

Refugee Crisis: A Complex issue



A RESEARCH PAPER

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ABSTRACT

This project explores the status of refugees and challenges faced by them. It examines the international obligations for the refugees as well as constitutional and humanitarian obligations for their basic human rights. It will also examine the rules and laws related to them in India.

This research explores the reasons that why they should be given asylum and why they should not be. It also explores the humanitarian approach while dealing with such issues in a balanced manner.

Investigating this issue is very much relevant today, given the increasing number of refugees at world level especially the upcoming climate refugee crisis (in countries like Maldives, Seychelles, Mauritius etc.), and due to war (like Sudan, Syria, Ukraine etc.) and state persecution etc. The findings of this research will contribute to the broader debate on human rights of refugees, which is ingrained in constitutional values of most of the nations.

Refugee crisis is one of the most challenging issue at the global level. Most of the nations are struggling with this crisis. India is also one of them. Since India has a long history of sheltering refugees. The number of refugees and asylum seekers in India is one of the highest in the South-Asian nations. According to World Bank data, India is home to more than 2,40,000 refugees. According to UNHRC (United Nations Human Rights Council) survey, there were 72,312 Tibetans and 59,506 Sri Lankan refugees in India in 2022. . UNHCR had registered some 40000 people of concern which included 27,700 refugees and 12,300 asylum seekers. Among these people, Rohingya refugees constitutes the largest group, these were followed by the Afghans which constituted 27%. Still India is not signatory of UN Refugee Convention of 1951, but on global platform, India has built a formidable reputation of being an active participant in fulfillment of its obligation under the international laws on human rights. Even the very essence and spirit of Universal Declaration of Human Rights is ingrained in India's constitutional principles.

Researching the topic refugee crisis is important for understanding the challenges its poses to governments, civil society and the economy and for developing effective programs to help refugees. The study is also helpful for-

- Understanding the human cost
- Understanding the impact on host communities
- Developing effective programs
- To decolonize refugee research.

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According to 1951 Refugee Convention, a Refugee is “A person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country.” India has been a regular host of refugees since its foundation. Even though there are more than 2 lakh refugees in the country, the country still is not a signatory to the United Nations Refugee Convention of 1951 or to the 1967 Protocol of the United Nations High Commissioner for Refugees (UNHCR) which protects refugee rights, but still the country has served as a home to the largest refugee population in South Asia. According to the UN Refugee Agency (UNHCR), people have come from countries around the world in India to seek refugee which includes people from Afghanistan, Bangladesh, Myanmar, Eritrea, Iran, Iraq, Tibet, Sri Lanka, Nepal and many more nations. India has hosted refugees from Tibet since 1959, Chakma’s, a Buddhist ethnic minority from the former East Pakistan, since 1963; refugees from Bangladesh since 1971, and refugees from Sri Lanka since 1983, 1989 and 1995 due to the civil war in Sri Lanka. From Afghanistan since the 1980s and Myanmar’s instability of the 1990s prompted further refugee population in India. Since India is not a signatory of Refugee convention. Despite all this, India has a long-standing tradition of hosting refugees and the Government largely respects the principle of non-refoulement. The Passport (Entry of India) Act, 1920; The Registration of Foreigners Act, 1939; The Indian Foreigners Act, 1946; The Foreigners Order, 1948; The Passport Act, 1967 are all the acts which applies to all classes of non-nationals, including refugees and asylum-seekers, and refugee policy is determined on an ad hoc basis. And India still continues to be the largest home for refugees in South-East Asia.

Currently India have refugees which are as follows-

- Refugees recognized by Government of India:- Tibetan refugees, Sri Lankan Tamil refugees
- Refugees recognized by UNHRC:- Afghan refugees, Chin refugees

- Unregistered refugees:- Rohingya

Apart all these, due to global warming and climate change, all the island nations and coastal nations are on risk of sinking their areas. So, they will have to leave their native place. Now, discussions regarding the upcoming refugee crisis i.e. climate refugee are going on.

Moreover, the findings of the research paper will provide a clear and organized analysis of what are the causes for refugees and how they create challenges for the locals and the governments in the selected case studies. The findings will be categorized based on key themes identified during research process:

1. Statistical data released by Government of India :- India hosts approx. 2.5 lakh refugees and asylum-seeker in which 43% Sri Lankan (assisted by Government of India), 34% tibetan (assisted by Government of India), 14% from Myanmar, 7% from Afghanistan and 2% from other nations.

2. Factors which are responsible for this crisis

According to the Concern Worldwide, 1 person is uprooted every 2 seconds. This organization has highlighted 6 main causes, which are as follows-

- Drought: Drought leaves families without access to clean water, often leading to them turning to dirty water as their only alternative for bathing, drinking, and growing crops. For families, this can mean going for days without food. They may also resort to using contaminated water. So, they prefer to leave that place.
- Hunger: Hunger's connection to drought is significant. Whatever

people grow for their livelihood, war and conflict can mean a lack of access to markets and fields, all are destroyed or stolen.

