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India Matters

India and Her Refugees: Understanding the Influx from Myanmar to India



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India's Refugee Policies

Upholding the principle of '*Vasidaiva Kutumbhakam*' (One World One Family) India has always taken pride in being a recipient of refugees from all across the world. Being neither a signatory of the UN Refugee Convention on the Status of Refugees 1951 nor its Optional Protocol, India has no legal accountability on the condition of refugees on its soil - other than being bound by customary international law which upholds the principle of 'non-refoulement' which pleads that no one fleeing for his life should be denied entry.

Borders are said to determine the validity and utility of a nation-state as drawing borders marks territories of nation-states and, as Samaddar had stated way back in 1999, it also fixes the illegality of migration. Those within the borders are the legitimate citizens of a state, while those outside are not. This fixation with borders was termed by Chimni as 'borderosis'. The obsession with borders was questioned by the global economy of the borderless world with technology and challenged by the increasing numbers of people 'voting with their feet' and crossing borders all over the world, both for fear of life and to make a better life.

The nation-state, migration and membership debate has always been a heated political one. When migrants and refugees demand rights they challenge the exclusive rights of citizens. When the nation-state draws its own borders closer, it leads to a lateral increase in the domain of the rights of migrants. International and national politics is perpetually trying to address these tensions. The Russia-Ukraine war has led to millions of people fleeing the violence and

spilling onto neighbouring countries. According to the UNHCR, as of December 6, 2022, nearly 7,832,493 refugees from Ukraine were recorded across Europe. Meanwhile, since the military coup at midnight on 12 February 2021 in the South-East Asian nation of Myanmar, Myanmarese refugees have also been seeking shelter across that country's right-hand side border into the north-eastern Indian states of Manipur and Mizoram. Over 4,600 Myanmarese individuals have approached UNHCR in Delhi for registration and refugee status determination since February 2021.

In the absence of any domestic law or policy applicable for refugees, unlike other non-signatory countries like Indonesia, refugees on Indian soil are governed under The Foreigners Act, 1946 – which means that India at any point in time can label a certain group of refugees as “illegal immigrants” or treat them as defaulters under this act and can also deport any “foreign citizen” based on the government's discretion (Bhalla, 2022). This grey zone muddles any approach to understand and address the unique vulnerabilities that refugees face as refugees are thus dealt with on a case-to-case basis, in a politically expedient manner. Besides, while the Indian government directly manages refugees arriving from its neighbouring countries, mostly from Tibet and Sri Lanka, the UNHCR has been mandated to provide documentation and determine refugee status for people arriving from non-neighbouring countries of India including Myanmar.

India and Refugees from Myanmar

During colonial times a large number of Indians moved to Burma for a better life and work. However, post-independence, Myanmar's volatile political conditions, ethnic conflicts, and military coups led to the mass out-migration of not just settled Indians but Myanmar nationals who fled military regimes and political crackdowns. Many ethnic minorities and tribal people also took refuge in India from 1988 onwards to escape poverty and persecution and mostly stayed in the north-eastern states on the other side of the India-Myanmar border. Gradually many also started moving to the northern part of India, to its capital city New Delhi. The pull was better job opportunities and having the UNHCR refugee card - the only form of identification to get access to work in the informal sector where income is low, unstable and there is little or no social security (Bhuyan, 2013). Myanmarese refugee women reported experiencing sexual harassment both within and outside the workplace by co-workers and locals (Nandi, 2014). This led to further marginalisation and spatial exclusion of refugee groups within urban city spaces like New Delhi (Field et al., 2020).

The most recent wave of refugees from Myanmar has arrived after the 2021 military coup in Myanmar. The National League for Democracy (NLD) led by Aung San Suu Kyi secured a landslide victory in the general elections in Myanmar in November 2020. However, on 1st February 2021, the military of Myanmar seized power after making claims of electoral fraud and voter irregularities, which the election observer organisations asserted to be completely

false (Domestic Election Observer Organizations, 2021). NLD's key leaders including Aung San Suu Kyi were detained on the morning of February 1st, 2021 after raids were carried out in their homes. Post this detainment the military declared Myanmar to be in a state of emergency for a year and handed over power to army chief Min Aung Hlaing (Reuters, 2021). In the north-western and western parts of Myanmar which lie close to the Indian border, the People's Defense Forces (PDF) which were created to protect the people from military violence, clashed with Myanmar's military (Ambarkhane & Gathia, 2022). Violence spread also to major cities in Myanmar like Mandalay and Yangon. Caught in the crossfire, people started fleeing to neighbouring Thailand and India to save themselves.

