Urban refugees in Delhi

Identity, entitlements and well-being

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Urban refugees in Delhi face myriad problems that affect their ability to live meaningful lives in the city: no legal frameworks to guarantee their protection; difficulty attaining sustainable livelihoods; discrimination; and poverty. Many Sikh and Christian Afghan refugees have been in the country for decades, yet still fail to achieve citizenship through naturalisation. Rohingya refugees are among the city's poorest and face faith-based discrimination as a Muslim community. Both groups struggle to achieve self-reliance and realise their aspirations. This study explores the historical, political, and social factors that have contributed to such a state of insecurity, and poses an alternative way of supporting refugee self-reliance, using the Capability Approach.

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Acronyms

CA	Capability Approach
CAB	Citizenship Amendment Bill (2016)
GoI	Government of India
HRLN	Human Rights Law Network
IGNOU	Indira Gandhi National Open University
ILO	International Labour Organisation
LTV	Long-term visa
NGO	Non-governmental organisation
SLIC	Socio-legal Information Centre
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

Executive summary

Tens of thousands of refugees attempt to meet their basic needs and make a meaningful life for themselves in Delhi, despite India not having a domestic or international legal framework codifying their protection. This paper examines the experiences of three of those refugee groups – Sikh and Christian Afghans, and Rohingya Muslims – as they navigate this city and strive for a level of autonomy and self-reliance.

Using qualitative research methods – semi-structured interviews and ethnographic observations – we explored how refugee groups have attempted to make ends meet and realise their aspirations, and the extent to which these needs and ambitions are supported by local, national, and international aid organisations. As we engaged in discussions around daily routine and individual, familial, and community responsibilities and aspirations, the theme of 'self-reliance' became an important one. From the perspective of the refugees: how to strive for self-reliance and individual/community autonomy in the face of limited socio-economic opportunities? For aid organisations: how to support refugees to enhance or gain the skills, opportunities, and linkages they need to meet their needs and realise their ambitions? Our findings showed a range of challenges and opportunities.

In the first instance, these refugee groups are restrained by the document regime that has emerged as a result of the legal grey area they fall in, between migrant, foreigner and *de facto* refugee. As UNHCR-mandated refugee groups, they are all entitled to renewable refugee certificates, with Sikh Afghans and Rohingyas also entitled to long-term visas. While, in theory, these documents entitle the refugees to rent homes, hold jobs, and apply for naturalisation after 12 years, in practice the documents are routinely dismissed as illegitimate.

Work opportunities for Rohingya refugees, as a result of lower education levels and social capital, are mostly in the informal economy where they experience discrimination and exploitation, including withheld pay. Afghan refugees tend to find work through the large Afghan diaspora residing in the city – though they are typically underemployed, as their qualifications do not translate to Indian equivalents, and work is again often ad hoc, temporary, and within the informal economy. Gender-based discrimination or violence was a common experience.

All three refugee groups shared experiences of discrimination as a result of the politics behind their ethnic and faith identities. Sikh and Christian Afghans felt a sense of marginalisation by aid organisations in comparison to their Muslim compatriots, as well as a bureaucratic apathy and arbitrariness by the government, which is preventing their naturalisation. Rohingya refugees, too, have faced a significant amount of discrimination. Their experiences have been particularly shaped by a rising anti-Muslim, Hindu-nationalist sentiment in the country, which is creating rhetorical slippage at a government level between the categories of refugee, migrant, and illegal immigrant. This communal politicking has a long history and continues to adversely affect all refugees' abilities to claim their rights and access rented accommodation, jobs, and education.

UNHCR and its implementing partners are attempting to overcome these barriers to self-reliance through offering refugees a range of services, and yet their programmatic focus remains on technocratic inputs and indicators: job placements made; enterprise grants given; income level, and so on. These indicators for success do not go far enough to ensure refugee well-being is sustainable over the longer term, nor do they sufficiently account for non-economic ways that refugees try to make their lives meaningful in the city. For instance, our study observed sports, music, child-rearing, and voluntary work as key activities and responsibilities that affected refugee well-being and their sense of autonomy in Delhi.

In light of such a disconnect, we posit that there is an opportunity for a programming shift. Building on Amartya Sen's Capability Approach, and recent work looking at individual and group capabilities in urban settings, we argue that aid organisations must approach refugee self-reliance from the perspective of freedoms – ie questioning what opportunities and abilities refugees have to live well and that will enable them to live meaningful lives. Livelihoods, for instance, must be seen as a constituent part of refugee well-being, rather than an end goal in itself. It is through this more holistic approach that humanitarian organisations will be able to more effectively support urban refugees to convert places, services, and opportunities into things they have reason to value.

1

Introduction

1.1 Background

India has a long history of accepting people fleeing from conflict and natural disasters, and its cities are often hosts to large numbers of internally and externally displaced people living and surviving amongst the 'local' population. However, the country does not have a domestic legal framework to guarantee protection for such groups and it is not a signatory to the 1951 Refugee Convention or its 1967 Additional Protocol. As such, protection and development opportunities for *de facto* refugees across India are inconsistent and piecemeal – and services are generally only accessible to those who fall within narrow policy frameworks and who are formally registered with the United Nations High Commissioner for Refugees (UNHCR) or the government.

An emerging body of academic and policy literature is beginning to examine disparities in protection for different groups in India and, in particular, is addressing urban environments and urbanisation as sites and

processes that exacerbate vulnerabilities (Crisp, 2017; Ghosh, 2016; Dasgupta, 2016). Indeed, there has been a conscious (though not complete) turn away globally from camp 'solutions' to the 'problem' of refugee flows in humanitarian policy since the turn of the twenty-first century (UNHCR, 2013b). However, there are significant knowledge gaps. Not only are analyses on particularly vulnerable refugee groups in urban India – such as the stateless Rohingya and non-Muslim Afghan refugees – largely missing from current research, there is also insufficient qualitative data that highlight the lived experiences of urban refugees attempting to survive and realise their aspirations in India's cities. To address these knowledge gaps, the authors undertook a six-month research project engaging with Rohingya refugees and Sikh and Christian Afghan refugees in India's capital city, Delhi (see Boxes 1 and 2). Focusing on questions of day-to-day survival and more longer-term aspirations (social and economic), the authors were led to interrogate the idea of 'self-reliance' – what does it mean in an Indian urban context, and for whom?

Box 1. The Rohingya in India

The Rohingya are an ethnic, religious, and linguistic minority group that have been present in Myanmar (Burma) for at least two centuries. In 1982, the Burmese government passed a law that denied the Rohingya people of their citizenship. As a result, the Rohingya, numbering over one million in Myanmar, lack legal protection and face hostility and persecution – not only in Myanmar, but their stateless status and general discrimination against them in the South and Southeast Asia region more widely have rendered them one of the most persecuted minorities in the world. As of 2014, 6,000 Rohingyas were registered with UNHCR, of which around 4,500 have refugee cards (Bhandari, 4 May 2014). Exact numbers are hard to establish as a result of poor registration numbers (estimates are as high as 40,000), but the main settlement areas of Rohingya refugees in India are Delhi, the main location of UNHCR;

Hyderabad, a major city with a significant Muslim population and UNHCR partner organisations; and Jammu, in a majority-Muslim state where there is a very limited system in place to access refugees. As a Muslim group, they experience general anti-Muslim discrimination and their case is a geopolitically sensitive one affected by India's bilateral relations with Myanmar.

In terms of livelihoods, where there are opportunities to work, the Rohingya tend to do ad-hoc, informal labour jobs where the risk of exploitation and the lack of security are high. In addition, language barriers often prevent Rohingya from finding work in the first instance. Moreover, due to lack of shelter provision for this refugee group, settlement often occurs in slums in the periphery of the sprawling cities (UNHCR, 2013b).

Box 2. Non-Muslim Afghan refugees in India

Afghan refugees fled to India in a first significant wave in the early 1980s, following an outbreak of war in the country after an invasion by the Soviet Union. The majority of the 10,000 or so refugees that entered over the 1980s and 1990s were Hindu and Sikh Afghans who had previously enjoyed, according to Ashish Bose, a *bhai-bhai* (brother) status with Muslim Afghans, but experienced increasing persecution and attacks after the outbreak of war (Bose, 2004). The current number of registered Afghan refugees (of all faiths) is 12,154 (UNHCR, 2017), though the actual number may be higher due to a reluctance of many Sikh, Hindu and Christian Afghan refugees to either register or renew their refugee cards after expiry.[1]

Legally mandated for protection under UNHCR, Sikh Afghans are – in theory – entitled to refugee certificates, long term visas, to apply for residential permits, and seek livelihoods in the formal and informal economy. And they are seen as largely successful in doing so, living in relatively middle-class suburbs. According to a 2007 Human Rights Law Network (HRLN) report, Afghans find it relatively easy to find work in the informal sector in contrast to other groups due to similarities in language and culture (HRLN, 2007). Nonetheless, the legal and

bureaucratic environment for mandated refugees remains difficult; they are largely unable to translate their documents to work opportunities in the formal sector or higher education opportunities, and thus the level of satisfaction Afghans themselves feel in India is variable.

Christian Afghan refugees in India are much more recent arrivals, fleeing from Afghanistan since 2005 in fear of religiously-motivated attacks. Their numbers have been placed by sources at around 250 (Farooquee, 22 July 2013), but this is difficult to verify as they seek anonymity in Delhi and elsewhere due to confrontations they have faced with the Muslim Afghan refugee community in India. Very little is written about this refugee group, and they do not feature in UNHCR's 2014 evaluation of programming in the capital. Our research with some members of the community has shown that they are not issued with long-term visas and receive a short-stay permit, they tend not to have refugee cards, shift around the city with regularity for security reasons, and generally support themselves through their community and church networks. UNHCR and its implementing partners do not work with this refugee group.

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[1] Anecdotal evidence suggests this reluctance to register or return after card expiry among non-Muslim Afghan refugees is partly due to a perception that, if there is no third country resettlement option, the refugees are better off supporting themselves in the city. There is a perception among the community that UNHCR prioritises Muslim Afghan refugees above non-Muslim refugees for resettlement, assistance, and service provision.

1.2 Aims and arguments of the paper

The initial guiding research questions of this study included: how do refugee groups survive, empower themselves and strive to realise their aspirations in Delhi? How is such agency enabled or made more difficult by the spatial realities, identities, and governance structures of the cities in which they live? And, to what extent is institutional support for refugees and the ambition of 'self-reliance' enabled or made more difficult by the politics behind national and refugee identity characteristics (particularly faith and gender)? These research questions built on established academic and policy debates around whether refugee protection should be considered a humanitarian or development concern in urban contexts where longer term resettlement or hyper-mobility is the norm (Nyberg-Sørensen *et al.*, 2002). The governance questions linked to debates around urbanisation and the politics of city spaces, the accessibility of support systems, and the apparent threat and burden of the refugee on urban resources, which are often used as a narrative to counter rights-based discourses (Hammerstad, 2011).

Such questions still run through the heart of this analysis, and therefore one of the main aims of this paper is to share our indicative answers to these broad concerns. Moreover, we seek to do so through taking a historical approach to contextualisation. The paper examines the events and impacts of the partition of the Indian subcontinent into India and Pakistan in 1947, and subsequent political framings of refugee status and belonging. We argue that what took place as a result of Partition – particularly the forced displacement of certain groups of people and the state-managed allocation of urban space linked to religious identity – saw the emergence of an ethno-religious understanding of 'belonging' in India, and a technocratic policing of who counts as a citizen or refugee in the modern Indian state and its major cities. Delhi, the nation's capital and centre of refugee status determination in India, was a central social, political and economic focus of the government in these periods, which reinforced our selection of the city for this research. Relatedly, we explore how concerns over the identity, and burden of care, of non-citizens became closely tied up with socio-economic concerns of the burden of poverty in such key urban sites of national growth.

As well as ideas of belonging and citizenship, discussions on livelihoods emerged as a dominant theme throughout the interviews, both with the refugee and the humanitarian community. The aid sector's concept of 'self-reliance' (see pulled out quote), we observed, became increasingly problematic in discourse and practice – particularly its dominant focus on the individual as the key economic agent, and its emphasis on monetary ends (ie jobs and incomes) at the expense of refugees' non-economic values and priorities. This, we argue, not only risks 'responsibilising' the individual refugee for their own self-care (when refugees lack the broader political and economic assets to achieve a decent level of self-sufficiency, partly as a result of historically-contingent ethno-politics), but it also risks overlooking the social capital value of child-rearing, care giving and home-keeping – typically undertaken by women. Both outcomes can weaken community networks that often provide an essential safety net in the absence of state protection and exclusive definitions of belonging. Thus, a second main aim for this paper is to offer a close critical analysis of refugee livelihoods in Delhi: how they are framed in policy and practice by humanitarian organisations working on them, and how that translates (or doesn't) to everyday experiences of living and working for refugees. Moreover, these experiences are framed in light of the historic context of long-term social and political marginalisation that refugees have faced as a result of the politics behind their faith and 'foreign' status.