- Flooding: According to report published in 2017 by Cornell University, events prompted by climate change could account for up to 1.4 billion forced migration by the 2060.
- Earthquakes: In 2015, a devastating series of earthquakes hit Afghanistan, Pakistan and Nepal drove hundreds of thousands of residents from their homes.
- War and conflicts: Conflict is the most common factor for forced migration around the world. Most recently, the world's focus has been on the Rohingya crisis in Myanmar, with nearly 75% of the country's Muslim population fleeing to neighboring Bangladesh in the wake of violence and ethnic cleansing. In 2017, amid the escalation of ongoing tension and violence, the United Nations deemed the plight of the Rohingya the "fastest-growing refugee emergency" in the world.
- Economic circumstances: One of the biggest factors for migration are the economic challenges that may affect individuals in their countries of origin. The UN's 2018 World Migration Report notes that this is a major driver in West Africa.
- State persecution: One of the major factor for migration is state persecution. For example, hindus in Pakistan, Bangladesh etc.

3. Concern Worldwide has also highlighted the problems faced by the refugees, which are as follows-

- Finding adequate and affordable housing : The UNHCR reports that only 22% of refugees live in tented camps, with the other 78% living in cities, usually in housing. In either case, however, finding safe and affordable housing can be a challenge. Some camps, like those for

Rohingya refugees in Cox's Bazar, Bangladesh, have restrictions on the materials that can be used to construct shelters, leaving many families living in tents that are vulnerable to the elements (especially floods and fires).

- Staying safe and healthy : Refugees face challenges accessing healthcare both in terms of affording medication and being able to go to a hospital or clinic when needed. In addition to healthcare, sanitation and hygiene are also an issue in many remote and rural communities.
- Post-traumatic stress and ongoing trauma : It's not just physical health. Mental health is also a major issue for refugees. The main challenge now is that people haven't adjusted to the circumstances that they're now facing.
- Language and other cultural barriers : Even in neighbouring countries, refugees may find themselves getting lost in translation within a host community. A 2020 report by the organisation Translators without Borders studied this issue among Rohingya refugees living in southern Bangladesh
- Continuing education (for themselves or their children) : At the end of 2023, the UNHCR estimated that 40% of all forcibly-displaced people are under the age of 18. Many end up taking on caretaker roles for younger siblings or cousins if they aren't with their parents or a guardian. Others are forced to take on work to support their family if their parents can't earn enough.
- Having loved ones back home : One of the many reasons refugees may experience stress or trauma while in displacement is that many of them still have family and loved ones back home. Some may even return after getting out.
- Getting food : In the 2018 Global Hunger Index, co-authored by Concern Worldwide and Welthungerhilfe, experts highlight the links between hunger and forced migration and argued that the global

refugee crisis is also a hunger crisis.

- Making a living : The UN High Commissioner for Refugees (UNHCR) estimates that 75% of refugees live in poverty, and while 70% legally have the right to work either partially or fully, only 50% have formal employment in practice. Financial services can also be limited for them, including fair loans, social security, and unemployment compensation.
4. Benefits of hosting refugees:- Welcoming refugees is a noble cause and it is also helpful for- bringing productivity (as cheap labor force), enriching culture , stimulating the economy, bringing novel skillset and knowledge etc.
 5. Disadvantages of hosting refugee:- According to World Bank, the influx of refugees may lead to-shortage of resources like water and electricity, causing higher costs for both the refugees and the host community, overcrowding of services such as health and education, increased traffic and pollution, competition for jobs and housing.
 6. Rules and laws regarding refugees :- India is one of the nation which has not signed UN Refugee Convention but still it is the host of largest number of refugees in South-East Asia. India has various rules and laws, which are as follows-
 - Passport (Entry into India) Act,1920:-In this Act, unless there is anything repugnant in the subject or context,- "entry" means entry by water, land or air; "passport" means a passport for the time being in force issued or renewed by the prescribed authority and satisfying the conditions prescribed relating to the class of passports to which it belongs; ...
 - Passport Act, 1967:- An Act to provide for the issue of passports and travel documents, to regulate the departure from India of citizens of India and other persons and for matters incidental or ancillary thereto.

- Registration of Foreigners Act, 1939:- The Registration of Foreigners Act, 1939 is a law that regulates the registration of foreign nationals in India. According to the Act, all foreign nationals who arrive in India are required to register themselves with the Indian government.
- Foreigners Act, 1946:- The Foreigners Act, 1946 is an act of the Indian Parliament that regulates the entry, stay, and exit of foreigners in India. The Act lays down the procedures for the registration of foreigners, their movements within India, and their deportation.
- Foreigners Order, 1948:- civil authority has power to refuse or grant the permission to enter India.

Apart from all these, Government of India has introduced Citizenship Amendment Act (CAA)-2019, which faces criticism due to its provision of granting citizenship on basis of religion.

The findings suggest that refugee crisis is one of the most challenging issue for the Indian Government. Despite having not a signatory of international conventions, India has provided shelter to many refugees. Many civil societies and NGOs have also provided many facilities to them like food, health, education etc. Since Government of India is lacking legislations, efforts should be made for such. Laws will help in tackling the constant exploitation as a peaceful, humanitarian and lawful action, easier influx regulation via set framework, strengthening of India's global standing on human rights violation. At the same time, refugees may create threat to national security, economic burden on nation, impact locals too. So laws should be made considering all these situations to get a win-win situation for all.

At last, we can conclude that refugee crisis is not a problem of particular nation but it is a problem of the world, which can be dealt with global cooperation in a better manner. A balanced approach is needed while ensuring the humanitarian values and human rights. As refugee crisis is going to grow in another form like climate refugee due to climate change and global warming, ongoing researches are essential to help in policy making on the global level.

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