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Post-Coup Myanmar and its Refugee Burden in India: Tales from New Delhi



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India is a non-signatory to international refugee protection laws, yet has consistently provided sanctuary to thousands of refugees since achieving independence in 1947. However, India lacks a domestic law or policy specifically addressing refugees whereby the latter fall under the purview of The Foreigners Act, 1946, originally intended for voluntary entrants – a categorically distinct group. This Act leaves no room to comprehend and respond to the specific challenges faced by refugees. Consequently, India can designate any group of refugees as "illegal immigrants" or treat them as defaulters under this act. Furthermore, it can deport any "foreign citizen" based on governmental discretion. The lack of appropriate legislation implies that India handles refugees arbitrarily, on a case-by-case basis, swayed by the prevailing political climate, the ruling political party's objectives, and socio-cultural factors.

The responsibilities concerning asylum seekers are divided between the Indian government and the UNHCR, with the former shouldering the majority of the load. While the Government of India (GoI) directly manages refugees from neighbouring states, primarily Tibet and Sri Lanka, the UNHCR is tasked with providing documentation and determining refugee status for arrivals from non-neighbouring countries, including Myanmar. Further complicating this issue is the fact that the GoI does not always acknowledge the UNHCR's refugee status determination and documentation, leaving educational institutions, hospitals, and other individual authorities to decide whether to recognise refugees at their discretion (Shanker and Vijayaraghavan, 2020).

Refugees from Myanmar reside in this grey area, which leads to substantial protection gaps and shapes the refugees' experiences. A long-standing history of migration exists between India and Myanmar (known as Burma during the colonial period). However, the influx of refugees from Myanmar to India following the 2021 coup has been met with indifference and resistance. India has cited national security concerns to impose stricter restrictions (UNHCR 2011), thereby jeopardising the fate of vulnerable refugee communities and persecuted groups from Myanmar, who had considered India a safe option for asylum (Khosla, 2022).

Seeking Asylum in India

Most of these Myanmarese refugees have settled in North Eastern India, particularly in the four states—Nagaland, Arunachal Pradesh, Mizoram, and Manipur—that share borders with Myanmar, and in Delhi, India's capital. The lengthy, porous 1643 km border with India facilitates the bidirectional movement of people (Egreteau, 2012). Given the lack of infrastructure, employment opportunities, and resources in the North East, refugee groups often migrate to Delhi, undertaking informal work to earn a living. Possessing only the UNHCR refugee card as identification restricts their access to the informal sector, where income is unstable, low, and devoid of substantial social security. Furthermore, they endure attacks and abuse within these confined spaces; women from refugee groups have reported instances of sexual harassment by colleagues and locals, both in and outside their workplace. This hostility contributes to the marginalisation and spatial exclusion of refugee groups within urban areas, like New Delhi (Field et al., 2020).

The aftermath of the coup witnessed an influx of refugees from Myanmar into India, with the first wave starting in March 2021. The refugees, primarily consisting of students, teachers, activists, anti-coup protesters, lawmakers, civil servants, and defected police and army personnel, sought solace in the North-Eastern region of India. The impact of the military operations was most severe in the Chin State, Sagaing, and Kachin, which were home to armed groups resisting the military junta, resulting in significant displacement from these areas (Bhattacharjee, 2022).

Mizoram, sharing a 510 km unfenced border with Myanmar, was the first state to welcome refugees, predominantly from the Chin-Kuki ethnic groups. Concurrently, refugees also crossed

over to Manipur via its 398 km-long border with Myanmar. On March 10, 2021, the Ministry of Home Affairs (MHA) of India dispatched two advisory letters to the North Eastern states of Nagaland, Arunachal Pradesh, Manipur, and Mizoram. These letters warned the states about a potential influx of refugees from Myanmar, clarifying that state governments and union territories had no power to grant refugee status to any foreigner entering India. The advisory stated that the state governments and union territories had no power to assign refugee status to any foreigner entering India; the country is not a signatory to the Refugee Convention 1951 or 1967 protocol, and as a result, has no obligation to provide asylum (Naqvi, 2021). The advisories also directed law enforcement agencies to identify and deport illegal immigrants.