Self-reliance: According to UNHCR, "Self-reliance is the social and economic ability of an individual, a household or a community to meet essential needs (including protection, food, water, shelter, personal safety, health and education) in a sustainable manner and with dignity. Self-reliance, as a programme approach, refers to developing and strengthening livelihoods of persons of concern, and reducing their vulnerability and long-term reliance on humanitarian/ external assistance". (UNHCR, 2011: 15).

A third and final aim of this paper is to offer a new frame through which to examine the issue of refugee self-reliance in Delhi: the Capability Approach, proposed most famously by Amartya Sen (2000) and Martha Nussbaum (2011). Using recent work on the Capability Approach, we aim to show how, and why, humanitarian organisations should be refocusing their financing, research and programming on supporting, expanding and evaluating refugee capabilities – ie refugee autonomy, self-esteem, and their real abilities to pursue goals that are meaningful to them – and move away from technocratic (managerial), income-focused measures of programme success.

Ultimately, we aim to share the following findings: how Indian identity politics and urbanisation processes have, in Delhi, contributed to the socio-economic marginalisation of Afghan and Rohingya refugees; the extent to which current market-based approaches to livelihoods programming exacerbate rather than alleviate that marginalisation; and what assistance actors could provide moving forward to tackle some of these challenges and more effectively contribute to refugee well-being.

1.3 Research methodology

Analysis began with a desk-based literature review that drew on history and refugee studies (particularly focusing on India, and Rohingya and non-Muslim Afghan refugees); relevant urban cultural histories of New Delhi; topical aid studies; and grey literature on humanitarian, development, and refugee-related work in this context. Rohingya and non-Muslim Afghan refugees were specifically selected because of the general absence of analysis of their lived experiences in India compared with other refugee groups – such as Tibetans, Chins from Myanmar, and Chakmas from Bangladesh (Singh, 2010; Mishra, 2014; Dasgupta, 2016), but also because their faith differences – Muslim, Sikh and Christian – offer an important opportunity to take a comparative perspective on how faith impacts urban refugee experiences in a Hindu-majority host environment.

The investigators[2] undertook a series of semi-structured interviews with key informants, which included UNHCR officials and NGO implementing partners, and key informants from the refugee communities. These included walking interviews, one-to-ones, and some group discussions, the majority of which were in the refugees' settlement localities and community spaces. Questions focused on their daily routine, their experiences of the city, their source of support and what they feel limits their abilities to be autonomous.

A total of 55 key informants contributed to this project through such interviews: 33 Rohingya refugees (who arrived in Delhi in the last few years), nine Afghan Christians (who have arrived over the last decade), two Sikh Afghans (who have been in India for three decades) and 11 NGO workers and UNHCR staff. While gender parity was sought in key informant interview numbers, it was not always possible, due to the reluctance of many women to engage with the researchers and male community leader gatekeeping, which was difficult to work around in the short timeframe. Women make up just over a third of the Rohingya refugees interviewed, and none of the Afghan community.

Research was also ethnographic, with investigators undertaking walking tours of refugee settlement areas, regular observations of daily economic and social life, and informal conversations with refugee and local communities over the course of three months. Informal conversations offered a rich insight into the lived experience of being a refugee in Delhi and were one of the main ways women refugees felt most comfortable engaging with the investigators. Through informal discussions, investigators engaged with eight additional Rohingya women and ten more Rohingya men, seven Afghan Christians and six more men from this group, and three Afghan Sikh women, as well as an additional six Sikh men. Though these conversations were not recorded through note-taking or voice recorder at the time, verbal consent was given for such discussions and investigators were able to gain a deeper impression of daily life, which is in turn informing this analysis.

Participants were selected through snowball sampling, with early contact provided by UNHCR's main NGO implementing partners in the field and personal networks of the researchers. While this holds clear limitations, including the potential bias of sampling within networked communities and excluding those marginalised within refugee groups themselves (Jacobsen and Landau, 2003), the project was limited by time constraints. Opportunities for networking contacts were also sought through events where prominent refugee community members from the Rohingya community were giving talks on the situation in Myanmar. Refugee community centres and spaces were particularly crucial for contacts, but difficulties included finding suitable times to speak, and having to access the wider community through the leaders.

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[2] The authors of this working paper conducted the research. The team consisted of one male (Indian) and two female researchers (Indian and British) with, collectively, English, Hindi and Bengali language skills. These three languages are spoken to varying degrees by the Afghan Sikh refugees (predominantly Hindi with some English) and Rohingya refugee community (predominantly Bengali and Rohingya, with some Hindi and English). Interviews were conducted in the most common language spoken between the interviewees and the investigators, and all quotations in this Working Paper have been translated by the researchers where necessary. Translation for the Rohingya language was required with female Rohingya refugees only. Translators from the community were hired and interviews interpreted from Rohingya to Bengali by the translator, and then to English by the researcher.

Figure 1: Map showing refugee settlement areas in Delhi
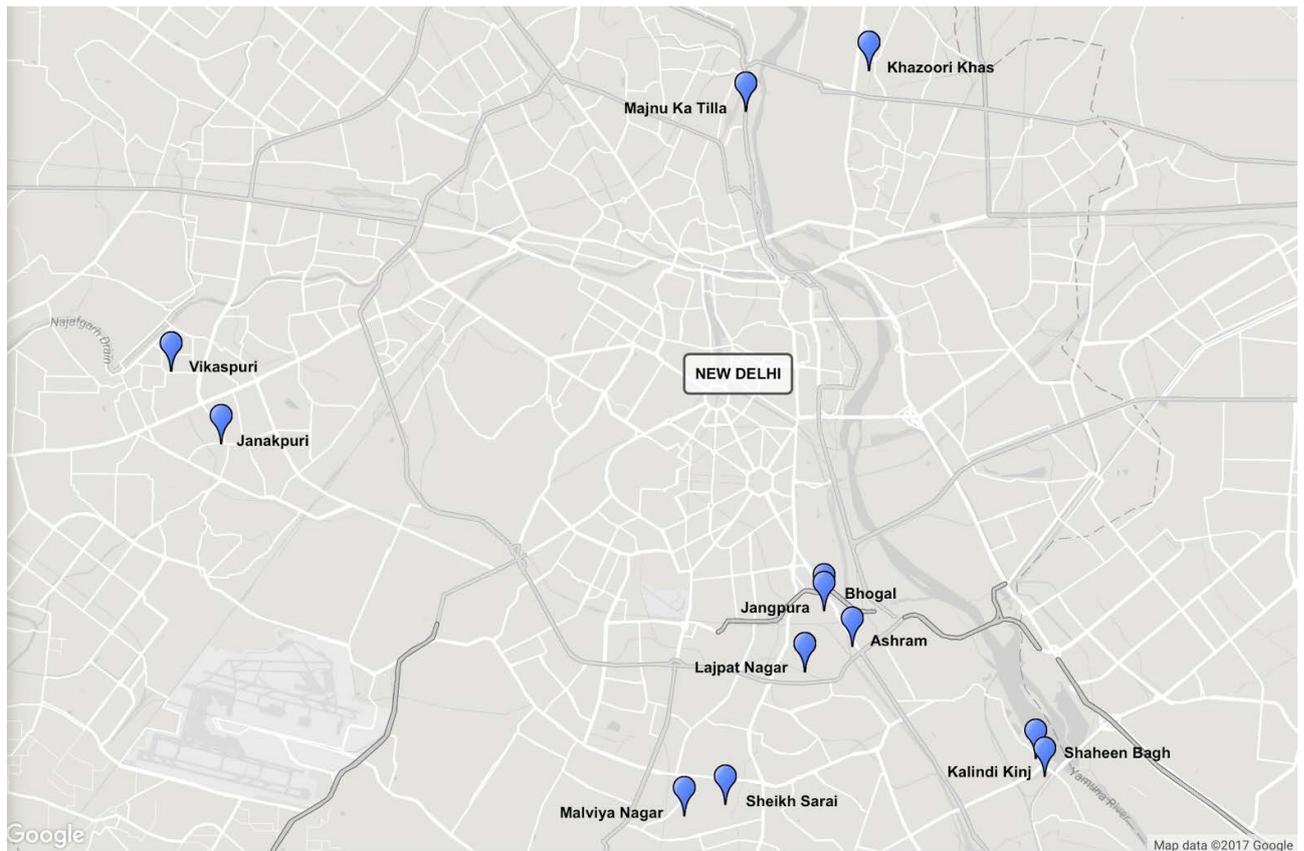
Source: Google Maps, 2017.

In several instances, it took weeks of return visits to secure one interview. The main refugee settlement areas visited within Delhi for all refugee communities in the city are marked in Figure 1, though explanation of which groups are living where has been withheld to protect key informant groups. Here you can see their dispersal across what is a large and sprawling city, with many settlements located near to the heavily-polluted Yamuna River, to the centre-right of the map.

Finally, two interactive workshops were held in Delhi and Manchester (UK) to share early findings with relevant policymakers and experts in the field, as well as representatives from the refugee groups themselves. The numbers of attendees were around 35 and 30, respectively. Discussions and feedback from these events has, in turn, fed back into this analysis.

2

Refugees in India: their legal and political situation in context

2.1 The legal environment

According to UNHCR, India grants asylum and provides support to around 200,000 refugees, and a significant number of those receiving assistance from the organisation live in Delhi (UNHCR, 2017). However, the total number of *de facto* refugees who have been forcibly displaced or had little choice but to cross the border into India is likely to be much higher, as a result of numerous unresolved conflicts in neighbouring countries. The difficulty in assessing accurate numbers is due to a combination of porous borders, desire for anonymity, and high mobility in South Asia, coupled with a lack of a domestic or regional refugee regulatory framework requiring record-keeping of such individuals, which is reflective of a more problematic political and social climate against refugees in India.

As there is no domestic legal framework for status recognition, refugees are categorised as foreigners and fall under a range of Acts, the most relevant of which include: the Foreigners Act of 1946 and the Citizenship Act of 1955. These Acts make it an offence for anyone to be in the country without valid travel and identity documents, which puts many refugees and stateless persons at risk of classification as an illegal immigrant and deportation. In terms of what protections

are available, the country is obliged to adhere to the principle of *non-refoulement*, as part of customary international law, including Conventions such as the 1948 Universal Human Rights Declaration (to which India is a signatory). India has also accepted the Bangkok Principles on the Status and Treatment of Refugees in 1966 – though this latter agreement is not legally binding (AALCO, 1966).

Additionally, in the Indian Constitution, Article 21 states that "no person shall be deprived of his life or personal liberty except according to procedure established by law", which could be seen as incorporating the right to asylum – a reading for which there is Indian case history precedent (Al Qutaifi v. Union of India, [1999]) – or, at the very least, it can be read through the lens of *non-refoulement*. Indeed, this Article, along with various human rights treaties signed by India, have been used successfully in the defence of a refugee population from Bangladesh – the Chakmas – in 1996, when they brought complaints of human rights violations and threats of *non-refoulement* to the Supreme Court (NHRC v. State of Arunachal Pradesh, 1996). Ultimately, however, the lack of a dedicated framework leaves the status of refugees in India down to "tolerance and goodwill" (Sen, 2003).

So, what does the domestic legal framework offer *de facto* refugees in India? The government offers *prima facie* recognition for two refugee groups who enter the country: Tibetans and Sri Lankan Tamils. This recognition is due to several factors that include: India's historic religious and ethnic connections to the refugee groups, with Buddhist teachings originating in India, and historic, ethnic ties to Sri Lankan Tamils; bilateral relations with the refugee-producing countries, with China as an 'adversary' state during the initial influx of Tibetan refugees; and also due to the perceived stability and security threat (or lack of) that these groups present to the country. Recognised refugee groups are entitled to a comprehensive briefing on arrival, an assessment of vulnerabilities and referral to relevant bodies, a government-approved refugee certificate valid on a one-yearly basis and renewable on assessment, one-year work permits, and freedom to move in and out of the country. The second layer of recognition of refugees in India is those who are 'mandated', ie designated as a part of UNHCR's caseload. This designation is a little more precarious and includes refugees from Afghanistan and Myanmar, and, in a smaller number, the Democratic Republic of Congo, Eritrea, Iran, Iraq, Somalia, Sudan, and Syria. These groups are engaged, to varying degrees, in UNHCR education, livelihoods, and protection programmes, and are also – after refugee status determination – entitled to a refugee certificate. This may enable them to receive a long-term visa (LTV), to be renewed on a regular basis, though the government of India takes the final call on their issuance. Many Afghan Christian refugees, for instance, have not been granted LTVs.

