

## THE TRANSNATIONAL REFUGEES: ISSUES AND CHALLENGES

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### *Abstract*

*In present era, the refugees issue is a big problem throughout the world. They have been forced to leave their own State to seek asylum to another state for their peace of life. These people are denied at home essential liberties of life. So they leave from there and seeking asylum in another State to live and work in peace. The National and International agencies were designed to several documents to protect and improve the legal status of the refugees. Although the present mass displacement due to civil wars, gross violation of human right, low economic conditions, military occupations, have also been emphasized the urgent need to govern the problem of refugees. The crisis of refugees is International problem because of the involvement of two or more Nations in the sense that they run away from one state to another state .So this kind of problem cannot be resolved without International co-operation. The refugees are human beings, as a result they possess and enjoy some basic and inalienable rights and also they carry human dignity wherever they are and whatever the situations. As further protection, the host state have not returned aliens to their home State where there freedom or lives would be feared by generalized internal violence or gross violation of human rights. Hence the main object and aim of this paper specially analyses the existing legal system how to protect and preserve the legal status of refugees through the International instrument.*

**Keywords:** *Displacement, Asylum, International Agencies, Human Rights, Socio-Economic status*

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## INTRODUCTION

Today, Refugees issues are one of the main challenges of the World. That has been unchangeable and undeniable human rights. “We want to ensure that refugee rights are upheld everywhere and they have access to shelter, food and healthcare. This must continue. But we also want to create opportunities for education and livelihoods. This is what refugees want desperately.”<sup>1</sup> On 4 December 2000, the United Nation General Assembly decided that, from 2001, 20 June would be celebrated as World Refugee Day. In this resolution, the General Assembly noted that 2001 marked the 50<sup>th</sup> anniversary of the 1951 Convention relating to the status of refugees. In the course of our 67-year history, the massive challenges of forced displacement have led us to move beyond our primary role in protecting and assisting refugees and helping to solve refugee problems, into a broader engagement with people forcibly displaced outside their own countries. This crisis of refugees is International problem because of the involvement of two or more Nations in the sense that they run away from one state to another state .So this kind of problem cannot be resolved without International co-operation. The refugees are human beings, as a result they possess and enjoy some basic and inalienable rights and also they carry human dignity wherever they are and whatever the situations.

## NATURE AND SCOPE OF REFUGEE LAWS

A refugee is someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries.<sup>2</sup>

As per the article 1(A) (2) of the International Refugee Convention 1951, “the term ‘refugee’ shall apply to any person who, as a result of events occurring before 1 January 1951 and 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, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”. This meaning

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<sup>1</sup> Filippo Grandi, United Nations High Commissioner for Refugees, February 2016.

<sup>2</sup> For details see USA for UNCHR the UN Refugee Agency, Available at: <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/> (Accessed on January 29, 2018)

is give full boost to the Refugees. The main goal of this convention to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and protection accorded by such instruments by means of a new agreement, then another problem the grant of asylum may place unduly heavy burdens on certain countries, the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation, moreover the all States, resolving the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States.

## **INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF REFUGEES**

International Refugee Law, International Human Rights Law and International Humanitarian Law are considered complementary bodies of law, which possess a common objective to protection of lives, freedoms and dignity of human beings. International Refugee Law, in turn, arose during the twentieth century and aims to develop and implement mechanisms for the protection of forcibly displaced persons owing to well-founded fear of persecution<sup>3</sup>.

The refugee must be “outside” his or her country of origin, and the fact of having fled, of having crossed an international frontier, is an intrinsic part of the quality of refugee, understood in its ordinary sense. However, it is not necessary to have fled by reason of fear of persecution, or even actually to have been persecuted. The fear of persecution looks to the future, and can also emerge during an individual’s absence from their home country, for example, as a result of intervening political change.<sup>4</sup> At the same time, fear of persecution and lack of protection are themselves interrelated elements. The persecuted clearly do not enjoy the protection of their country of origin, while evidence of the lack of protection on either the internal or external level may create a presumption as to the likelihood of persecution and to the well-founded of any fear. However, there is no necessary linkage between persecution and Government authority.