Following these advisories, Manipur's government, led by the Bharatiya Janata Party (BJP), advised its Deputy Commissioners to deny shelter and food to refugees. Contradicting their previous stance, the government instructed authorities to politely turn away refugees at the border. This reversal came shortly after Myanmar's Ambassador to the United Nations appealed to the Government of India to provide refuge on humanitarian grounds. Community groups in Manipur, sharing ethnic identities and ancestry with the refugees, responded by offering food, shelter, and medical aid (Hangal & Sitlou, 2021).

Mizoram's Chief Minister, Zoramthanga, firmly rejected the Centre's advisory. He argued that the Chin community in Myanmar and Mizos shared ethnic ties and had maintained close relations since pre-independence, warranting their involvement in the crisis (Karmakar, 2021). In parliament, he urged the GoI to provide aid to help refugees during these critical times. Local NGOs, community groups, churches, international humanitarian organizations, and even some refugees coordinated to assist those entering Mizoram with shelter, food, and medical assistance. Mizoram's government started issuing temporary identity cards for refugees (Choudhury & Agarwala, 2022). The relief work and refugee aid in Mizoram and Manipur depended on donations, fundraisers, and funding from the Church.

The North Eastern states of India are already grappling with infrastructure inadequacies, such as insufficient roadways, hospitals, and colleges. The influx of refugees over the past two years has exacerbated these challenges, particularly in border regions lacking access to the existing infrastructure. Among the most pressing concerns is the shortage of medical assistance, compounded by the injured state of many refugees and substandard living conditions within refugee camps. NGOs and refugee doctors have set up camps to provide medical aid, but these services fall short in meeting the escalating demand. Linguistic barriers further hinder aid and resources access, with many refugees from China struggling to communicate in the local Mizo language (Sitlhou, 2022).

Myanmarese Refugees in Delhi

With the advent of the 2021 coup in Myanmar, the fear amongst the existing Myanmarese refugee community in New Delhi intensified. The total number of these refugees in Delhi is unknown, although the Burma Centre Delhi estimated in 2014 that over 8,000 registered refugees from Myanmar were residing there. This number has presumably increased since then, with a significant

portion belonging to the Rohingya community. By the end of 2021, the UNHCR registered over 22,000 refugees from Myanmar, including around 3200 Chin refugees (Rights and Risks Analysis Group, 2021). The Chin community, predominantly Christian, resides mainly in densely populated areas such as Vikaspuri, Chanakya Place, and Uttam Nagar.

Their living conditions are extremely poor, unhygienic, and inadequately maintained. These groups had trickled into India after the military takeover of 1989 and the saffron revolution in 2007. Most of them were working as farmers and laborers back in their country. Not being educated or skilled at other work has led them to struggle to earn a livelihood in the fast paced city of Delhi. The women have continued to face sexual harassment, abuse, discrimination, and racism by locals. Lacking knowledge about their legal rights and fear of the police has further prevented them from accessing justice mechanisms (Mullen, 2013).

The UNHCR Refugee Card has only allowed them to obtain residence. They have been unable to access work in the formal sector, making them more vulnerable. In 2018, the UNHCR had declared that it would stop recognising the Chin community living in India as refugees since they assumed it was safe for the community to return to Myanmar. This led to great outcry, since it meant that the UNHCR Refugee Cards would become invalid by the end of 2019, forcing the community to return to Myanmar, where they would continue to face persecution. The UNHCR reversed its decision after news of worsening peace and security situations in the Chin state of Myanmar emerged (UNHCR, 2019). The pandemic further exposed the vulnerable condition of the community where the government's prescribed list of documents required to get the vaccine, made no mention of the UNHCR refugee cards as a result excluding the vast refugee community from its vaccination programme (Colney, 2021).

News of the military coup in Myanmar added additional fear and stress to the Chin refugees living in Delhi. The coup, followed by socio-political turmoil, means that their return to their homeland remains uncertain and out of reach. Distressed by the dismal situation, the community has been staging protests in New Delhi since 2021 against the coup and detention of NLU leaders. They have urged action from the international community and from India to restore democracy in Myanmar (Krishnan, 2021). In May 2021, seven Myanmar nationals, including journalists, legislators and anti-coup activists were given passage from Manipur and Mizoram to New Delhi to appear before the UNHCR to seek refugee cards. This happened after the Manipur High Court gave its judgment, making a clear distinction between illegal migrants and refugees who have sought asylum to escape violence and persecution in their own countries. The court extended them interim protection under Article 21 of the Indian Constitution that guarantees right to life and liberty (Naqvi, 2021).