If they receive a refugee certificate and LTV, refugees should be able, in theory, to gain job opportunities, rent a home, and have freedom of movement in the country. These documents are also a prerequisite for applying for citizenship through naturalisation. Mandated refugees, however, often find difficulty renting accommodation and finding jobs, as employers do not recognise the validity of the refugee cards and demand forms of other 'officially recognised' identification. Recent studies have shown that landlords view refugees as either high-risk renters with uncertain documentation, a particular burden (due to national laws requiring landlords to register foreign renters), or an opportunity to make money (due to a perceived high level of wealth from humanitarian support or because of the fact they are 'foreigners'), which means refugees frequently face heavy rents charges (JRS, 2013; Interviews). Moreover, their lack of (or perceived as illegitimate) legal documentation also often leaves informal employment opportunities as the only option for livelihoods (this will be returned to in Chapter 3).

The final grouping of refugees is evaluated on a case-by-case basis, with permission to remain only if they have a government-approved reason to do so (such as education enrolment or marriage to a local). Hindu refugees from Pakistan and Bangladesh find themselves in this grouping, and are *prima facie* viewed as migrants rather than people with well-founded fears of persecution in their countries of origin. Such a three-tiered system has created an administrative hierarchy of refugees that exacerbates the variable protection and assistance they can receive, as well as their ability to secure jobs, education, and homes.

There are several bills that have been introduced in parliament that have some potential to affect change to the rights and entitlements of refugees in India. On the same day, 18 December 2015, three bills were introduced to the Lok Sabha parliament on the issue of national refugee protection and asylum: the Asylum Bill 2015; the National Asylum Bill 2015; and the Protection of Refugees and Asylum Seekers Bill 2015. Though none has yet been enacted as they are currently pending in parliament, their introduction exemplifies a growing cross-party, national and regional dialogue around issues of forced migration and asylum.

Nevertheless, not all developments have been positive for securing refugee protection. There is currently a government-sponsored amendment to the Citizenship Act (1955) working its way through parliament: the Citizenship Amendment Bill (CAB) (2016).[3] This Bill seeks to, essentially, relax the requirements for Indian citizenship, but it is an exclusive relaxation of the current restrictions. As per the Citizenship Act (1955), persons from neighbouring countries without valid identification documents are regarded as illegal immigrants and are not entitled to citizenship in India. In the CAB 2016, it is proposed that certain minorities from those neighbouring countries now be eligible to apply for Indian citizenship, and that the 'naturalisation' timescale be reduced from 12 years to 6 years. A positive step, but the definition of minority is exclusively defined:

"[P]ersons belonging to minority communities, namely, **Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan**, who have been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any order made thereunder, shall not be treated as illegal migrants for the purposes of this Act" [Emphasis added].

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[3] www.prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348

The CAB 2016, if passed, sets a worrying precedent for codifying refugee protection in India on communal grounds – non-Muslim displaced people from (some) neighbouring countries count as 'legitimate' refugees and potential future citizens of India, Muslims do not. This contravenes customary international law and, if adopted, puts persecuted Muslim-minority groups such as the stateless Rohingya from Myanmar in a position of legal insecurity. Moreover, such administrative moves are contributing to the growing top-down legitimisation of anti-Muslim and anti-migrant rhetoric growing in India over recent years (Gillan, 2002; Rath, 2016), which is impacting the lived experiences of all *de facto* refugees in India's cities. Many are facing discrimination when seeking livelihoods opportunities, and even more feel like India is not a place for long-term settlement. The Supreme Court of India is currently hearing a challenge to the central government's plan to deport some 40,000 Rohingya from Jammu (Hindustan Times, 4 Sept 2017). This paper will turn to the latter subject of the current impacts of such political rhetoric and bureaucratic restriction shortly, but first it is important to put these policy shifts into a wider historical perspective.

Over the last century, there has been a gradual shift in ideas of 'who counts' as an Indian citizen and resident of the country, with communal identity become a marker of difference. And, as the country's economy has liberalised and its cities urbanised – attracting wealth, investment, labour, and requiring the expansion of public services – these communalised ideas of belonging have centred on the cities and the delimitation of the right to be there. Refugee/migrant (as these terms are often used interchangeably in national rhetoric) exclusions from these spaces have been solidified and legitimised over the longer term through use of the political language of risk and the economic language of burden.

2.2 Rooting refugee exclusions in recent history

2.2.1 Inscribing refugee identity with ethno-religious markers

As the British Empire retreated from the Indian subcontinent post-World War II, the region was subject to a momentous territorial reconfiguration by the British government with "devastating and largely unforeseen consequences" (Gatrell, 2013: 148). Borders defining the new states of Pakistan and India were drawn hurriedly along ethno-religious lines and outbreaks of hostility and intense violence erupted between Hindus, Sikhs, and Muslims, as up to 20 million South Asians were displaced, fleeing to (or

being forced to relocate to) Pakistan (the direction for most Muslims) and India (the direction for most Hindus, Sikhs, and other non-Muslim peoples). Although India and Pakistan both supported an official 'population exchange' of 12 million people in the Punjab region, forced displacement was not intended to be the norm across the sub-continent and the Indian government's policy was to "discourage mass migration from one province to another" (Zamindar, 2007: 57). Despite this intention, the atmosphere was one of fear and people fled, or were forced out of, their homes. The mass movements and unprecedented violence that ensued resulted in the deaths of over 100,000 people and the displacement, dispossession and suffering of 15 million (Bannerjee, 2014).

While South Asian refugee histories certainly didn't begin at this point, Partition became a defining moment for modern South Asian experiences of forced displacement. Importantly for this analysis, what took shape as a result of Partition displacements was the emergence of an ethno-religious understanding of citizenship in India, and a technocratic policing of who counts as a citizen or refugee in the modern Indian state and its major cities. It was during Partition that questions (and answers) emerged as to: the responsibilities of the state towards *de facto* refugees and vice versa; the role of governmental and non-governmental organisations in 'managing' the crisis; and who belonged to these new nations (Gatrell, 2013: 148). Underlying the bureaucratic elements of resultant 'rehabilitation and reconstruction' programmes designed to (re)settle the displaced were ethno-nationalist questions of whether Muslims could ever be Indian and which groups have a right to reside in urban areas (Pandey, 2004: 154).

Institutions of displaced population governance that sprung up included the Ministry of Relief and Rehabilitation, which was created to 'manage' the movement, settlement, and well-being of the displaced. Camps were established throughout India's major cities as a temporary humanitarian fix to deal with the sheer numbers of those forced from their homes – and security officials, specifically policemen, were sought as the government agents deemed most appropriate to 'control' the camp inhabitants, particularly in Muslim camps (Zamindar, 2007: 51). These ad hoc settlements were the quintessential spaces of administrative and bureaucratic control, and categorisation (Harrell-Bond *et al.*, 1992). But they were to be temporary, and they contained only a fraction of those on the move. The longer-term 'solution' to this mass displacement situation for many new leaders of the Indian state, was for Muslims to leave India for Pakistan and for newly arriving Hindu and Sikh refugees to be able to return 'home' and occupy Muslim 'evacuee' property

(Schechtman, 1951). The Indian government even passed the Administration of Evacuee Property Act, 1950, "to provide for the administration of Evacuee Properties and for compensating the refugees who had lost their properties in Pakistan" (GoI, 2014). Thus, in the few years following Partition, several developments were simultaneously occurring: first, the politico-bureaucratic development of an apparatus for refugee relief and 'rehabilitation' in urban centres that had policing, security, and population control as core functions. Second, there was a shifting relationship to place developing among the emerging nations and their displaced inhabitants, particularly to city spaces, as there was a perceived urgent need to reconfigure and re-establish a connection to land that was violently ruptured (Gatrell, 2013: 164). This self-conscious (re) inscription of place was partly of an ethno-religious character; city spaces were becoming 'Hindu' or 'Muslim' in (self-)identification as their inhabitants. And this ethno-religious inscription of space seemingly entitled certain groups to occupy certain areas, and relegated others to the periphery.

2.2.2 The refugee as 'outsider'

Delhi was central to this ethno-religious, spatial reconfiguration process as it was (and still is) both the political and administrative capital of the colonial state and the Republic of India, and therefore an historically important centre of production, political contestation and, during Partition, flows in and out of India. Moreover, it had (has) a somewhat 'special status' in the Indian context: as a national capital, is has had to project a particular idea of India on the international stage, and also as a state, it is responsible for citizens' rights and social justice (Prakash, 2016: 3).

Delhi's centrality in the history of Indian Muslims is well-established, given it was a seat of power under the Mughal Empire for many centuries. Gayer and Jaffrelot (2012: 14) note that Mughal Indian cities were "a haven for Muslim elites and commoners fleeing invasions or persecutions in their homeland". These were cities of 'composite culture', they argue, with a Muslim rulership that was in constant interaction with Hindu-dominated society. Such composite culture, however, began to wane with the rise of communalism and nationalism in the later years of the British Raj (with codification of ethnic and religious differences used by the British as a technology of control), the violence of Partition, and the increasing prominence of an anti-Muslim nationalist agenda (fuelled by Hindu-nationalist movements) in more recent decades (Gayer and Jaffrelot, 2012: 14).

The vast numbers of displaced people post-Partition, and the resultant development of urban instruments of 'migration management' (ie the creation of city camps; the legitimisation of occupation by Hindus and Sikhs of 'abandoned' Muslim property; the provision of trains from Delhi to Pakistan, etc) meant that Delhi and India's other urban centres became, to borrow from Jonathan Darling (2016:6), "strategic locations for the enforcement of border control" – places for restricting and removing non-citizens of the Indian state. These processes were increasingly framed as economically and bureaucratically rational, and therefore legitimate. As Zamindar (2007: 25) argues, economic rationalisation "provided the logic" for Indian and Pakistani governments to officially support the "transfer of populations" in the Punjab, and this logic "became central to the notion that Muslim refugees from elsewhere in India could not be accommodated, that they were an economic liability".

Such logic was arguably evident during India's assistance to refugees fleeing from East Pakistan (soon-to-be Bangladesh) in 1971 when the government made it clear that its doors were open to the displaced and it would do as much as possible to help, but that no refugees could remain in the country's camps and on its roadsides beyond the short term (Saha, 2003: 240). India's permanent representative to the UN, Samar Sen, stated at the time that: "Voluntary repatriation was the only lasting solution to the problem. This was not only the best, but also an imperative, solution. And it must come soon… [T]he relief operation should not become yet another political and economic burden on the international community" (Sen, cited in Saha, 2003: 237). While understandably presented as an economic issue (India would struggle to support all ten million refugees long term), this policy framing was also intimately bound with concerns over the stability of the State of Assam, where an influx of refugees from East Pakistan was met with protest from indigenous communities, as the state was already experiencing communal conflict related to historic Bengali migration (Weiner, 1993: 1741). Identity, political and economic concerns entwined.

The rationalisation of ethno-religious exclusion again saw echoes several decades later, this time in the capital between 1996–99, when thousands of Bengali-speaking Muslim slum-dwellers were deleted from the electoral rolls by one party of the central coalition government, the Hindu-nationalist Bharatiya Janata Party (BJP) – who were also in power in Delhi State (Baviskar, 2003: 96). These undocumented Muslims

were declared to be illegal Bangladeshi immigrants and this claim was used to strip them of their rights without any evidence. They could well have been self-settled internally displaced persons (IDPs) from within West Bengal in India or refugees from neighbouring Bangladesh (or not), but the facts were not relevant – the BJP made a conscious and public decision to differentiate between perceived 'legitimate' Hindu refugees from those areas, and Muslim 'infiltrators' with the potential for political and economic destabilisation. As one pro-BJP publication explained in 1991:

> "The Hindu refugees [from Bangladesh] had to seek shelter. They have already declared themselves as refugees, whereas the infiltrators [Bangladeshi Muslims] are illegally trespassing our national borders, maintaining dual citizenships and creating havoc to the State's economy" (RSS Weekly Organiser, cited in Gillan, 2002: 84).

Of course, concerns over the 'burden' of these non-citizens in India was (and still is) not exclusively ethno-religious. They are closely tied up with socioeconomic concerns of the burden of poverty. The poor in general in India "are seen as a drain by creating disorder, squalor and stress on the city" (Prakash, 2016: 4). These markers of difference (poverty, religion, ethnicity, etc), have all been deployed as mutually reinforcing markers of urban undesirability. They act together as a 'gate-keeping system' that is, to quote Baviskar (2003: 96), "designed to play upon … anxieties around the breakdown of urban infrastructure, … apprehensions about the scarcity of water and electricity, the increase in crime and disease, and the proliferation of unruly places and peoples". And this system has been specifically deployed to define 'insiders' entitled to benefit from urban social systems and security, and 'outsiders' that are not.