In the first wave, refugees mostly consisted of students, teachers, activists, anti-coup protesters, lawmakers, civil servants, and defected police and army personnel. The majority of refugees that have come into India, mainly through Manipur and Mizoram, in the past two years are ethnic Chins, Kachins and Karens. UNHCR estimates that 49,500 Myanmarese refugees entered India via Mizoram and Manipur from Myanmar in search of refuge between February 2021 to November 2022 (UNHCR, 2022). Unofficial numbers are higher. Mizoram, which shares a 510km long unfenced border with Myanmar, was the first state to receive refugees. Refugees, mainly from Chin-Kuki ethnic groups, also crossed over to Manipur. As winter draws in, civil society and faith-based groups taking care of these refugees have been sending out pleas for funding support. With the political situation inside Myanmar not being conducive for their return, thousands of Myanmarese refugees in north-east India are now dependent entirely for their lives and livelihoods on the state governments of Manipur and Mizoram. A compassionate policy and outlook towards them are what is expected of the Government of India too. How the geopolitics of this region play out in reality, only time can tell.

Bhuyan, A. (2013, November 15). "Delhi's Little Burma", *Business Standard*. Retrieved December 19, 2022, from https://www.business-standard.com/article/beyond-business/delhi-s-little-burma-113111400885_1.html

Domestic Election Observer Organizations. (2021, January 29). *Joint Statement by Domestic Election Observer Organizations*. PACE Myanmar. Retrieved December 19, 2022, from <https://www.pacemyanmar.org/mmobservers-statement-eng/>

Field, J., Tiwari, A. D., & Mookherjee, Y. (2020, March). "Self-reliance as a Concept and a Spatial Practice for Urban Refugees: Reflections from Delhi, India". *Journal of Refugee Studies*, 23(1), 167-188. <https://doi.org/10.1093/jrs/fez050>

Nandi, J. (2014, October 16). "Burmese refugees demand a life in Delhi", *Delhi News. Times of India*. Retrieved December 19, 2022, from <https://timesofindia.indiatimes.com/city/delhi/burmese-refugees-demand-a-life-in-delhi/articleshow/44831815.cms>

Reuters. (2021, February 1). "Myanmar Military Seizes Power, Detains Elected Leaders Including Aung San Suu Kyi", *The Wire*. Retrieved December 19, 2022, from <https://thewire.in/south-asia/myanmar-military-seizes-power-detains-elected-leader-aung-san-suu-kyi>

Samaddar, Ranabir (1999). *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications, New Delhi.

UNHCR Operational Data Portal, Ukraine Refugee Situation, <https://data.unhcr.org/en/situations/ukraine>, Accessed December 20, 2022.

UNHCR. (2022, June 16). *UNHCR: Global displacement hits another record, capping decade-long rising trend*. UNHCR. Retrieved December 12, 2022, from https://www.unhcr.org/news/press/2022/6/62a9d2b04/unhcr-global-displacement-hits-record-capping-decade-long-rising-trend.html#_ga=2.102246273.1808610557.1670760334-1085287283.1670071448

UNHCR. (2022, July 25). *Asia and the Pacific Regional Trends - Forced Displacement 2021*. UNHCR data portal. Retrieved December 12, 2022, from <https://data.unhcr.org/en/documents/details/94372>

UNHCR. (2022, November 16). *Myanmar Emergency Overview Map: Number of people displaced since Feb 2021 and remain displaced (as of 14 Nov 2022) - Myanmar*. ReliefWeb. Retrieved December 19, 2022, from <https://reliefweb.int/map/myanmar/myanmar-emergency-overview-map-number-people-displaced-feb-2021-and-remain-displaced-14-nov-2022>