As conflict and violence rages on in Myanmar, the number of Myanmarese refugees entering Delhi are expected to increase and more and more refugees will start moving out of the North East in

search of work and sustenance. Till date, 5,092 individuals have approached UNHCR for registration in New Delhi, since February 2021 (UNHCR, 2023).

Accessing Basic Services

Housing - Salai Cung from Chin Human Rights Organisation (CHRO) in New Delhi, stated that housing is the most important basic service needed by individuals fleeing Myanmar. He stated, "People come here with nothing. The most important thing they need is a roof above their heads." The church and pastors in Delhi play a crucial role in providing housing to newly arriving refugees from Myanmar in West Delhi, as when they first arrive, they have no money to pay rent, but the community collects funds to support them. The sense of community kinship is pivotal in their daily life.

Food - After shelter, the second priority for refugees was access to food. While UNHCR provides significant ration support to those with UNHCR cards, many refugees complained that the rations were not sufficient for large families. The CRC Office also supplied staples like rice and oil. While international and non-governmental organisations (INGOs and NGOs) provide aid, it is the community that comes together to pool resources and ensure that no one goes hungry.

Healthcare - Accessing healthcare was a problematic issue, regardless of whether they had UNHCR cards. They have difficulties in accessing good quality private healthcare due to the lack of identity documents and financial constraints. The absence of proper identity cards also created a discriminatory approach from medical officials, who often refused to treat refugees. Insufficient infrastructure and physical accessibility were additional issues faced in government hospitals located far away.

Mental Health – Nearly all of them in Delhi talk about their family members suffering from psychological trauma and mental health issues. However, due to security concerns, seeking help from psychologists or therapists was not considered safe. Mental health issues often took a backseat compared to the immediate needs of shelter, food, and education. Financial constraints further limited their access to therapy.

Education - Although government schools in West Delhi and Sitapuri are welcoming to refugee children, language barriers and bullying by local students are reported. Despite all challenges, the refugee families prioritise education, and most of them receive help from their church or pastors to secure admission in government schools. Those with more financial resources enrol their children in private schools in the neighbourhood.

Conclusion

Thus what is seen is that in Delhi, the informal community protection system plays a significant role in assisting refugees. Respondents acknowledged that the first people to help them unconditionally were not the government or UNHCR but members of the church and the community, their own ethnic brothers and sisters who had been living in West Delhi for many years. Community leaders and church leaders worked to help newly arrived families find housing

and sources of income in the informal sector. Food rations were also provided by the community. The community's support was often quicker than that of UNHCR. The role of the church, in particular, was highlighted by the respondents.

Formal protection measures for recent refugee arrivals in Delhi came primarily from UNHCR and its associated NGOs and implementing partners like BOSCO. However, the waiting time for Refugee Status Determination (RSD) interviews and obtaining UNHCR identity cards was too long for the new refugees. UNHCR cards were crucial for the refugees as a means of formal protection, as they helped them stand out less as outsiders and facilitated access to healthcare. However, some refugees expressed concerns about the temporary under consideration certificate, feeling that it was not sufficient to build their lives and provide adequate protection. The value of formal protection provided by UNHCR cards was recognised, but refugees also emphasised the importance of looking towards their future and improving their lives. There is thus still a lot that can be done by the international protection regime, national and state governments, and civil society at large for the refugee community that is escaping violence in Myanmar.

References –

Bhattacharjee, K. (2022) 'Treat our people as refugees: Myanmar's democracy leader urges Government of India'. *The Hindu*. Available at <https://www.thehindu.com/news/national/treat-our-people-as-refugees-myanmars-democracy-leader-urges-government-of-india/article66227432.ece> (accessed December 20, 2022)

Choudhury, A., & Agarwala, T. (2022) 'How Mizoram has set up a de facto asylum regime for Myanmar refugees'. *The Indian Express*. Available at <https://indianexpress.com/article/opinion/columns/how-mizoram-has-set-up-de-facto-asylum-regime-for-myanmar-refugees-8189791/> (accessed December 20, 2022)

Egreteau, R. (2012) 'Burma in Diaspora: A Preliminary Research Note on the Politics of Burmese Diasporic Communities in Asia'. *Journal of Current Southeast Asian Affairs*, 31(2), 115-147.