Moreover, such frames are persistent (Crisp, 2017). As Sanyal argues (2012:638), refugees now are often viewed through "a particular prism of fear and mistrust" – as prone to "criminal activities and lawlessness, and as economic burdens at best".

2.2.3 To the present: slippery identities

The frames of 'insider' and 'outsider' have taken on complex meanings, both institutionally – for official bodies determining who a refugee is, where a refugee should be settled (or placed) and their concomitant entitlements. And also among refugees themselves, who seek to locate themselves within these inscribed categories. As the above analysis shows, the distinction between *de facto* refugee and migrant in India has always been a slippery one – often conveniently so. To quote Partha Ghosh (2016: XX [Introduction]), "because of the absence of legal regimes, quite often

the categories get mixed up and migrants, refugees, illegal settlers or stateless persons become one and the same". These unfixed and fluid status ascriptions have resulted in, for example, Rohingya refugees being knowingly and unknowingly harassed by police authorities, labelled as 'illegal Bengali migrants' and jailed (Velath and Chopra, 2015). They have also enabled the state to move deftly between projections of welcome, ("India's refugee policy is an example for the world to follow", declared the UN High Commissioner for Refugees in 2013 [UNHCR, 2013a]), and actions of exclusion, such as the selective issuance of LTVs to different Afghan refugee groups, and recent moves to "identify, arrest and deport' Rohingya Muslim 'migrants'" (Jaini, 4 April 2017). As Sarbani Sen (2003) explains, "For the GoI, the ad hoc approach to refugee issues is politically more convenient in the context of the bilateral relations that India has with the country of origin of the refugees".

However, as touched upon above, rhetorical slippage is not restricted to ideas of the refugee/migrant. On the far right of Hindu nationalist discourse, the language of 'infiltration' has frequently been used to describe the presence and purpose of Muslim migrants (who may also be *de facto* refugees) in India. Indeed, the BJP staked its leadership campaign on ending Bangladeshi 'infiltration' in 1993 (Gillan, 2002: 78). Elsewhere, speeches by the late leader of the powerful Hindu organisation Vishwa Hindu Parishad, Ashok Singhal, frequently evoked ideas of political destabilisation:

> "Since the past few years, Muslims have been infiltrating from Western Pakistan and Bangladesh. Almost 3.5 crores [35 million] infiltrators have snaked their way into Bharat [India] … Now, terrorist activities of the secessionist movements have increased" (Singhal, cited in Rath, 2016).

As 'refugee' is muddled with 'migrant', and the latter has been used interchangeably with criminal or terrorist 'infiltrator' (especially describing Muslims), broader associations of refugees with illegality and feelings of undue state responsibility (economic burden) and risk (political destabilisation) are being reinforced, and boundaries between the 'in-group' and 'out-group' solidified. This is translating to refugee experiences of marginalisation:

> "In renting … there are problems about religion, some people don't want to rent to Muslims… Muslims will never get nationality or any help in India, so we can't think of that kind of 'hope'" [Rohingya male].

> "The situation here also is bad… Hindus and Muslims [are being made to] fight each other. The big guys will not die in this, only small people like us will die" [Rohingya male].

"For the landlords there is a concern. Refugees are foreigners and can be considered a security issue. As there is a security issue, there has to be a premium charge. They feel they are taking a risk. There are a lot of terrorism activities nowadays and these people are belonging to a particular community – you know which I am speaking about – they come from that particular background. These Rohingyas, they are all Muslims, so this is picked up… if there is a risk, people charge a premium" [NGO worker].

This out-group reinforcement is not restricted to Muslim refugees, either. For instance, the Sikh Afghan refugee community, some of whom have resided in India for over 30 years, have faced constant problems attempting to get legal recognition as naturalised citizens and social recognition as legitimate, long-term residents of India. They often find themselves caught between contradictory social identities. For instance, Afghan refugees are categorised by UNHCR into two types: as ethnic (meaning Muslim) Afghans, or non-ethnic (meaning Hindu, Sikh and Christian Afghans). Many feel the distinction is paradoxical with negative effects, as one refugee explained:

"Firstly, they [UNHCR and the GoI] recognise us as refugees. Ok, fine but then they categorise us as Muslims or non-Muslims, and also as Indian-origin Afghans. … If we are Indian origin, why did you categorise us as refugees? But when there is talk of resettlement, I am an Indian-origin Afghan or Indian, so no need for resettlement! This is discrimination… In Afghanistan we were mistreated because we were 'Indians', here the government mistreats us because they call us refugees or Afghans" [Afghan Sikh male].

In this confusion you can observe the ambiguous space that the non-ethnic Afghan refugees perceive they occupy between ethnic/Muslim refugee identity (perceived as favoured for third country resettlement) and 'Indianness' (their ascribed roots as historic Indian migrants in Afghanistan) – they fit in neither one of those categories at the 'right times', and it feels paralysing. The only category they do occupy is outsider, both in Afghanistan and India.

Should the CAB 2016 pass, then technically the possibility for Sikh Afghans to transition from outsider to insider would increase – the Bill would halve the residency period necessary for naturalisation to six years (though not for Rohingya refugees, of course). However, even when Sikh Afghan refugees have passed the current 12 years of required residency for a citizenship application, that's no guarantee they will be able to transition to citizens either. One Afghan refugee explained the situation of his friend, "He applied for citizenship in 2000. The file was misplaced, then he reapplied in 2003 and that is still pending! He came to India in 1989".

2.2.4 Bureaucratic entanglements

The paralysis that refugees face as they seek various kinds of documentation and recognition from the authorities can be explained, in part, as a result of institutionalised corruption. It is common in India, and elsewhere in the world, for officials such as police officers or civil servants to mistreat refugees, delay processes, or unfairly imprison them in anticipation of a bribe (Jacobsen, 2014). A 2009 study of refugees in Delhi noted that, "For verification of residency, the local police … require excessive payments or bribes of up to Rs. 300 [approximately US$6.00]" (Sharma, 2009: 12). In our study, the refugee that spoke of the delayed citizenship application reflected on the cause, "The main reason for this discrimination is corruption. If you have money then the Home Ministry will do anything for you. For example – mostly people who have got citizenship in India have paid a lot of money. So the poorer refugees can't manage this".

There were also anecdotes in discussions with key informants of government officials issuing contradictory statements on what documentation is necessary for what purpose (**this** document on one day, **that** document on another), and rejecting legitimate paperwork as they were apparently ignorant of its validity. Therefore, a responsibility of the state here, and an opportunity for non-governmental organisations, would be the education of front-line civil servants and police authorities on refugee entitlements, and the development of an oversight mechanism for observing and enforcing corruption charges against officials. And aspects of this much-needed change might not be so unrealistic. A workshop held in April 2017 by the Women's Refugee Council in Delhi was attended by a senior member of the Delhi police force who, upon hearing the difficulties refugees were facing when dealing with police authorities, declared a possibility of setting up a Refugee Help Desk in Delhi police headquarters to be a first point of contact for refugees in the city with official concerns. If implemented, it would be a small step towards the public authorities' recognition of their responsibility for mitigating refugee vulnerability.

Nevertheless, this remains a single, technocratic recommendation and it would certainly not counter many of the other bureaucratic problems refugees are facing when engaging with authorities. Many of these problems are structural and are part of what has been framed as the 'violence of bureaucracy'. This is the idea that, as well as physically violent experiences like police brutality, 'political, administrative and judicial action and inaction prevent poor people from making a living, obtaining medical aid, and securing the necessities of life as food, clothing, shelter and sanitation' (Gupta, 2012: 5). They do so as a result of a 'production of

indifference' among civil servants and government authorities. As Michael Herzfeld (1992: 49) explained, the roots of intolerance and apathy 'lie in popular attitudes, upon which official discourse builds to make its own case'. That is not to say discrimination against refugees is culturally determined (ie that Indian officials, for instance, are culturally predisposed to discriminate against refugees), rather that those in power have, over time, used potent symbols and rhetoric to produce and rationalise such negative outcomes, usually as a means to strengthen or legitimise their authority.

The task, Herzfeld argues (1992: 49–50), "is to identify the materials out of which each state constructs its own origins and to trace the ways in which powerful interests – or pettier actors – have co-opted those materials in order to build their own authority". Here, then, we return to the communalisation of identity in modern India; the formation of 'insiders' and 'outsiders'; and the mobilisation of hostility against the outgroup for the purposes of diffusing a threat or attaining influence and power (Reicher, 2012).

The translation of this to the lived experience of the refugee navigating Indian bureaucracy is not always one of brutality, but can be one of arbitrariness: seemingly chaotic and inconsistent treatments by officials that keep refugees powerless. The misplacement and delay by the government of the citizenship application of the Afghan refugee mentioned above is one example of this arbitrary treatment that reinforces power structures and his position as outsider. As is the differential entitlements given to Sikh and Muslim Afghan refugees, who are entitled to LTVs, and Christian Afghans, who are often denied the document. In the legal sphere, too, when refugees require representation in court, they are usually assigned government lawyers who have little knowledge of either the refugee group they are representing or Indian refugee case history more broadly, which is resulting in inadequate representation and refugees not understanding processes and their rights (Majumder, 2015).

Another way that the Indian authorities maintain the status quo of powerlessness and outgroup identity of the refugee is through distancing, through the effective delegation of the majority of refugee protection to UNHCR. The argument over whether aid organisations are legitimising the retraction of the state from social welfare is certainly nothing new (Fiori *et al.*, 2016). Nevertheless, thinking about UNHCR's role here as the main arbiters of protection for refugees in an otherwise indifferent bureaucracy, raises questions about the delegation of responsibility without requisite authority, and therefore reinforcement of refugee powerlessness. As UNHCR are the main document-issuing authority for refugees in India, and as documentation is essential for claiming any entitlements, they have been referred to by refugees as their government. One Rohingya refugee

exclaimed during the interview, "your government is [Indian Prime Minister Narendra] Modi, my government is UNHCR!". And almost mirroring the arbitrariness of the GoI's bureaucratic immigration process, UNHCR's processes too require multiple visits for status verification. Another Rohingya refugee explained:

"[T]he biggest reason for staying in Delhi for us is that the refugee card from the UNHCR, you only get that here. You need a lot of money to come here from there, around 500–1000 [rupees] is what you have to spend to come with your children [from Mewat, a Rohinya settlement in the neighbouring state of Haryana], that's why they feel that if they come to Delhi to get their cards made then they have to give three or four interviews. So imagine for one interview they spend 1000, where will they get so much money to keep going and coming?"

How has this situation arisen? And to what extent is it affecting the possibility of refugees to exercise agency in seeking self-sufficiency and a meaningful life in Delhi? The next section will begin to explore some of these issues, examining how – as UNHCR has itself experienced marginalisation and exclusion in India – powerlessness has become entrenched in refugee relations with the state.

2.3 Refugee protection in Delhi

2.3.1 UNHCR in India

Presently, UNHCR's Head of Mission is in New Delhi and it has a second office in Chennai as well as temporary roving officers in Jammu, to reach and register the high number of Rohingya refugees there. UNHCR operates with a degree of precariousness in India as it does not have a Branch Agreement with the government, and thus works under the umbrella of the UNDP (UNHCR, 2013b). Historically, the relationship between the government and the UN refugee organisation has experienced peaks and troughs, with UNHCR cut out of the country completely during the 1970s as a result of the perceived political role they played mediating between India and Pakistan during the 1971 war – which India saw as in favour of Pakistan (Sen, 2003: 400). Currently, the relationship between the GoI and UNHCR is a broadly constructive one for the agency, with the Mission responsible for a wide range of refugees in Delhi, Jammu, and also Hyderabad, through implementing partners based in those cities and elsewhere. As explained by one UNHCR official, "Even though there is no law for refugees in India, we deal with them according to UNHCR framings as if there is a law".

Their work is largely in status determination for documentation and entitlements, and they work closely with NGO partners to offer needs assessments and referrals to relevant agencies. These organisations include: Don Bosco, responsible for education, assistance with access to health, youth clubs, psychosocial support, and outreach on issues such as gender-based violence; ACCESS, which is responsible for supporting the development of refugee livelihoods through job placements, vocational skills training and enterprise grants; and the Socio-Legal Information Centre (SLIC) which provides legal assistance to refugees.

Their presence in Delhi, and the level of support or entitlements they are viewed to bring, seem to be a draw for refugees to the capital city. One female Rohingya informant explained, "We were told by family to come here [to Delhi] as things are easier. You get the UNHCR card here…Mewat [another Rohingya settlement area in the state of Haryana] is very far away, it creates a problem…you get more facilities here [in Delhi] through the UNHCR". And another, "Actually Delhi, the biggest reason for staying in Delhi for us is that the refugee card from the UNHCR, you only get that here". These refugee cards are essential documents for accessing any services for themselves or their children.