## **UNITED NATION HIGH COMMISSIONER FOR REFUGEES**

The Convention requires that the persecution feared be for reasons of “race, religion, nationality, membership of a particular social group, or political opinion”. This language, which recalls the language of non-discrimination in the Universal Declaration of Human Rights and subsequent

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<sup>3</sup> The Universal Declaration of Human Rights, General Assembly resolution, 217 (III) of 10 Dec, 1948, Art.14

<sup>4</sup> For details see Audio visual Library of International Law, Available at: <http://legal.un.org/avl/ha/prsr/prsr.html> (Accessed on January 31,2018)

human rights instruments, gives an insight into the characteristics of individuals and groups which are considered relevant to refugee protection. Persecution for the stated reasons implies a violation of human rights of particular gravity; it may be the result of cumulative events or systemic mistreatment, but equally it could comprise a single act of torture. Persecution under the Convention is thus a complex of reasons, interests, and measures. The measures affect or are directed against groups or individuals for reasons of race, religion, nationality, membership of a particular social group, or political opinion. These reasons in turn show that the groups or individuals are identified by reference to a classification which ought to be irrelevant to the enjoyment of fundamental human rights. This instrument is give additional powers to the contracting state to implement Refugees legal regimes<sup>5</sup>.

## **REFUGEE STATUS DETERMINATION**

A vital part of being recognized as a refugee is Refugee Status Determination. This is the legal or administrative process by which governments or UNHCR determine whether a person seeking international protection is considered a refugee under international, regional or national law. States have the primary responsibility for determining the status of asylum-seekers, but UNHCR may do so where states are unable or unwilling<sup>6</sup>. In recent years, due to changes in volumes and patterns of forced displacement, the refugee agency has been required to conduct RSD in more countries than before and for a greater number of people.<sup>7</sup>

In 2015, UNHCR registered a record high of 203,200 individual asylum applications compared to 125,500 a year earlier, and this confirmed it as the second largest RSD body in the world. Four-fifths of individual asylum applications received by UNHCR were registered in only eight RSD operations. But because of the dramatic increase in applications in 2015, and despite improvements in its capacity, UNHCR's Refugee Status Determination backlog rose to a historical high of 252,800 applications pending decision. Such backlogs can in some situations have significant implications for the protection and assistance of people of concern. UNHCR continues to explore and implement measures to enhance the fairness, quality and efficiency of its RSD operations, and to identify alternatives to individual RSD for select groups of asylum-seekers. In parallel, UNHCR works with governments and other partners to build and strengthen the capacity of government RSD procedures. Despite such efforts, in 2017, UNHCR remained

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<sup>5</sup> Dr. H.O. Agarwal, *International Law & Human Rights*, Central Law Publication, 845 (16<sup>th</sup> Edn. 2009)

<sup>6</sup> UN Convention Relating to the Status of Refugees, Adopted 28 July 1951, Art.1 (A)(2).

<sup>7</sup> For details see UNHCR-Refugee Status Determination, Available at: <http://www.unhcr.org/refugee-status-determination.html> (Accessed on 2 February, 2018)

responsible for implementing the RSD procedure in more than 50 countries. In another 20 countries, UNHCR conducted RSD jointly with, or parallel to the government.

## **REFUGEES LEGAL STATUS IN INDIA**

India has signed neither the 1951 United Nations Refugee Convention nor its 1967 Protocol and has not enacted any domestic legislation in relating to Refugees<sup>8</sup>. However, India continues to host a large population of refugees. In the main, they are treated kindly. The refugee crisis arising from the Syrian conflict is only the latest reminder of the fact that India remains one of the few liberal democracies not to have signed, supported or ratified the international convention that governs how nations should treat distressed people who are forced to leave their homes under harrowing conditions.

