed mainly by

political and administrative decisions rather than any codified model of conduct.<sup>2</sup> Due to the very nature of this approach, the government treats various refugee groups differently. Some receive legal and socio-economic support from the government, while others are denied from basic social services.<sup>3</sup> As there is no separate law in India outlining the rights of refugees, the government mainly deals with such according to the Foreigners Act 1946 and the Citizenship Act 1955, which are applicable to all foreigners in the country.<sup>4</sup> This means that economic migrants and those who flee war, violence and prosecution are not differentiated in India.

There are more than 12,300 Afghan refugees and asylum seekers in India registered with UNHCR.<sup>5</sup> There is no reliable data on the number and situation of undocumented Afghans. According to Human Rights Law Network (2007), the majority of Afghan refugees in India are Hindus and Sikhs; religious minorities in Afghanistan who are suppressed in the country due to their religion. This discrimination was especially the case during Taliban rule.<sup>6</sup> Most Afghan refugees and asylum-seekers in India are concentrated in and around Delhi. There is also Afghans living in Faridabad, Haryana.<sup>7</sup>

In addressing the question of Afghan refugees and asylum-seekers, all three durable solutions are applied by the government of India and/or UNHCR: 1) Integration: Due to the common religion, many Hindu and Sikh Afghans who have lived in the country for many years are integrated in the society and have full access to economic opportunities and social services. However, based on anecdotal information from the 4Mi monitors, it takes approximately 12 years to receive an Indian citizenship and 7 years if you marry an Indian. 2) Return: Facilitation of returns to Afghanistan is done through UNHCR's voluntary return program. During 2016, 119 Afghans returned from India with assistance from the programme.<sup>8</sup> 3) Resettlement: Afghans continue to have

<sup>1</sup> UNHCR, Factsheet India, August 2017.

<sup>2</sup> Human Rights Law Network, Report of Refugee Population in India, November 2007, p. 2.

<sup>3</sup> Ibid.

<sup>4</sup> T. Ananthachari: "Refugees in India: Legal Framework, Law Enforcement and Security", available at: <http://www.Worldii.org/int/journals/ISILYBIHRL/2001/7.html>

<sup>5</sup> UNHCR, Factsheet India, August 2017.

<sup>6</sup> Human Rights Law Network, Report of Refugee Population in India, November 2007, p. 20.

<sup>7</sup> Ibid, p. 21.

<sup>8</sup> [http://popstats.unhcr.org/en/persons\\_of\\_concern](http://popstats.unhcr.org/en/persons_of_concern)

the possibility of being resettled to a third country from India although opportunities are limited. According to UNHCR, from January to July 2017, only 99 refugees were resettled and most of these were carried over from 2016.<sup>9</sup> Traditionally, the main destination countries for refugees in India have been Canada, Australia and USA. However, as of 2013, based on information from the 4Mi monitors, Canada and Australia have largely stopped accepting refugees from India leaving the US as the only option for Afghans. Thus, there are significant waiting periods for refugees in India to be resettled.

The UNHCR office is located in New Delhi and registers new asylum-seekers and processes the refugee status determination (RSD). When an asylum-seeker is interviewed, a proof of registration document will be issued for him/her in order to prevent his/her arrest, detention, or deportation. Most vulnerable will receive a monthly allowance by UNHCR. Besides UNHCR, there are few local NGOs in the country that assist Afghans and other refugees with access to health, education, legal and vocational services; some of these NGOs and organizations are: BOSCO (part of Don Bosco Global Network), The Socio-legal Information Centre (SLIC), Gandhi National Memorial Society (GNMS), Confederation of Voluntary Agencies (COVA), Development and Justice Initiative (DAJI), and Save the Children (SCF). Despite support from these NGOs, the situation for Afghans in India is poor and many face challenges and difficulties economically and socially.