Technically, registered asylum seekers and refugees have equal access to government services, such as public schools, and critical healthcare. Despite entitlements to access many public services, a key difficulty facing refugees and UNHCR at the moment revolves around proving that entitlement in the wake of the emergence of a new system of identification in the last few years – the Unique Identification Authority of India, otherwise known as the Aadhaar card (see Box 3).

Box 3. The Aadhaar card

Aadhaar is a 12-digit unique number issued by the Unique Identification Authority of India, recorded on a card, which identifies a person by biometric and demographic data. It is a voluntary form of ID and has been designed to simplify and standardise identification. The GoI explains that: "Aadhaar can be used as a permanent financial address and facilitates financial inclusion of the underprivileged and weaker sections of the society and is therefore a tool of distributive justice and equality. The Aadhaar identity platform is one of the key pillars of the 'digital India', wherein every resident of the country is provided with a unique identity… [It] is by far the largest biometrics based identification system in the world" (GoI, n.d.).

2.3.2 Problems with the Aadhaar

Though a voluntary identification card, the Aadhaar has fast become the main accepted identification to ensure access to public services for all Indians. Foreigners are entitled to an Aadhaar card but, at present, the law is ambiguous as to what documents count in the application process as proof of identity. Refugee certificates are not listed explicitly as valid documents, and this is creating confusion – the UNHCR report that some refugees have been able to receive one using their refugee certificate, others have been refused. And even when refugees do have one, they are not always believed to be legitimate cardholders. As one Rohingya refugee explains:

"People who have got Aadhaar without refugee card or LTV, police can catch them for fraud and even UNHCR can't help… Once the police stopped me and asked for the refugee card and when I was taking out the card, even the Aadhaar card came out. He said that you aren't allowed to get Aadhaar. He also said it's not written here that you can get Aadhaar but **eventually I showed him that it's not for citizenship. So he let me go**. The situation is very tricky with Aadhaar" [Emphasis added].

Interestingly, in this instance, the police officer was concerned that the refugee might be fraudulently holding **citizenship** documentation and was persuaded of the refugee's right to carry the card, only when he was convinced it wasn't proof of citizenship. Again, the sense returns that refugees are permitted to exist in India, but not 'belong'.

An additional issue in terms of the difficulty of Aadhaar card acquisition is that they are becoming increasingly essential for work purposes. The same refugee continued:

"The refugee card is not the most helpful but at least to move around it's good for us. For example – whenever police authorities stop us we show them our refugee card and it's fine. That is good for us! But for work, it's not useful at all… I was working in a factory in Aligarh, where after a while maybe the owner realised that I am not Indian. He called me and asked for my documents. I showed him the Refugee Card, he said this is not valid and he fired me. I went to the market and got a duplicate Aadhaar card for 350 rupees [approximately US$5.45]. What could I have done? I had to work at any cost. I took the card back to the owner and he said ya this is fine and now you can work."

While this refugee in the short term was able to work around the bureaucratic issue of documentation by obtaining a fake copy of the Aadhaar card, he placed himself at risk of arrest for carrying falsified documentation. This is a common situation for refugees in India and the world over and it does not just put the refugees at risk of arrest and deportation – employers can use the vulnerable position of the refugees to underpay, not pay, or abuse them without fear of the refugees reporting the exploitation. Refugees remain powerless. "This guy", explained one Rohingya informant about another also in the interview, "has four to five children, how will he survive without work? He works as a daily wager in Noida. He has not been paid for 15 days of his work and he has been chasing the contractor. This is very common. The contractors don't pay the whole amount ever". Another shared his experience, "Yesterday, I worked almost for four hours to earn 250 rupees [approximately US$3.90] but didn't get paid".

The Afghans, though a typically better educated and higher skilled group, have also struggled because of documentation and their main difficulty is getting jobs in the first place. As one Afghan explained, "UNHCR basically don't have any authority to get jobs for us. … Even if there are jobs available it's difficult because of documentation. Even if we know English or are educated. Still it's a big no for us because of the documentation problem". Another, "For jobs, they ask us for Aadhaar card. Who will give us jobs?".

2.3.3 Clarifying status and working with ambiguity

These experiences reinforce the 'violence of bureaucracy' exacted on refugees – with arbitrary understandings of entitlement to a card that legally **is** available for foreigners (and, as noted above, the limited legal status that refugees do have in India is as a foreigner), but for which the application process offers an ambiguous list of valid application documentation. Here, the GoI should seek to clarify the legitimacy of refugee cards for Aadhaar applications and, in the meantime, legal aid organisations supporting refugees must continue to sensitise officials producing Aadhaar cards on the legitimacy of refugee applicants, assuming a right to the card in the absence of a law excluding them. This is an essential step for ensuring refugees have, at least, the opportunity to **access** livelihoods, as well as education and health services, although it will not be sufficient in and of itself to provide refugees with the opportunities to make a life and livelihood in Delhi and to become 'self-reliant'. Our study observed additional, structural problems, that limit possibilities for refugees to make meaningful lives for themselves – and these were both in the opportunities that India's urban market offers, and in the 'self-reliance' programming of many aid organisations in Delhi. These concerns fall within the boundaries of livelihoods research and programming, so the following section will next explore livelihoods possibilities for refugees in Delhi.

3

Livelihoods and self-reliance: shifting the frame?

3.1 Livelihoods programming in Delhi

From the 1990s, development policy began to champion the idea of 'sustainable livelihoods' in order to alleviate poverty. This was the idea that, having the means to make a living should improve a household or individual's ability to "cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future" (Chambers and Conway, 1992; Farrington *et al.*, 2002: 1).

In India, fostering sustainable livelihoods for refugees is a key priority for UNHCR and its implementing partners. In the late 1990s, in the wake of substantial global cuts to UNHCR budgets, the Delhi Mission was experiencing financial difficulties and was forced into a 'process of triage' – namely, cutting back on the costliest activities (Crisp and Morand, 2015). Urban refugee support, particularly subsistence allowances, was deemed very expensive. Additionally, urban refugees receiving, or seeking to receive, this support in Delhi were viewed negatively: as self-entitled, overly aggressive in their approach to UNHCR, and as less worthy (ie less poor) than refugees in camp settings (Crisp and Morand, 2015). UNHCR also feared that continuing subsistence

allowances would act as a draw for other asylum seekers to the capital. Thus, the decision was made for a policy change: to focus on making refugees in Delhi and wider India 'self-reliant'. And this was published as a global policy priority in UNHCR's 1997 'Comprehensive Policy on Urban Refugees' (UNHCR, 1997).

At the time, refugees were expected to survive on their own to reduce "the dependence [they] have on the international community and the burden they exercise on the local community" (Crisp and Morand, 8 May 2015; UNHCR, 1997). Although the 1997 policy outlines the intention of creating employment programmes, the caseload of 'legitimate' refugees was narrowly defined and much of the tone is about minimising the role of UNHCR in day-to-day support and discouraging what they viewed as dependency (UNHCR, 1997). This document was understandably met with heavy criticism and a (slow) review was undertaken, culminating in the publication of a revised strategy in 2009. While the tone regarding the legitimacy of refugees in urban environments has changed, the focus on "support[ing] the efforts of urban refugees to become self-reliant, both by means of employment or self-employment" remains steadfast (UNHCR, 2009).

Livelihoods programmes in Delhi are committed to this approach. UNHCR's implementing partners,

such as Don Bosco and ACCESS,[4] offer a range of social services aimed at supporting refugees enter the labour market and integrate into the host environment – elements they view as key to self-reliance. These approaches include efforts to increase refugees' human capital and material assets. For instance, ACCESS is primarily responsible for supporting refugees into employment and they do this in three ways: first, through life skills training classes, which mentor refugees in how to approach job searches and interviews, and in "self-marketability skills", to quote one ACCESS programme manager. Second, they offer vocational training and job placements, which typically involve the attachment of refugees to an agency for on-the-job learning. Finally, the organisation offers enterprise training as part of an entrepreneurship programme, which offers a small number of successful refugees (around 80) a year's grant to set up their small business idea. Refugees that undertake these activities are usually referrals from UNHCR or self-referrals that have become aware of the support through word of mouth. And the programmes take place at project sites near the main refugee settlement areas in order to mitigate travel costs and time burdens for these refugees and to augment employment and education opportunities in their surrounding neighbourhoods.

While successful for some refugees, many are still struggling – at a basic level – to provide for themselves and their families and – in a deeper sense – to attain livelihood opportunities and living standards that meet their changing needs, expectations and aspirations. The difficulties and disappointments in this area were broadly echoed by refugees, UNHCR, and their implementing partners alike and included: limited access to the formal economy due to insufficient documentation; high levels of employment dissatisfaction in terms of available jobs and experiences of working in them; high attrition rates in job placements; and low take-up for, and interest in, certain classes, trainings and livelihood opportunities. In the refugees' own words:

> "In terms of livelihood programmes, what happens is that some people take up such trainings with hope of a job. For this they leave their old work. But after training there are no jobs, even when there are jobs then it will be, for example, for a waiter in a restaurant for 5,000 rupees [per month, approximately US$78.00] whereas earlier the same person was earning 8,000 rupees [US$125.00]. So what's the point?" [Rohingya male].

> "When I came [to India] I did business management from [an implementing partner of UNHCR]. But the diploma I got from there is useless" [Christian Afghan male].

Unskilled and poor refugees – typically Rohingya males – often end up in construction, factory work or ad hoc service jobs for low pay, which stands true for most unskilled migrants moving to urban areas (Nelson, 1979; see also JIPS, 2013). Three of the better-educated Rohingyas had established their own community-based organisation dedicated to improving the literacy levels of their community – the Rohingya Literacy Group – but it was a social enterprise that did not intend to have large earning potential. For women, the main livelihood stream is through home-based enterprises, though these are very small scale and not large in number for reasons that will be explored later.

The most regular work for many of the refugees with language skills, particularly English, is in translation. For Rohingya refugees, this largely means working for UNHCR and engaging with new Rohingya asylum seekers and refugees – one male and two female Rohingya refugees were currently in this position, with another one having worked the role previously. For the Afghans, this is a much more reliable source of employment given the significant numbers of Afghan visitors – medical tourists, sightseers, diaspora, and extended families – that pass-through Delhi regularly. However, it is not an ideal form of work and raises a number of protection concerns. A Don Bosco manager noted that female translators are at high risk of being propositioned for 'favours', particularly sexual favours, and there have been instances where translators have been asked to accompany a client to nightclubs and other inappropriate venues. The nature of private contracts can also present moral-legal dilemmas. As one refugee explained:

> "For those who know English there is a good job prospect in translation for medical tourists coming from Afghanistan. But the set-up is quite shady since the private hospitals have a kind of deal where they overcharge the Afghans and in return provide incentives to the Afghan translators to get the medical tourists to their hospital".

The informant expressed discomfort at this practice for moral reasons, and refrains from it himself, but it remains an attractive opportunity as commission can earn a translator a significant percentage of the total expenditure on treatment.

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[4] For more information, see their websites. Don Bosco India: http://donboscoindia.com/english/defaultbosco.php; ACCESS Development Services, India: www.accessdev.org/

This precarious and irregular labour is a feature of the informal economy in India, and the way 82 per cent of the Indian population attempt to make ends meet (ILO, 2016). It is neither secure, nor sustainable and can prevent any long-term accumulation of wealth and access to institutions of power – restrictions that some scholars argue are deliberately constructed to prevent 'undesirables' (the poor, migrants, ethnic and faith minorities) from tipping the balance of power and destabilising the authority of the establishment (Baviskar, 2003). Here, the city (as a space to be protected) is particularly important, explains David Harvey (1973), as it is the storehouse of a country's assets, and the centre around which the dominant mode of production is organised. Refugees, migrants and other 'undesirables' are essential to its functioning but represent potential disruption, so must therefore remain disenfranchised, or at least kept at arm's length in the urban social peripheries.

Of course, as spoken of at length in this paper, the primary technical obstacle that prevents refugees finding regular, formal, and safe employment is a lack of official status and documentation. No codified refugee status, precarious, temporary and changeable documentation, and their broad inability to open bank accounts,[5] means that most refugees cannot enter the formal labour market where, at least, the more educated and English-speaking refugees might find opportunities that better match their skills and aspirations.

However, beyond this legal protection deficit and the bureaucratic barriers that limit the possibility of self-reliance, there are also aspects of humanitarian programming aimed at fostering self-sufficiency that arguably further undermine refugee resilience to urban shocks and challenges. And such an argument necessarily begins with a critique of the term 'self-reliance' itself.