Refugee crises may be caused by any number of reasons but the most common are war, domestic conflicts, natural disasters (famine), environmental displacement, human trafficking and this one will turn up at all our doorsteps soon climate change. Clearly, India has stood up and been counted when it comes to accepting refugees. It has one of the biggest refugee populations in South Asia. But it is precisely the large numbers that enjoin upon India the duty to enshrine in law how these refugees will be treated. In the absence of any domestic law or regional South Asian framework, India has desisted from taking its rightful regional leadership role in this increasingly critical matter.

Why won't India sign the Convention or the Protocol? The United Nations High Commissioner for Refugees won't officially say why, but the reasons are chiefly security-related. The line of argument is that borders in South Asia are extremely porous and any conflict can result in a mass movement of people. As a result, a strain on local infrastructure and resources in countries that is poorly equipped to deal with sudden spikes in population.

India is home to diverse groups of refugees, ranging from Buddhist Chakmas from the Chittagong Hill Tracts of Bangladesh, to Bhutanese from Nepal, Muslim Rohingyas from Myanmar and small populations from Somalia, Sudan and other sub Saharan African countries. According to the UNHCR, there were 204,600 refugees, asylum seekers and "others of concern" in India in 2011. They were made up of 13,200 people from Afghanistan, 16,300 from Myanmar, 2,100 from various other countries and the two older populations of around 100,000

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<sup>8</sup> Dr. H. O. Agarwal, *International Law & Human Rights*, Central Law Publication, p. 850 (16<sup>th</sup> Edn. 2009)

Tibetans and 73,000 Sri Lankan Tamils. The UNHCR financially assisted 31,600 of them. At the time, UNHCR played a stellar role in helping devise India's administrative response to the 9.8 million Hindu refugees who poured in from Bangladesh. It also helped to mobilize huge international finances to pay for Indian bills. And when it came to repatriation of the refugees, then again the UNHCR helped roll out an orderly return journey. But India was upset that the UNHCR began talking about the need for repatriation of refugees something India had emphasized from the very start of the Bangladesh crisis only in June 1971, just around the time Pakistani atrocities were causing millions more to flee to India. New Delhi felt talk of repatriation at that particular point in time gave the wrong signals to the world. Additionally, India was far from pleased by a visit to Bangladesh (then East Pakistan) by the UNHCR high commissioner, Sadruddin Agha Khan, on the invitation of Pakistani president Yahya Khan. This was seen as an endorsement of Pakistani propaganda that its eastern territory was normal. However, back in the late 1980s, and then following the assassination of Prime Minister Rajiv Gandhi in 1991, a large number of Sri Lankan Tamils were repatriated from camps in Tamil Nadu. There has never been any evidence this was forced repatriation, but some academics and refugee workers think it was a blot on India's record. Where problems have arisen in the absence of any policy framework on the treatment of refugees is when vulnerable refugees try to find work or when they are exploited by unscrupulous businessmen because they remain un integrated. In 1985, working as a reporter in India, I helped unearth a settlement of bonded laborers' in Tamil Nadu made up entirely of Sri Lankan Tamil refugees. They had been put to work in a vast rubber plantation located in a forest, around half-a-day's walk from the nearest bus stop in the scenic Western Ghats.<sup>9</sup>

In 2015, amid the biggest refugee crisis in the West since World War II, none of the reasons listed above justifies India's continuing refusal to sign the Refugee Convention. Prime Minister Narendra Modi is fond of quoting ancient Sanskrit sayings one of them is *Atithi Devo Bhava*.<sup>10</sup> Guests are like God.

