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## Illegal Influx from Myanmar

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### Why in News

Recently, the Ministry of Home Affairs (MHA) has directed **Nagaland, Manipur, Mizoram and Arunachal Pradesh** to check illegal influx from Myanmar into India.

- The instructions have also been given to **Border Guarding Force (BGF)**, i.e. **Assam rifles**.
- India already has a lot of **Rohingya** migrated from Myanmar.
  - India, treats all refugees entering the country as **illegal immigrants**.
  - In 2020, it was estimated that **40,000 Rohingya refugees** lived in India, scattered across different states.



## Key Points

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- **MHA's Instructions:**

The State governments have no powers to grant “**refugee status to any foreigner**” and **India is not a signatory** to the United Nations Refugee Convention of 1951 and its 1967 Protocol.

Similar Instructions were Issued in **August 2017 and February 2018**.

- **Background:**

- The directive comes weeks after the **military coup** and subsequent crackdown in Myanmar which led **to several persons crossing over into India**.
- **The Tatmadaw, or Myanmar military**, had taken over the country after a coup in February 2021.
- North Eastern States readily provide shelter to people from across the border as some of the states have **cultural ties** with some border areas of Myanmar and many people have family relations as well. This had resulted in some states taking a **sympathetic view of those fleeing Myanmar** and giving them shelter.
- Already there are **clashes among the tribes** (example **Bru**), **more refugees will further aggravate the situation**.

- **Recent Influx:**

More than a dozen foreign nationals including policemen and women from Myanmar have **fled to neighbouring Mizoram**.

- **India Myanmar Border:**

The border along the four states is **unfenced and porous**.

- **Free Movement Regime:**

- A **Free Movement Regime (FMR)** exists between India and Myanmar.
- Under FMR **every member of the hill tribes**, who is either a citizen of India or a citizen of Myanmar and who is **resident of any area within 16 km on either side** of the Indo-Myanmar Border (IMB) can **cross the border with a border pass** (with one-year validity) **issued by the competent authority** and can stay up to two weeks per visit.

## United Nations Refugee Convention 1951

- It is a United Nations multilateral treaty that **defines who is a refugee**, and **sets out the rights of individuals** who are granted **asylum** and the responsibilities of nations that grant asylum.

It also set out which people **do not qualify as refugees**, such as **war criminals**.

- It **grants certain rights to people fleeing persecution** because of race, religion, nationality, affiliation to a particular social group, or political opinion.
- The Convention also **provides for some visa-free travel** for holders of travel documents issued under the convention.

- The Convention builds on Article 14 of the **Universal Declaration of Human Rights 1948**, which recognizes the right of persons to seek asylum from persecution in other countries.
- A refugee may enjoy rights and benefits in a state in addition to those provided for in the Convention
- The **1967 Protocol** included refugees from all countries as opposed to the **1951 Convention** that **only included refugees from Europe**.
- India is **not a member** of this convention.

**Source:TH**