3.2 Aspiring for self-reliance

3.2.1 Self-reliance programming – perverse indicators for measuring success

Despite gaining policy momentum in recent decades, the efficacy of self-reliance initiatives in achieving measurably positive outcomes for refugees has been debated. Meredith Hunter (2009) describes the policy

as self-serving and, in line with Crisp and Morand (8 May 2015), argues it as coming as a direct result of the reduction of UNHCR budgets. More importantly, "[t]he effects", she explains, "are paradoxical. Refugees are expected to exercise rights they do not have to achieve a degree of independence which is not even expected of local populations in the same context and without access to the bare minimum of resources" (Hunter, 2009: 3). This is certainly borne out in the context of Delhi. While lip service is paid to the holistic nature of livelihoods programming – ie that it is not just about income, but education, health and broader development – measurements for success in implementing partner livelihoods programmes are technical indicators that include the number of job placements achieved in that reporting cycle, the number of enterprise grants given, number of attendees at life skills workshops, and so on (see Table 1). Moreover, while UNHCR's definition of 'self-reliance' includes recognition of the importance of interventions focusing on a household and community level, these activities and measurements deployed on the ground by their implementing partners are highly individualistic. Such indicators not only fail to account for the multitude of refugees that do not make it to, or through, the programmes, they also serve to obscure capability factors that hinder longer-term self and community confidence-building for urban refugees in a foreign country.

In the first instance, such humanitarian interventions rely heavily on framings of the refugee as an entrepreneurial individual for whom self-motivated enterprise should be a given, and also on understandings of the urban market as the 'solution' to dependence and poverty. 'Self-reliance' is implicitly constructed in this socio-economic frame as an individual logically choosing to sell their labour over and above subsistence allowances and/or abject poverty through unemployment. Here the urban market is framed as the key (if not only) enabler of that choice – specifically, the informal market, given the barriers preventing refugees entering the formal economy. Not only does this self-enterprise frame individualise responsibility and place it at the foot of the refugee – "why aren't they taking the jobs when the work opportunities are there?" – it also discourages a critical engagement with the informal urban economy, which is low paid, precarious and often exploitative. To what extent can a refugee undertaking ad hoc, daily wage, and insecure labour be regarded as successful in the attainment of self-reliance? This question is not aimed at diminishing attempts by aid organisations to foster refugee self-sufficiency, it is questioning to what extent current market-driven frames are realistic and

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[5] Most banks in India are reluctant to open bank accounts for refugees. This is partly due to the extensive KYC (Know Your Customer) requirements of the Indian banking sector. For this the banks must have proof of address and one of six acceptable forms of documentation from an applicant: passport, driving licence, voters' identity card, PAN card (which identifies a person to the tax department), Aadhaar card, or NREGA job card (related to an Indian labour scheme for Indian citizens). The GoI is currently attempting to legislate that all bank accounts must be linked to Aadhaar cards. As mentioned above, this documentation – and subsequent approval from a reviewing authority – are notoriously difficult to get for a refugee and, even with them, banks have been known to turn refugee applicants away.

Table 1: Indicators used by a livelihoods NGO in New Delhi to report achievements for 2015–2016

INDICATORS	NO. OF REFUGEES, 2015	NO. OF REFUGEES, 2016 (UP TO 31 MARCH)
Registration	1324	875*
Life skills training	267	313
Financial literacy training	144	145
Vocational training	137	250
Placements	133	190
Apprenticeships	56	129
EDP training	64	159
Market linkage	70	291
Enterprise set-up grant	54	80
Bank accounts	6	41

*Of these 875 successfully registered, by March 2016 only 50 refugees were in jobs that paid an average monthly salary of 10,000 Indian rupees or more (approximately US$156.00).

can actually address structural inequalities preventing communities from achieving security, stability and prosperity. Current livelihoods programming appears more geared towards survival than fostering sustainable community, household and individual development. Moreover, this responsibilisation of the individual refugee, and technocratic humanitarian solutions aimed at enabling their individual access to the market, do not account for the way that historic structural factors, such as the communalisation of refugee identities in India and the ghettoisation of urban poverty, inhibit or enable access to urban opportunities and services. Nor do they take into account non-economic and non-individualised ways that refugee households and communities find to carve out meaningful lives for themselves in the city.

3.3 Refuge, self-reliance and gender in Delhi

Some of these programming tensions – between short-term humanitarian norms and longer-term development needs – come from a lack of research and understanding of the way that urban economies and their related spaces are differently experienced and navigated by refugees with diverse needs and social identities. For instance, from our study it was clear that the way Rohingya women experienced the city and livelihoods differed from Rohingya and Afghan men, and this was not reflected in humanitarian programming. More than that, livelihoods programming in some cases seemed to be inadvertently reinforcing gender hierarchies through offering jobs that reinscribe certain relationships to urban places and spaces.

3.3.1 From self-reliance to intergenerational interdependency?

In interviews with both male and female refugees – across the Afghan and Rohingya communities – a high value was placed on the welfare of the family unit and the importance of education for children. Their children's future prosperity and enhancing their potential through keeping them healthy and getting them to school, were framed as the very basic measure (and potential) of community well-being. Some spoke of their children's poor schooling experiences in terms of a skills loss for the community:

> "In 30 years unfortunately not one professional has come out of our community…Some girls, around ten to twelve, do studies through long distance. In Afghanistan, we had doctors, professors, ministers, surgeon, in every profession but here in 30 years not one [certified] doctor or teacher or engineer or pilot – biggest loss for us!" [Sikh Afghan male].

Some framed child refugee experiences as a protection concern interrelated to their own sense of space and stability:

> "As soon as we put our children into school, the landlord comes and tells us to leave, then we have to hop from place to place…this is ruining our children's lives too, they aren't able to have a proper education" [Rohingya female].

> "They [the children] don't have place to play. The place is small, smoke from one house goes to the other house, which results in fight[s]. Space is a problem" [Rohingya male].

"[We] don't have space for more children, which is why I don't have more than two… My mother in law asks how she had nine children I had only two. But they had a lot of money, they had a car…" [Rohingya female].

Others spoke of education as a neglected necessity and right:

"In India, first priority is shelter, food. Education suffers" [Rohngya male].

"We follow all the Indian government's rules and laws but [the government] does not follow human rights in this country. Low paying jobs here. Main point is education was free back home – here there is so much corruption that even though education is a fundamental right in India, we still have to pay in the form of donations – if we pay then how is it a fundamental right?" [Afghan Sikh male].

And some shared their high hopes and expectations for their children's well-being in relation to themselves and the wider community, stretching from Delhi to Myanmar:

"My children even now are amongst the most well behaved. Everyone tell me that…My kids are very smart, they will do great. They even recite the things I have taught them on the phone to my mother and other relatives back in Burma" [Rohingya male].

"We want to go [back to Burma] but our children won't go… My children want to become 'big people' here" [Rohingya female].

The first point to take from these interview excerpts is that they hint at the relational understandings of family and community well-being, and the interconnectedness of children's right to education with long-term opportunities for family and community prosperity. A 'self-reliant' refugee in this frame is not purely a wage-earning individual, but is part of an interdependent, intergenerational group, which experiences meaningful settlement beyond wage employment (though not exclusive of it), and through education opportunities for the future generation.

This is not a unique observation per se and humanitarian policy literature often begins with the acknowledgement that education is "one of the crucial ways to prepare for self-reliance" (UNHCR, n.d.). However, this dominant humanitarian 'self-reliance' narrative targets refugees as individuals and measures their success at attaining some form of economic independence in the short term, using technocratic measurements of success (ie job placements for adults and grades passed for children), rather than looking at interdependency and programming for interconnectedness. It therefore fails to appreciate the network of **mutually-reliant** individuals

within a family and a community that must contribute to the larger 'self-reliant' collective over the longer term. And this limitation in the dominant self-reliant narrative is gendered, as it is largely women who are responsible for unpaid childcare and housework, which are foundational components of quality education (alongside access and quality schooling) – or, indeed, a prosperous society – but are not 'valued' as such in dominant humanitarian constructions of productivity.

3.3.2 The 'double burden' of refugee self-reliance

The Rohingya women interviewed as part of this research are experiencing what is known as "the double burden" (Hochschild, 2003; Lipson and Miller, 1994); many are responsible for housework and childcare while also undertaking some form of paid work. Though they did not use the language of 'burden' themselves to speak of dual work and domestic duties, their narratives invoked the heavy responsibilities. One discussion between two Rohingya women in their mid-30s (A) and late 20s/early 30s (B), who live in a riverbank slum settlement in the east of the city, offered an example of a daily routine.

B: She [referring to interviewee A] works in rubbish collection, her husband is old and she has four or five children. She works herself, she supports their education.

A: I wake up at 5[am], then I cook, wash clothes for my children, go to work.

B: She works from 8[am] to 5[pm].

A: I come back and cook, feed the children. In Burma, we don't go outside.

B: In Burma women only work inside the homes, they don't even see men. Here you have to work, talk with everyone.

A: I used to sit at home and make hats, chairs. We don't make them here.

Refugee A is responsible for childcare, the home **and** breadwinning and, while female-earner households was not the norm of all Rohingya families interviewed, childcare and domestic work certainly formed the backbone of most of the women's daily routines in Delhi. Longstanding gender ideologies about what is appropriate work for men (wage labour in the public sphere) and women (unpaid care and domestic work in the private sphere) in the Asian context have contributed to this dichotomy. And, again, humanitarian actors have long-recognised the need to increase the access of women to opportunities and resources; the need

for empowerment and gender equality. However, the construction of their 'productivity' is largely imagined in livelihoods and wage-labour terms – childcare and domestic work are not recognised as essential activities for successful, self-reliant communities. As UNHCR's (2011: 5) Livelihoods and Self-Reliance Strategy explains, effective support will "match programming interventions with corresponding levels of livelihood capacity (**existing livelihoods assets such as skills and past work experience**) and needs identified in the refugee population, and the demands of the market" [emphasis added]. Thus, according to the dominant approach, and recognising traditional divisions of private and public labour, women – to gain an equal footing with men and empower themselves as rightful wage earners – must do domestic work **'plus'**: domestic work **in addition** to developing livelihoods capacity, in order to be appreciated as self-reliant.

This is not to argue that women are 'natural' caregivers and should be acknowledged/encouraged as such, but that childcare and domestic work must be recognised as productive contributions to the interdependent self-sufficiency (or self-reliance) of a family and community, regardless of which gender takes responsibility. Family and community self-reliance does not rest on the ability of each individual in a given refugee group to maximise their earning potential, but the interconnected public and private activities that enable a group to 'get on' without substantial external aid. Though not at all simple or straightforward, acknowledging this should foster two shifts in research and policy work.

First, a focus on the interconnected activities and processes that enable and inhibit self-reliance for an intergenerational and intersectional network (rather than at an individual level) will encourage analysis of broader structural factors that may be impacting refugee capabilities to make meaningful and self-reliant lives for themselves over the longer term, particularly women. This is a necessary counterbalance to the dominant focus on the market, and individual participation in it, as the 'solution' to aid dependency. Second, this focus on non-economic interdependency in self-reliance should open out the possibility of understanding how men and boys are also (productively) engaged in unpaid work, as a key observation from the study was that voluntary work contributed as both a social safety net in the communities (to keep the unemployed active), but also to a collective sense of well-being.

3.3.3 Self-reliance in unpaid work?

The absence of meaningful employment was perceived differently by male Afghan and Rohingya refugees in this study or, at least, what to do with the 'opportunity' of not being able to work in gainful employment was approached differently. Rohingyas were much more instrumental in their voluntary undertakings – consciously seeking to create and use their non-profit organisations, or the unpaid work they do with their own community, to achieve certain ends: for example, as experience that will enable them to get a foothold on the job ladder, for expanding contacts that might assist in national advocacy for the Rohingya refugee cause, or in ad hoc tasks such as supporting widows in paying the utility bills and helping new refugee arrivals navigate the Refugee Status Determination process.

For Afghan Christians we interviewed, many of the youth assisted the pastor in various capacities, mostly without a formal monthly pay. This faith-based occupation offered a social-safety net and the security of the church network for the individuals engaged in the activities. A key pastime that has developed for this youth in Delhi is music: a small group would play and perform together, both in church services and in teaching. One of the youth recounted, "Many years ago, five years ago, I was in a show, there was a boy who introduced me to a Dhol [a percussion instrument]. I didn't even know. He told me to play like this. Till then I didn't know about music. Then I said let's just try and learn music… When I played music, people appreciated me. Slowly I started singing". This youth has now turned his music into an income stream, teaching others to play, and touring India giving shows. While this is now a form of livelihood, of wage-earning employment, it also remains an important non-economic community activity that gives "solace" to individuals and the wider community, to quote another Afghan refugee.

