



Rohingya Refugees in India

For Prelims: [Rohingya](#), [Myanmar](#), [United Nations High Commissioner for Refugees \(UNHCR\)](#), [Citizenship Amendment Act, 2019 \(CAA\)](#), [1951 Refugee Convention](#).

For Mains: Reasons behind India's Decision not to Sign the 1951 Refugee Convention, Current Legislative Framework in India to Handle Refugees.

Why in News?

A recent report titled '**A Shadow of Refuge: [Rohingya Refugees in India](#)**' sheds light on the **challenges faced by Rohingya refugees in India**.

- The report was jointly prepared by **The Azadi Project, a women's rights non-profit and Refugees International**, an international NGO that advocates for the rights of stateless people

What is the Rohingya Crisis?

- The Rohingya people have suffered decades of **violence, discrimination and persecution in [Myanmar](#)**.
 - Rohingya are not recognized as an official ethnic group and have been **denied citizenship since 1982**. They are one of the largest stateless populations in the world.
- Since the early 1990's, the **Rohingya have fled successive waves of violence in Myanmar**.
 - Their **largest and fastest exodus began in August 2017** when violence broke out in Myanmar's Rakhine State, driving more than 742,000 people to seek refuge in neighbouring countries —**the majority of whom were women and children**.



What are the Concerns and Recommendations Outlined in the Report?

▪ Concerns Related to Rohingya:

- **Denied Exit Permissions for Resettlement:**
 - **India's refusal to grant exit visas to Rohingya refugees** who have completed refugee status determinations and gained approval for resettlement in third countries is a **significant concern**.
- **Stigmatisation and Anti-Refugee Sentiment:**
 - The **Rohingya refugees in India face various challenges**, including being labelled as **"illegal migrants"**.
 - This **stigmatisation not only hampers their integration into society but also places them at risk of being deported back to Myanmar**, where they fled from a genocidal regime.
- **Fear of Deportation:**
 - Actual and threatened deportations have instilled a **sense of fear within the Rohingya community**, compelling some to return to **camps in Bangladesh**.
 - International conventions, including the **International Covenant on Civil and Political Rights and the Convention on the Rights of the Child**, obligate India **not to return the Rohingya to Myanmar**.
 - However, the Supreme Court has accepted the government's arguments **regarding national security threats, allowing deportations to proceed**.
- **Harsh Living Conditions:**
 - The report details the dire living conditions of Rohingya refugees in India, residing in **slum-like settlements without safe running water, toilets, or access to basic healthcare and education**.
 - Without valid travel documents, obtaining an Aadhaar card for essential services such as school admissions has become impossible.

▪ Recommendations:

- **Formal Recognition and Domestic Laws:** India should formally recognize **Rohingya refugees as individuals with a right to asylum rather than as illegal migrants.**
 - Signing the [1951 Refugee Convention](#) and establishing domestic laws on refugees and asylum can be the crucial steps to achieve this.
- **Acknowledgment of Residency:** India can recognize UNHCR cards as sufficient for accessing basic education, work, and health services.
 - UNHCR cards refer to **identification documents issued by the [United Nations High Commissioner for Refugees \(UNHCR\)](#)** to individuals who have been recognized as refugees or asylum seekers.
 - UNHCR is the United Nations agency responsible for protecting and supporting refugees worldwide.
 - UNHCR cards **serve as proof of the individual's status as a refugee or asylum seeker** and may grant them certain rights and access to services in the country where they reside.
- **Global Credibility and National Security:** Treating refugees better would enhance **India's global credibility and serve [national security](#) interests** by documenting new arrivals and discouraging them from remaining under the radar.
 - The report suggests that **India can play a proactive role in facilitating resettlement opportunities for Rohingya refugees** by advocating for their acceptance in ally countries such as the **U.S., Canada, Australia, Germany, and other European nations.**

What can be the Reasons behind India's Decision not to Sign the 1951 Refugee Convention?

- **Issue with Definition of Refugee:** According to the 1951 convention, **refugees are defined as people who have been deprived of their civil and political rights, but not their economic rights.**
 - If the violation of economic rights were to be included in the definition of a refugee, **it would clearly pose a major burden on the developed world.**
- **Sovereignty Concerns:** Countries may be reluctant to sign international agreements that they believe could **compromise their sovereignty or interfere with their domestic policies and decision-making processes.**
 - By not signing the convention, **India retains the freedom to implement its own refugee policies.**
- **Limited Resources:** India is one of the **most populous countries in the world** and already faces significant challenges in providing basic services and resources to its own population.
 - Signing the convention might result in **increased responsibilities and resource burdens related to the protection and support of refugees.**
- **Regional Dynamics:** India is located in a region that has been historically affected by various conflicts and displacement situations.
 - The country has faced influxes of refugees from neighbouring countries, due to the **porous nature of borders in [South Asia](#).**
 - However, India is still **bound by other international human rights treaties and customary international law principles.**

What is the Current Legislative Framework in India to Handle Refugees?

- India treats all foreigners whether illegal immigrants, refugees/asylum seekers or those overstaying visa permits under
 - **[Foreigners Act of 1946](#):** Under Section 3, the central government is empowered to **detect, detain and deport illegal foreign nationals.**
 - **Passport (Entry into India) Act, 1920:** Under Section 5, authorities can remove an **illegal foreigner by force under Article 258(1) of the Constitution of India.**
 - **Registration of Foreigners Act of 1939:** Under this, there is a mandatory requirement under which all foreign nationals (excluding overseas citizens of India) visiting India on a long-term visa (more than 180 days) are required to register themselves with a

Registration Officer within 14 days of arriving in India.

- **Citizenship Act, 1955:** It provided provisions for renunciation, termination, and deprivation of citizenship.
 - Further, **Citizenship Amendment Act, 2019 (CAA)** seeks to provide citizenship to **Hindu, Christian, Jain, Parsi, Sikh, and Buddhist immigrants persecuted in Bangladesh, Pakistan, and Afghanistan.**
- India issued a **Standard Operating Procedure (SOP)** to be followed by all concerned agencies while dealing with foreign nationals who claim to be refugees.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. Consider the following pairs: (2016)

	Community sometimes mentioned in the news	In the affairs of
1.	Kurd	Bangladesh
2.	Madhesi	Nepal
3.	Rohingya	Myanmar

Which of the pairs given above is/are correctly matched?

- (a) 1 and 2
- (b) 2 only
- (c) 2 and 3
- (d) 3 only

Ans- (c)

Mains

Q. How does illegal transborder migration pose a threat to India's security? Discuss the strategies to curb this, bringing out the factors which give impetus to such migration. **(2014)**

Source: TH