Those Afghan who came to India 10 to 20 years ago are in general better integrated in the Indian society in comparison to those who recently arrived. They have learnt the language, have a stable income and, in most cases, practice similar religion. In contrast, as the JIPS profiling study from 2013 of Afghan refugees in Delhi shows, recently arrived refugees and asylum seekers are worse off: 40% of the households in Delhi have no income earners and as the unemployment level is high it makes them dependent on remittances or savings brought from Afghanistan.<sup>10</sup> Lack of documentation, in the form of a valid visa, lack of job opportunities suitable for their level of education and skill are the main obstacles to employment. Those who are working are mainly occupied in translation/interpretation, employment in shops/restaurants and income generating activities at the UNHCR refugees

centers.<sup>11</sup> They live in Afghan populated areas; half of the households occupy 2 rooms only with the average rent of 10,000 Rupees (158 USD).<sup>12</sup>

All Afghan refugee children can enroll in the public primary schools, however 16% of Afghan refugee children are not enrolled in any type of school due to financial constraints.<sup>13</sup> Most classes in government schools are taught in Hindi language. Alternatives are English classes provided by BOSCO (in Delhi), which serve as a preparation for the Open School exams.<sup>14</sup> Among those who do attend primary school only few continue school as they have to work and support their family.<sup>15</sup>

### Who are migrating to India and why?

Migration to India, according to the 4Mi data, is largely a middle class phenomenon; its males accompanied by their family who migrate from an urban area (91.5%) in search for refuge in India or elsewhere due to the instable security situation in Afghanistan and for personal/familial reasons. In contrast, among those migrating to neighboring countries such as Iran and Pakistan, 50% comes from rural areas in Afghanistan. The majority of the interviewees in India are Sunni (92%), Tajiks (46%) or Pashtuns (35%) whereas Hazaras constitute almost 30% among migration to Iran and Pakistan and only have primary to no education – those interviewed in India are well educated with a bachelor/master degree (51%) or a secondary/high school level education (38%). More than 40% had however no job prior to leaving Afghanistan; others were students (24%) at the time of migration or working in the professional and service industry (17%).

Economic opportunities is therefore also reported as one of the main push factors for migration among interviewees in India. In comparison to data from Indonesia where only 3% report that economic opportunities is a push factor for migration, this is reported by 14% among interviewees in India. 24.5% mention personal and/or family reasons as the main push factor. This may well be due to India's relatively favorable laws and regulations regarding work of migrants and refugees that enables opportunities for Afghans in the country, at least in the Afghan communities in Delhi.

While economic opportunities factor in when it comes to migration, violence and general insecurity in Afghanistan is

<sup>9</sup> UNHCR, Factsheet India, August 2017.

<sup>10</sup> JIPS, Urban Profiling of Refugee Situations in Delhi, 2013, p. 25.

<sup>11</sup> Ibid, pp. 26 & 28.

<sup>12</sup> Ibid, p. 31.

<sup>13</sup> JIPS, Urban Profiling of Refugee Situations in Delhi, 2013, p. 63.

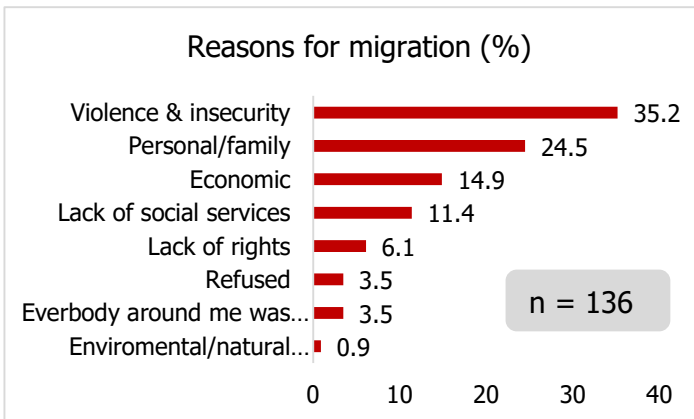
<sup>14</sup> Ibid. p. 64.