For the Afghan Sikhs, it is mostly the older men who engage in community service work, running education programmes for children in their self-started refugee organisation Khalsa Diwan (See Box 4). These elders have been in the country for the longest, and so are generally seen as wiser and with valuable experience to share. However, educating the youth and engaging children in play was not the preserve of the older generation – the younger male refugees offer music sessions and other entertainment activities at the gurudwara (Sikh temple) and Khalsa Diwan.

Box 4. The Khalsa Diwan Welfare Society

The Khalsa Diwan Welfare Society was established in Delhi in 1992 to help Sikh and Hindu Afghan refugees that were struggling to receive the help they needed from the Indian government. Its early focus was on providing education and it remains primarily committed to this and skills development. Other activities include: devotional music classes, language tuition, stitching and computer classes and – more informally – reconciliation and support for domestic disputes and grievances. They also provide Sikh and Hindu Afghan refugees assistance with refugee certificates, LTVs and citizenship applications. Khalsa Diwan is funded privately through contributions from community members.

While this unpaid youth engagement cannot be compared to the (feminised) labour of child-rearing – especially given that the former is much more of an optional vocation than the latter, which is essential to the functioning of a community – these endeavours should still be viewed as small examples of non-economic coping mechanisms refugee communities use to contribute to the well-being of the community and carve out a meaningful existence for themselves. To quote Halvorsen, "work can be socially useful even if the market is not willing to pay its price. But the problem with activities outside the labour market is that their usefulness is difficult to measure and account for formally" – particularly childrearing and caregiving (Halvorsen, 1998: 62).

3.3.4 Ghettoisation: gender, identity and the city

The city of Delhi has a complex role in both offering opportunities for the breakdown of traditional roles, and reinforcing social hierarchies. The position of risk, opportunity, and security in which Rohingya women find themselves in Delhi is complex and infused by feelings of relativity: freedoms and restrictions in rural Myanmar, compared with freedoms and restrictions in urban India. Almost all of the Rohingya women interviewed as part of this study reminisced about the space and landscape of Myanmar. They miss the fresh fruits and river fish that they could eat and the kinds of trees they could use for home-making; especially the broad tree trunks of a specific tree with which they could use to build their homes. This was contrasted with the plastic and cardboard they have to use in their settlements in Delhi and the fact that they have 'no space', ie land, upon

which to settle and develop a level of self-sufficiency over the longer term. One of the Rohingya *jhuggi* (slum) settlements is on land donated by a charitable foundation, another is urban wasteland – neither are suitable for development of permanent housing or subsistence activities. The latter is shared with other transient Indian migrant groups, and both are located some distance from basic public services (though aid organisations have sought to provide drop-in centres within reasonable distance to mitigate travel costs).

Nonetheless, despite the warm recollections of 'home' and the difficulties of finding adequate 'space' in India, there was also a broadly positive reflection on the opportunities they felt that Delhi offered Rohingya women. For example, where aid organisations expressed concern over the inability and/ or unwillingness of Rohingya refugee women to leave their *jhuggis* for education, training or employment opportunities, some Rohingya women themselves expressed a sense of freedom they felt in a city that allowed you to move. In Delhi, the **possibility** of being able to leave the settlement felt, in its small own way, empowering. Indeed, the women with the highest levels of education were engaged in gainful employment outside of the settlements camps, as translators primarily, and this was noted by them as a sharp contrast to the situation in Myanmar, where "women only work in the homes" (Interview, female Rohingya).

That is not to say the gender hierarchies, urban insecurity, and financial precariousness that still discourage (or prevent) these women from leaving the camp-like accommodation can be dismissed simply because some feel a sense of empowerment. Indeed, it was clear from the interviews that the 'unfreedoms' they were facing (to participate in public life, to have the opportunity to receive basic education and receive healthcare) were common, and shaped by an intersection of factors, including gender, ethnicity, and religion. "We have one problem is that we are Rohingya. If we weren't Rohingya we would not have these problems… If we were Indian we could educate our children", exclaimed one woman who felt her ethnicity was impeding the opportunities of the future generation. Another highlighted the impact of this difference on inter-community relations, "We have no similarities, nothing in common with Hindustanis, we can't go to them… it's possible some people feel scared. We don't speak the language. When we go anywhere, this is always in the back of our minds, if we go somewhere and someone disturbs us, if we step out of our houses, we worry about this". A third and fourth highlighted that assistance comes from those with shared identity characteristics, "The government doesn't help us but the people from Shaheenbagh [other Muslims] helped us a lot".

As city spaces are deeply inscribed with implicit communal and class identities (as outlined in Chapter 1; also Baviskar, 2003), it is possible to observe a tacit ghettoisation of these communities (and, particularly, the women within them). Many areas in the city invoke strong associations with their refugee inhabitants (often due to their different visual appearance to Hindu Indians, and/or their cuisine). Some groups maintain urban mobility, shifting from district to district, to avoid – largely faith-based – hostility from other groups. Invisible and shifting borders are mapped around ingroups and outgroups, and this in turn makes livelihoods-promotion activities undertaken by aid organisations, as they are currently structured, more complex. Moves to offer women 'home-based' enterprise opportunities that capitalise on their desire to work and their reluctance or inability to move outside of the settlement area can reinforce that boundary-making. However, requiring women to move outside of the settlement sphere in search of enterprise opportunities can put them at risk of intersectional discrimination on the basis of their gender (from fellow refugee men who may seek to limit the role of women in 'their' public sphere or translation clients who solicit them for sex), ethnicity (from institutions and other communities) and faith (from non-Muslims). One Rohingya woman has experienced verbal abuse on several occasions (including once in front of investigators) from a male Rohingya community member for working a job that, he believed, unduly increased her influence as an interlocutor with the aid community. In the Sikh and Christian Afghan refugee communities, female refugees were notable by their absence as we unsuccessfully tried to include them in our interview sample.

Clearly, then, humanitarian organisations must move beyond conventional conceptualisations of livelihoods and self-reliance. Understanding and measuring these goals in terms of jobs, income, and market participation do not go far enough to address the structural inequalities that prevent individuals, families, and communities from living long and living well. Moreover, current frames fail to acknowledge the way that historical inscriptions of urban space, and the lived experience of the city, exacerbate those inequalities and marginalisation. A job or a steady income cannot be an indicator of the attainment of successful self-reliance when opportunities to engage in the market are delimited by documentation, invisible urban boundaries, and the politics that lay behind identity characteristics, including faith and gender.

Aid workers interviewed as part of this research certainly recognise the disconnect between refugee aspirations, capacities, the conditions of their urban settlement and the limited job opportunities that their legal status and cultural differences enable them to take up. But the 'humanitarian project' framing of self-reliance is rigid and ideologically rooted in ideas of short-term assistance and longer-term, individualised self-care. What these variable urban experiences suggest is the need for a more flexible and longer-term framing of refugee self-reliance and community resilience where the goal is less about individualised, entrepreneurial self-sufficiency, and instead is more about the ability of refugees (individually, collectively, and collaboratively with the wider community) to convert places, services and opportunities into human well-being. In other words, to view self-reliance through the lens of capabilities. That is not to say that livelihoods programming should stop altogether but that, alongside continued advocacy for a legal framework, organisations should create livelihood opportunities and education programmes that: have longer and more flexible timeframes; are more capability-driven than market-driven; focus on agency and well-being; allow for failure; roll back on quantitative and technocratic measurements for success; and approach market analysis socially as well as economically.

4

Towards a capabilities approach for refugee well-being

4.1 The Capability Approach

4.1.1 What are capabilities?

The working paper has so far described the social and political (ethno-religious, gender-related, and bureaucratic) conditions, in a wider historical context, that have contributed to the socio-economic marginalisation of Afghan and Rohingya refugees in Delhi, and the inadequacy of the current aid-sector livelihoods frame for tackling these inequalities. While many of the problems refugees face in striving for self-sufficiency are deeply-rooted structural issues that are beyond the ability of any humanitarian or development organisation to redress alone it is important that:
a) they be acknowledged as integral to the (re) production of refugee marginalisation in the city; and
b) aid organisations take opportunities where they can to more effectively tackle that marginalisation.
One such opportunity, as we argue in more detail in this last chapter, lies in taking a Capability Approach to challenge inequalities, increase prospects for self-reliance and – perhaps in the longer term – strive for social justice.

Economist philosophers Amartya Sen and Martha Nussbaum developed the seminal 'Capability Approach' (CA) in the 1980s and 1990s, and it has been most strongly applied in the development field with the UNDP's Human Development Index. The CA is rooted in the idea that a person should have the freedom to achieve well-being, and that freedom must be understood in terms of capabilities; ie the real opportunities a person has to achieve the kind of life they value. Where people do not have opportunities and abilities to live well, or to do things that contribute to their well-being and enable them to live meaningful lives, they are facing what Sen termed as "unfreedoms". These can come as a result of violations of human rights or political liberties, poverty, the underdevelopment of public services, failures in protective security, and so on. Moreover, unfreedoms often do not occur in isolation; they intersect and exacerbate each other. A person facing poverty, Sen explains, can be rendered "a helpless prey" to other kinds of social injustices, and social and political restrictions can breed poverty.

To explain the impact of these intersections, Sen shares, in his early work on CA, an anecdote from his childhood, which was the period shortly preceding Partition. He recounts how he was around ten years old playing outside his family home in Dhaka – now in Bangladesh – when a Muslim man "came through the gate screaming pitifully and bleeding profusely"

(Sen, 2000: 8). The man was a daily labourer and had ventured into a predominantly Hindu area searching for work as his family was poor and struggling to buy enough to eat. But instead of finding a work opportunity he was met with violence – Kader Mia, as he was called, had been stabbed "by some communal thugs" and died shortly after. Mia faced this fate, Sen explains, as a result of an intersection of the economic unfreedom of poverty, and the socio-political unfreedom of communalism – difficulties converting his skills/labour into a job (due to generational poverty, or a lack of education, or other social resources) led Mia into a hostile area during 'troubled times', and he lost his life as a result. This anecdote is instructive in understanding the intersectional nature of restrictions facing urban refugees in India at present, as well as their impacts.

If a refugee wants to become a doctor or an engineer, do they have the opportunity to enrol and succeed in relevant courses at school and university? The 'unfreedoms' here that might prevent them from achieving their desired aims could be poverty (economic unfreedom) and/or rejection because of ethnic/religious identity or documentation (social and political unfreedoms). And, of course, the inability to access quality education may exacerbate poverty and limit the refugee's knowledge of their rights (which is essential to claiming them) – it is a vicious circle of disadvantage and discrimination. If religious worship is an important part of a refugee's sense of well-being, do they have the freedom and opportunity to engage with the religious institution/community and rituals of their choice? And can they undertake these activities in a context free from religiously-motivated violence? Some of the unfreedoms that limit that potential here are social and political, as well as spatial, in the case of a religiously-segregated city and a lack of places of worship. If a refugee chooses not to work as they want to concentrate on raising healthy and educated children, do they have the possibility of doing so without the risk of being plunged into poverty? The CA acknowledges agency, diversity between persons, and social and environmental factors as shaping those 'real opportunities' – it is these that determine a person's real well-being, rather than the dominant metrics often used by development experts, such as wealth, income, goods, whether they have a job, or are placed in a school, and so on.

While the above questions are rhetorical, the reality is notable in the lived experiences of refugees in Delhi. For instance, refugees have faced difficulties enrolling in higher education, either for lack of documentation that universities are willing to accept, or prohibitively high fees, as refugees are regarded as 'foreign' students. One Rohingya male has applied to study a Master's degree at Indira Gandhi National Open University (IGNOU), Delhi, and, while IGNOU recognises refugee cards, they require students to pay the US$900–1000 foreign student fee. The Afghan refugee who lamented

that not a single professional has come out of the Sikh Afghan refugee community states that it is because of poverty. Many of their previous qualifications do not translate to the requisite jobs or as credits at Indian institutes, and it is too expensive to train again or start from scratch. These situations arguably come as a result of a complex intersection of legal-bureaucratic (ie "protective", to borrow from Sen) and economic unfreedoms, as their refugee/foreign status and low disposable income create obstacles of entry to Indian universities, which limits the possibility of education and training, thus exacerbating the poverty cycle. And the Rohingya women undertaking the 'double burden' of work and care responsibilities do so as a result of economic and social unfreedoms in an environment that does not recognise childcare as a productive and essential social activity, and that ascribe the responsibility to women, but mark it with low social capital value. What is key to understanding refugee vulnerability here – and therefore having the chance to tackle obstacles to achieving self-reliance – is how these unfreedoms, restrictions, and limitations intersect and exacerbate each other. Refugees do not struggle to maintain a livelihood simply because they lack documentation and so cannot access education opportunities or a job. They also suffer interconnected restrictions and limitations because of the politics behind their ethnicity, religion, gender, education level, economic condition, and where they live.