## STATUS OF ROHINGYA REFUGEES IN INDIA

The government told Parliament on 9 August 2017 that more than 14,000 Rohingyas, registered

<sup>9</sup> *Why India won't sign Refugee treaty*, Available at: <http://www.livemint.com/Opinion/bePZQScFIq1wEWv9Tqt4QO/Why-India-wont-sign-Refugee-Treaty.html>

(Accessed on Feb 3, 2018)

<sup>10</sup> English: 'The guest is equivalent to God' is taken from an ancient Hindu scripture which became part of the 'code of conduct' for Hindu society.

with the UNHCR, are at present staying in India. However, activists estimate that around 40,000 Rohingyas are living in India illegally, mostly in Delhi-NCR, Jammu and Hyderabad and parts of Haryana, Uttar Pradesh and Rajasthan. Union minister of state for home Kiren Rijiju had earlier said the Rohingyas were illegal immigrants and stand to be deported.

The Supreme Court will hear a plea challenging the government's decision to deport illegal Rohingya Muslim immigrants back to Myanmar. Their future might well take another decisive turn Monday. The forced migration of Rohingyas from Myanmar has become a new refugee crisis for the international community. In the last two weeks, nearly 3, 00,000 of them have fled to Bangladesh from the new surge of violence in Myanmar's Rakhine state. Thousands of desperate civilians are trapped on the border for weeks without food and medicines as Bangladesh is unable to cope with this massive surge. Some of the Rohingyas are even opting to take dangerous boat journey across the Bay of Bengal to Southeast Asian countries. While the world is at loss how to respond to this large refugee flow, Narendra Modi government is planning to deport back a few thousands of Rohingyas, who are living in India and seeking asylum.

The Rohingyas are not only deprived of citizenship and right to vote, the Myanmar government has also imposed on them restrictions on whom and how to marry, number of children they can have and types of jobs they are allowed to. The institutionalized discrimination has led to widespread poverty among this minority population in a poor country like Myanmar. Moreover, this stateless group gets subjected to majoritarian wrath from time to time.

## **NEW CHALLENGES TO PROTECT THE REFUGEES IN INDIA**

In 2012, the Buddhist nationalists had violently attacked and killed nearly 300 Rohingyas after three Rohingya men had allegedly raped and killed a Buddhist woman. Since then attacks have been regular and large number of Rohingyas have forced to leave their home and migrate, which Human Rights Watch has described as 'ethnic cleansing'. This state aided majoritarian oppression has also led some Rohingyas to take up arms. The present refugee crisis has come up after massive retaliation by Myanmar army by brutally killing, torturing, and raping hundreds of civilian Rohingyas when a militant Rohingya organization, Arakan Rohingya Salvation Army launched a few attacks on police and an army post in August 2017. While the UN Refugee Agency, UNHCR says only 20,000 Rohingyas live in India, the Indian government puts this figure to 40,000. India is not a signatory to the 1951 Refugee Convention, but even under



the customary international law it is obligated to protect these refugees and not to send them back to a place where they face danger. However, India has been selective in taking refugees in the recent era. It is only allowing Tamil refugees from Sri Lanka, Hindus from Bangladesh and Pakistan and Tibetan Buddhists from China.<sup>11</sup>

According to UNHCR latest report of 2014, India accommodates 2, 03,383 population of concerned refugees including 4,718 pending cases of asylum seekers. Besides this, there is a vast number of people those have been already settled and provided accommodation in India due to various conflicts in neighboring countries. This variety of migrants spreads across as many as 40 odd origins which indeed is an example of India's tradition to welcome all in her heart and allow them to live happily.

India is a country that was born in the midst of one of the largest refugees flows in history and today, still sees mixed migration flows. Refugees, economic migrants and others cross borders every day in thousands. It is a new challenge for Government and UNHCR is to ensure that the rights of refugees and asylum seekers remain protected. Working closely with the Government of India, UNHCR strives to do this effectively.

