India does have a refugee problem

Why in news?

Recently large numbers of Myanmarese citizens are moving towards Indian border which has revived the debate about refugee protection.

What is the problem with refugees?

- In India, the issue of refugees tends to get subsumed under illegal immigration.
- Illegal immigration is a threat to the socio-political fabric of the country and it has potential security implications.
- India has argued over time that illegal immigration from the neighbouring countries to India must come to an end.
- Moreover the policies and remedies to deal with these issues suffer from a lack of clarity and policy utility.

What are the ambiguities in dealing with refugees?

- In India, illegal immigrants and refugees are viewed as one and the same and are covered under the Foreigners Act, 1946.
- The act defines foreigners as a person who is not a citizen of India.
- Though there are fundamental differences between illegal immigrants and refugees, India is legally ill-equipped to deal with them separately due to a lack of legal provisions.
- Moreover India is not a party to the **1951 Refugee Convention** and its **1967 Protocol** which pertains to refugee protection.
- Its refugee policy is guided primarily by ad hocism which often has its own political utility.
- These adhoc measures enable the government to pick and choose what kind of refugees it wants to admit and what kind of refugees it wants to avoid.
- This opens the door for geopolitical considerations while deciding to admit refugees or not.
- If India admits Myanmar migrants, China would use the opportunity to hurt India's interests in Myanmar which prompted India not to admit the refugees.
- There are some flaws in the International convention too.

Why India should not join the Refugee convention?

- India has been one of the largest recipients of refugees in the world in spite of not being a party to the 1951 Refugee Convention and its 1967 Protocol.
- Given its track record of refugee protection and vulnerable geopolitical and socio-economic situation, India need not accede to the convention and the protocol in the way it currently stands.
- The definition of refugees in the 1951 convention pertains only to the violation of civil and political rights, but not the economic rights of individuals.
- If economic rights are included, it would cause major burden on the developed world and in South Asia, it could be a problematic for India.
- Secondly, India should not accede to the convention at a time when the Northern countries are violating it in both letter and spirit.
- India should accede only when western states commit to roll back their no entry regime which they have established for decades.
- This no entry regime has a range of legal and administrative measures-visa restrictions, carrier sanctions, interdictions, third safe-country rule.
- It also constitutes restrictive interpretations of the definition of refugee, withdrawal of social welfare benefits to asylum seekers, and widespread practices of detention.

What can be done now?

- Since the citizenship amendment act is deeply discriminatory nature and it cannot address the concerns of refugees who are fleeing their home country.
- In the absence of proper legal measures, refugee documentation, and work permit, they can end up in becoming illegal immigrants.
- Hence a domestic refugee law needs to be created which will offer temporary shelter and work permit for refugees.
- It must make a distinction between temporary migrant workers, illegal immigrants and refugees and deal them differently through proper legal and institutional mechanisms.
- Therefore there is urgent need to address the issue of refugee protection in India and put in proper institutional measures.

Source: The Hindu



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