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Status of Rohingyas

Why in news?

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India deported seven Rohingya immigrants who had been staying in Assam illegally to Myanmar.

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Why have they been deported?

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- The Rohingya Muslims from Rakhine province on Myanmar's western coast started arriving in sizeable numbers in India's northeast in late 2011.
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- It was following their stepped-up persecution by the Myanmar armed forces.
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- Of that, seven men were arrested in 2012 for having entered India illegally.
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- They were convicted of violating The Passport (Entry into India) Act, 1920, and sent them to prison for 3 months, followed by detention pending repatriation.
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- Myanmar confirmed their identities and issued them travel documents.
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- The seven men requested the Myanmar embassy in India to facilitate their return.
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- After reconfirming their willingness to be repatriated, India handed them over to the Myanmar authorities.
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Who are illegal migrants?

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- An illegal immigrant can be -

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1. A foreign national who enters India on valid travel documents and stays beyond their validity, or
2. A foreign national who enters without valid travel documents.

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- In the view of the Indian government, illegal migrants “infringe on the rights of Indian citizens” and are “more vulnerable for getting recruited by terrorist organisations”.
- Section 3(2) (c) of The Foreigners Act, 1946, gives the central government the right to deport a foreign national.
- The power to identify and deport foreign nationals who are in India illegally has been delegated to state governments, Union Territories and the Home Ministry’s Bureau of Immigration.
- Illegal immigrants who are intercepted at the border while entering India unauthorised can be sent back then and there.

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What is the status of rohingyas in India?

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- As per Home Ministry data, there are more than 14,000 UNHCR-registered Rohingyas in India.
- However, security agencies estimate the number to be at 40,000.
- There are clusters of Rohingya population in Jammu, Hyderabad, and Delhi-NCR, besides the states of Haryana, UP, and Rajasthan.
- The UN says the Indian government has an international legal obligation to

acknowledge the institutionalised discrimination, persecution, hate and human rights violations the Rohingya face in Myanmar and to provide them with necessary protection.

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What is the status of other foreigners?

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- As of December 2014, 28,356 foreign nationals were found to be overstaying illegally in India.
- Bureau of Immigration data show approximately 330 Pakistanis and approximately 1,770 Bangladeshi nationals have been repatriated during the last three years.
- In 2014, West Bengal had arrested 3,724 foreign nationals under various sections of The Foreigners Act, 1946, and for violating Immigration Control Rules and Regulations, followed by Tripura (1,713), Tamil Nadu (639), and Maharashtra (228).
- In 2017, the Bangladesh government verified the nationalities of 52 individuals lodged in various detention camps in Assam, and issued travel documents for their repatriation.

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What are the measures taken by the government?

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- India is not a signatory to the 1951 United Nations Convention and 1967 Protocol Relating to the Status of Refugees.
- It also does not currently have a national law on refugees.
- In 2011, the Union government circulated to all states and Union Territories a Standard Operating Procedure to deal with foreign nationals who claimed to be refugees.
- Some cases can be recommended by states or Union Territories to the Union Home Ministry for a long-term visa (LTV) after due security verification.

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- These are cases that can be prima facie justified on grounds of well-founded fears of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion.

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- LTV-holders are allowed to take up private-sector employment and enrol in any academic institution.

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- Also, the Mission Mode Project on Immigration, Visa and Foreigners Registration & Tracking (IVFRT) will facilitate improved tracking of foreigners.

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- It will integrate and share information captured at Indian missions during the issuance of visas, during checks at Immigration Check Posts (ICPs), and at Foreigners' Regional Registration Offices (FRROs).

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What lies ahead?

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- Supreme Court is hearing Centre's order on the identification and deportation of illegal immigrants, which deals with India's obligations under international human rights conventions.

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- However, India only follows non-refoulement principle in the recent case, where in it persuaded Myanmar to take illegal migrants back legally and with relevant documents.

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- It did not go for the forcible return of refugees to a country where they are liable to be subjected to persecution (refoulement).

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- It would also be reassuring to Bangladesh, which worried that India might push illegal rohingya refugees into their borders.

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Source: The Indian Express

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