<sup>15</sup> Human Rights Law Network, Report of Refugee Population in India, November 2007, p. 21.

however still reported as the main reason to migrate (35.2%), as illustrated in graph 1. Conflict in the country between different groups (30%) and presence and attacks by terrorist groups (25.7%) are the main factors reported as reasons for the insecurity in the country.

Despite the possibilities of working in India, it is still few migrants who perceive India as their final destination but rather see it as an option for resettlement or a transit country. Among the interviewees, almost 60% were registered refugees or had a pending asylum application while 31% categorized themselves as international migrants who are en route to other destinations and thus will not remain in India. The remaining 9% were undocumented migrants and/or refused to answer the question regarding their current status. The preferred destinations for those who are registered with UNHCR for resettlement are Canada (34.6%) and USA (34.5%). For those who are migrating further, Indonesia is mentioned although many haven't decided yet. The 4Mi data from Indonesia further shows that migrants in Indonesia also look for resettlement options (see previous 4Mi report on movement to Indonesia published by DRC, Central Asia South West Asia). Based on anecdotal information from the 4Mi monitors, the flow towards Indonesia has decreased during the last 2-3 years as the chance for resettlement from Indonesia has become limited. There are only 9% of the interviewees who mention India as their destination country (9%), most of these are Hindus and sikks. Better living standards (24.3%) and good social welfare systems (17.7%) mainly determinate the choice of final destination country.

**Graph 1. Main reasons for migration from Afghanistan to India**



**Travelling to India - protection concerns on route and upon arrival**

Most people fly directly from Afghanistan to India (85%). Among our interviewees, two of them travelled from Afghanistan to Pakistan by land and then proceed via plane.

There are 4 cases of secondary movement as people were living in Iran (2 cases) and Pakistan (2 cases) prior to migration. Most of the journeys are completed with a visa to India (95%) as it is secure (37%), easy (33%) and cheaper (31%). Therefore, the risks reported on route are also much fewer than what we are witnessing in Afghanistan for people crossing the border to Iran and Pakistan by land (for more information read previous 4Mi report published by DRC, Central Asia South West Asia).

Upon arrival in India, as most Afghans immediately apply for asylum at the UNHCR office in Delhi and thus receive documentation for their arrival, this also makes them less vulnerable to issues such as detention, physical assaults by police and officials, or ransom. However, protection cases are still present. Bribery is the main issue mentioned by the interviewees; 16 cases were reported, 12 cases happened in Delhi and 4 cases in Kabul. All bribes were paid in the form of cash to the police and officials and in average amounting to 300 USD.

Interviewees in India reported 2 cases of migrant death in Delhi. Both victims were adult men and died because of sickness and lack of access to medicine. 7 cases of physical assaults were reported, 3 in Kabul, Afghanistan (before flying to India) and 4 in Delhi, India mostly in the form of mild physical abuse by smugglers and groups of gangs and criminals. Two cases of detention of Afghan migrants in India by police officials were reported.

**Do you want more information about 4Mi?**

The Mixed Migration Monitoring Initiative (4Mi) in Central Asia and South West Asia (CASWA) region aims at gathering data on displaced Afghans on the move. The initiative is part of DRC's global 4Mi data collection project. For more information about this initiative please visit: <http://4mi.regionalmms.org/4mi.html>.

As part of 4Mi, DRC CASWA publishes monthly series of trend analyses about movement within Afghanistan and towards the East and the West. Analysis is based on interviews collected by 4Mi monitors with the purpose to increase knowledge about drivers of movement and protection risks faced by Afghans.

The 4Mi data published monthly only represents a small section of those on the move in Afghanistan. Any generalizations about the total population of Afghan migrants on the move must be made with an understanding of the sampling methodology of 4Mi.

**Map 1. Routes to India**