This is where the current humanitarian self-reliance 'solutions' come up short. As outlined above, one of the key problems with current self-reliance programming is that ultimate objectives for sustainable well-being centre around jobs and income in the market space. That's not to say these are not important aims, but they are currently framed as **end goals**. Sustainable livelihoods are understood as indicators of self-sufficiency, and so programming is directed to increasing access to them, and the level of income a refugee can command. However, looking at self-reliance through the CA lens, it is possible to see that jobs and income should actually be considered as part of a package of **means** that enable someone to live long and live well. The freedom to work (ie the ability and opportunity to work) is a constituent **component** of well-being and development, rather than an end goal in itself. Others include the political freedoms, social facilities and transparency.

The urban environment – particularly the presence of the liberal market, and the extent to which the aid sector has 'bought in' to its model as a 'solution' to the problem of refugee dependency – is integral to the survival of this idea of livelihoods-as-ends. As an apparent harbinger of choice, opportunity and (entrepreneurial) prosperity, refugees seemingly just need – the argument would follow – humanitarian or state support to meet market-entry requirements (eg documentation, a certain level of education, health, language skills, etc)

and they will then be able to gain the access to jobs required to ensure a sustainable income, a reduction in poverty, and a better quality of life. However, as we have seen, this emphasis on self-care-through-work and the responsibilisation of the individual refugee does not account for the interconnected discrimination refugees face due to the politics behind their ethnicity, faith, and gender, nor does it recognise or support the non-economic and non-individual ways that refugees seek to make their lives meaningful. The key problem in refugee self-reliance/livelihoods programming is that the 'freedom to work' is viewed only in terms of its (in)direct contribution to a sustainable income rather than as a core part of an interconnected set of freedoms – political participation, health and education – that are essential for development. The question arises, then, of how to shift the frame?

4.1.2 Operationalising the Capability Approach

"Before the CA can become operational", argue Biggeri and Libanora (2011: 79), "an attempt must be made to identify the relevant capabilities that contribute to … [a group's] well-being".[6] This necessarily involves an identification of a group's values and priorities, which must be drawn up using a participatory process (Chiappero-Martinetti et al., 2015). The extent to which, and how, these functionings (the group's attainments) and their capabilities (the abilities and opportunities they have to do what they value) can be measured is greatly debated and would prove an initial difficulty in rolling out the CA approach in Delhi. Chiappero-Martinetti et al. (2015: 117) note that:

"[Q]ualitative analysis, participatory methods, focus groups and ethnographic research are now extensively used by capability scholars, particularly in fieldwork conducted in developing countries, in order to investigate what 'people have reason to value', to develop and agree on capability lists through deliberative consultations, to investigate the role of social and cultural norms in shaping preferences and choices and to evaluate how participatory methods themselves can impact on people's capabilities".

The problem of this method, they acknowledge, is that it can be time consuming, expensive and with questionable results in terms of reliability and validity, given the potential gap between what people say they value and what they actually believe or how they behave. However, while certainly not perfect – or even necessarily the only approach to evidence-gathering – the key strength of this approach to framing well-being, is that it is fundamentally shaped by refugee values and priorities from the bottom up. Particularly when: a) it accounts for the multiple group identities that people hold (in terms of social, economic, age and gender categories); and b) it attempts to reconcile these multiple identities "in a way that nurtures intra-group cooperation while building constructive relations with non-members" (Ibrahim, 2006: 406).

Blečić et al. (2013: 274) have formulated a framework for the operation of CA, particularly for individuals in an urban environment. They introduce the idea of three pivotal 'abstract' capabilities and six specific 'base' capabilities, both of which are non-exhaustive and open to further development (see Table 2).

Table 2: Abstract and base capabilities

ABSTRACT CAPABILITIES	
Autonomy	the ability to make autonomous and conscious individual decisions
Self-esteem	the ability of fulfilment, self-confidence and self-acceptance
Responsibility	the ability of pursuing social goals
BASE CAPABILITIES	
Health	the capability of being and staying in good health
Home	the capability of having a dignified home
Environment	the capability of living in a healthy, safe and pleasant living environment
Work/education	the capability of having a satisfying job and an adequate education
Play	the capability of dedicating oneself to play and pleasure, or amusement
Participation	the capability of participating in public decisions

Source: Blečić et al., 2013:274.

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[6] This section builds on more recent CA work that recognises the importance of collectives for the expansion of capabilities, moving beyond the largely individualistic approach of Sen. See: Ibrahim, 2006; Stewart, 2005; Evans, 2002.

The abstract capabilities are "interwoven in the individual's fulfilment both as a person and as a moral and political subject" (Blečić *et al.*, 2013). These sit on the abstract horizon of goals and, as they are not operationalisable; they cannot be measured. They argue, then, that it is possession of the base capabilities that enable the realisation of the more abstract goals and the urban environment should be able to supply opportunities to meet all of these base capabilities. And they should, in theory, be measurable.

If these base capabilities are taken as essential and interconnected components that constitute the more transcendental elements of individual and group well-being, what is notable in humanitarian self-reliance frameworks in Delhi and more broadly, is a lack of emphasis on 'play' and 'participation'. Don Bosco run youth groups that have strong 'play' components, but in programming focused on adults, 'play' is largely absent. Where pleasure is emphasised, it is in a refugee undertaking a livelihood that develops from a passion or skill they already had, or which would be useful to learn for future employment opportunities. For instance, a recent successful catering enterprise started by Afghan women with the support of ACCESS has been lauded by UNHCR (2017) and the refugees as "therapeutic", "satisfying", and utilising their already existing skills and interests.

Participation, too, exists but is largely restricted to the intercommunity 'democratic' structures that the aid organisations foster, or tap into, as a means to negotiate needs assessments and aid provision with leaders, on behalf of the group. This engagement is exclusive and highly gendered, with men dominating the leadership structures and, in the case of one of the Rohingya camp settlements, actively trying to intervene and influence female-led consultations with aid organisations. There is an opportunity here, then, to build on existing base components that humanitarian organisations already focus on – health, education, etc – and expand to focus on, with a gendered lens, non-economic values and priorities for the refugees and their contribution to refugee autonomy, self-esteem, and responsibility.

There are certainly immediate opportunities for expanding play capabilities, building on existing activities. For some of the young male Rohingya community, for instance, football is a much-valued leisure activity which the group would like to see expanded. As one young male exclaimed, "I had to leave my country but I didn't leave football!". To accommodate this play activity, one of the Rohingya communities by the riverbank has undertaken 'insurgent urban practices' (an unconventional use of urban space) by reworking a part of their small and marginalised settlement area

into a football field. In the other Rohingya settlement, one of our female key informants expressed her passion for running competitively and manages to find a way to train, despite the difficulty of the settlement location near a busy highway. For the Afghan Christian and Sikh communities, music is an important pleasure activity and their community spaces are regularly used for group sessions.

While further research is necessary to identify values and priorities of a wider and more diverse section of the group – and also, perhaps, how such initiatives can include other non-refugee groups for building intra-community social bonds – these emerging anecdotes of 'play' activities offer important springboards for testing the efficacy of this approach for meeting well-being aspirations. This is particularly important, moreover, given the structural constraints in immediately meeting other base capabilities, such as health access, quality education and fulfilling employment – 'successes' in supporting some meaningful endeavours for urban refugees in Delhi may at least begin to contribute to the realisation of other base capabilities and the more abstract goals.

'Participation' in public decisions as a base capability is arguably a much more difficult capability to programme for, particularly given the structural marginalisation that refugees, as an outgroup, have historically faced (and, for example, that women **within** those already marginalised groups have faced). It is also difficult given the limitations organisations like UNHCR have historically faced in advocating for perceived political ends. Nevertheless, the freedom of political participation is a key constituent freedom of development (and well-being) and therefore should be factored into needs and aspiration assessments moving forward. And various scholars have been looking at what this might look like in practice. Van Deth (2014: 358), in her conceptual map of political participation, noted that amateur or voluntary work aimed at solving collective or community problems can be considered as modes of political participation. This brings to mind the work of Khalsa Diwan (Box 4) and the Rohingya Literacy Group (mentioned in Section 3.1) in the Afghan Sikh and Rohingya communities. Though humanitarian actors are currently working with some of these groups, these engagements are not focused on supporting public participation. Rather, these interactions are for discreet programme purposes, such as supporting an educational class or job in the Khalsa Diwan centre, for instance. Thus, the shift required for supporting participation as a base capability does not necessarily involve a total shift in activities, but a shift in the intention of engagement and what is being measured as an outcome.

5
Conclusion

In this paper, we have argued that historically-contingent identity politics, state-making, and urbanisation processes have, in Delhi, contributed to the socio-economic marginalisation of Sikh Afghan, Christian Afghan, and Rohingya refugees, as well as the emergence of a bureaucratically 'violent' management of their rights and entitlements. Ideas of belonging and 'who counts' as a citizen in the post-Partition state have taken on a communal hue as Muslim refugees/migrants in particular have been subjected to a politics of exclusion. This has impacted the lived experiences of non-Muslim refugees attempting to 'get on' in Delhi too, as rhetorical slippage between ideas of the refugee, foreigner, (illegal) migrant, (Muslim) infiltrator and even urban poor have resulted in these terms mutually reinforcing ideas of difference (from Indian citizens), economic burden (for the state), and risk (to the city).

A convoluted status hierarchy that offers refugees varying levels of legal recognition and entitlements stands in the place of a robust domestic refugee legal framework or adherence to international law. It is often not clear what exactly refugees are entitled to – such as the Aadhaar card – and how those entitlements might differ between groups – such as Afghan Muslims, Sikhs and Christians. This can lead to arbitrary treatment by state officials and exploitation by employers, who know refugees do not have much recourse to legal action. Refugees in Delhi find it difficult to find jobs, homes, and a sense of settlement, let alone autonomy and 'self-reliance' – even those that have lived in the city for more than 30 years. The GoI has a huge responsibility here, in the short term, to make efforts to clarify the legitimacy of refugee documentation for employment and housing, and refugee entitlement to Aadhaar identification. In

the longer term, there needs to be a shift away from the increasing communalisation of refugee/migrant identity. The GoI should look towards the creation of a robust and inclusive legal framework for protecting refugees across India, more along the lines of the Asylum Bill 2015, rather than the problematic CAB 2016.

Humanitarian organisations also have significant opportunities to augment their support for urban refugee well-being in the capital – though this will require a shift in programming goals and away from the dominant 'self-reliance' frame. Their current approach to assistance and supporting sustainable 'solutions' for the socio-economic difficulties refugees are facing is not working due to an overreliance on the market, particularly the informal sector, as the main source of opportunity and socio-economic prosperity. The market, especially informal sector jobs, clearly does not offer meaningful 'self-reliance' in Delhi; employment options are often precarious, underpaid and exploitative, and refugees – situated as an outgroup on the socio-economic and political periphery of the city – cannot vote with their feet and leave for an alternative if they are unhappy with the 'opportunities' they have been presented. Moreover, expectations of self-enterprise and economic independence can play additional burdens on those, typically women, who are also responsible for caregiving in the home. Though economic relations play an important role in humanitarian organisations and refugees working together towards improving well-being, that does not mean economic imperatives have to dictate all aspects of programming, particularly the ways that aid organisations approach the idea of 'self-reliance' and their interactions with recipients of assistance (Fiori *et al.*, 2016).

Approaching urban refugee assistance differently, then, should be the priority. In this paper we have put forward some initial thinking around using a Capability Approach to assess the needs, values, aspirations and well-being of refugees in Delhi. Instead of understanding 'self-reliance' in terms of income, jobs and transferable market skills, we argue that aid organisations should take a broader look at refugee well-being and factor in the non-economic – and non-individualistic –

components of living a fulfilling and meaningful life in a complex urban environment such as Delhi. These include things like family care-giving, leisure opportunities, and voluntary work. It is only through understanding sustainable livelihoods as **constituent parts** of refugee well-being, rather than **end goals**, that humanitarian organisations can more effectively support urban refugees to convert places, services, and opportunities into things they have reason to value.

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Urban refugees in Delhi face myriad problems that affect their ability to live meaningful lives in the city: no legal frameworks to guarantee their protection; difficulty attaining sustainable livelihoods; discrimination; and poverty. Many Sikh and Christian Afghan refugees have been in the country for decades, yet still fail to achieve citizenship through naturalisation. Rohingya refugees are among the city's poorest and face faith-based discrimination as a Muslim community. Both groups struggle to achieve self-reliance and realise their aspirations. This study explores the historical, political, and social factors that have contributed to such a state of insecurity, and poses an alternative way of supporting refugee self-reliance, using the Capability Approach.

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