Colney, K. (2021) 'How India and the UNHCR failed to provide healthcare and vaccination for Chin refugees'. *Caravan Magazine*. Available at <https://caravanmagazine.in/health/how-india-and-the-unhcr-failed-to-provide-healthcare-and-vaccination-for-chin-refugees> (accessed December 21, 2022)

Field, J., Tiwari, A. D., & Mookerjee, Y. (2020) 'Self-reliance as a Concept and a Spatial Practice for Urban Refugees: Reflections from Delhi, India'. *Journal of Refugee Studies*, 23(1), 167-188.

Hangal, N., & Sitlou, M. (2021) 'Manipuris Help Myanmar Refugees, Ignoring BJP Order To 'Politely' Turn Them Away — Article 14'. *Article 14*. Available at <https://article-14.com/post/manipuris-help-myanmar-refugees-ignoring-bjp-order-to-politely-turn-them-away> (accessed December 20, 2022).

Karmakar, S. (2021) 'Not acceptable to Mizoram: CM Zoramthanga writes to PM Modi on Myanmar refugees'. *Deccan Herald*. Available at <https://www.deccanherald.com/national/east-and-north-east/not-acceptable-to-mizoram-cm-zoramthanga-writes-to-pm-modi-on-myanmar-refugees-964309.html> (accessed December 20, 2022)

Khosla, M. (2022) 'The Geopolitics of India's Refugee Policy – South Asian Voices'. *South Asian Voices*. Available at <https://southasianvoices.org/the-geopolitics-of-indias-refugee-policy/> (accessed December 20, 2022)

<https://www.eastmojo.com/mizoram/2021/03/11/myanmar-dont-allow-migrants-to-cross-home-ministry-writes-to-border-states/> (accessed December 20, 2022)

Naqvi, S. (2021) 'Myanmar nationals given 'safe passage' to Delhi to seek UN refuge'. *Al Jazeera*. Available at <https://www.aljazeera.com/news/2021/5/4/myanmar-nationals-given-safe-passage-to-delhi-to-seek-un-refuge> (accessed December 20, 2022)

Rights and Risks Analysis Group. (2021) 'India : The Status of Refugees 2021'. *Rights and Risks Analysis Group*.

Samaddar, R. (2003) 'Refugees and the State: Practices of Asylum and Care in India, 1947-2000' (R. Samaddar, Ed.). *SAGE Publications*.

Shanker, R., & Vijayaraghavan, H. (2020, November 4). *Refugee recognition challenges in India*. Forced Migration Review. Retrieved May 17, 2023, from <https://www.fmreview.org/recognising-refugees/shanker-vijayaraghavan>

Sitlhou, M. (2022) 'On a remote Indian border, Myanmar's refugee doctors battle growing needs'. *The New Humanitarian*. Available at <https://www.thenewhumanitarian.org/news-feature/2022/09/07/Myanmar-India-border-refugee-health-crisis> (accessed December 20, 2022)

Sitlhou, M. (2022) 'Mizoram's predicament over Myanmar refugees'. *Mint Lounge*. Available at <https://lifestyle.livemint.com/news/big-story/mizorams-predicament-over-myanmar-refugees-111664461046718.html> (accessed December 19, 2022)

UNHCR. (2011). *India Report*. UNHCR. Retrieved December 14, 2022, from <https://www.unhcr.org/4cd96e919.pdf>

UNHCR. (2019, March 14). *UNHCR says ethnic Chin refugees may require continued international protection as security situation worsens in Myanmar*. UNHCR. Available at <https://www.unhcr.org/news/press/2019/3/5c8a31984/unhcr-says-ethnic-chin-refugees-require-continued-international-protection.html>

UNHCR. (2022) 'UNHCR: Global displacement hits another record, capping decade-long rising trend'. *UNHCR*. Available at 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 (accessed December 12, 2022)

UNHCR. (2022) 'Asia and the Pacific Regional Trends - Forced Displacement 2021'. *UNHCR data portal*. Available at <https://data.unhcr.org/en/documents/details/94372> (accessed December 20, 2022)

UNHCR. (2022) 'Myanmar Emergency Overview Map: Number of people displaced since Feb 2021 and remain displaced (as of 14 Nov 2022) - Myanmar'. *ReliefWeb*. Available at <https://reliefweb.int/map/myanmar/myanmar-emergency-overview-map-number-people-displaced-feb-2021-and-remain-displaced-14-nov-2022> (accessed December 18, 2022)

UNHCR. (2023). *Global Appeal 2023*. UNHCR Global Focus. Retrieved May 17, 2023, from <https://reporting.unhcr.org/globalappeal2023>