India has a long tradition of receiving refugees that goes back centuries. In more recent times, the two largest groups of refugees in India, around 200, 000 Sri Lankan Tamils and Tibetans, are directly being assisted by the Government of India. UNHCR's urban operation is based in New Delhi with a smaller presence in Chennai that helps Sri Lankan refugees in Tamil Nadu voluntarily repatriate back to Sri Lanka. In the absence of a national legal framework for refugees, UNHCR conducts refugee status determination under its mandate for asylum seekers who approach the Office. The two largest groups of refugees recognized by UNHCR are Afghans and Myanmar nationals, but people from countries as diverse as Somalia and Iraq have also sought help from the Office. Many refugees can now apply for long term visas issued by the Government of India, based on UNHCR documentation. This includes the right to work in the private sector and access to education facilities in India. The Union Government and UNHCR also works with several NGOs are taking an essential role in the protection of refugees and asylum seekers.

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<sup>11</sup> For details see Ashok Swain, *Rohingya Refugees: India Should Not Pass the Buck To Muslim World By Adopting A False and Blinkered Narrative*, (Sep.10 2017, 10.30 am), Available at: <https://www.outlookindia.com/website/story/rohingya-refugees-india-should-not-pass-the-buck-to-muslim-world-by-adopting-a-f/301498>. (Accessed on January 29,2018)



Recently, the Union Government said it had evidence of terror links between some India-based Rohingya and extremist groups such as Islamic State. Met with condemnation abroad and embraced by right-wing nationalists at home, the deportation plan is currently being debated in India's Supreme Court. The world's biggest democracy has to "simultaneously contend with challenges in its relations with its two extremely significant and sensitive neighbors, Bangladesh and Myanmar, as well as with international human rights watchdogs," "India should show leadership by protecting the beleaguered community and calling on the Burmese government to end the repression and atrocities causing these people to leave,"<sup>12</sup> noting that New Delhi had a long record of helping vulnerable populations from neighboring countries, including Sri Lankans, Afghans and Tibetans. According to the office of the United Nations High Commissioner for Refugees, India had a refugee population of just over 2 laks by end of 2015. India has given shelter to Tibetans, Chakmas from Bangladesh, and refugees from Afghanistan, Sri Lanka<sup>13</sup>.

## **ROLE OF INDIAN JUDICIARY TO PROTECT THE REFUGEES**

In *Louis De Raedt v. Union of India*<sup>14</sup> the Supreme Court held that Art. 21 of the Constitution protect life and personal liberty to all persons, and therefore, aliens in India territory shall not be deprived of those rights except according to established by law. However, right to life and liberty does not include the right to settle and reside in this Country.

In *National Human Rights Commission v. State of Arunachal Pradesh*<sup>15</sup> the Supreme Court observed that the state is bound to protect the life and liberty of every human being, be he a citizen of India or otherwise, it cannot permit anybody or groups of persons to threaten Refugees to leave the state. A direction was given by the Supreme Court to the State to ensure the safety of 65,000 Chakma refugees in the light of "Quit India" threat notices served upon them by the All Arunachal Pradesh Students Union.

The principle of "non- refoulement", which prohibits expulsion of a refugee, who apprehends threat in his native country on account of his race, religion and political opinion, is required to be taken as part of the guarantee under Article 21 of the Constitution of India, as "non-

<sup>12</sup> Meenakshi Ganguly, South Asia director at Human Rights Watch,

<sup>13</sup> For details see Kanishka Singh ,The refugee crisis gripping Asia is make-or-break for Indian leadership(Sep.14 2017,5.30pm), Available at: <https://www.cnbc.com/2017/09/20/myanmars-refugee-crisis-is-a-test-for-india-and-narendra-modi.html> (Accessed on January 29,2018)

<sup>14</sup> (1991) 3 SCC 554

<sup>15</sup> AIR 1994 SC 1234

refoulement” affects or protects the life and liberty of a human being, irrespective of his nationality. This protection is available to a refugee but it must not be at the expense of national security<sup>16</sup>. On this principle, even those who are not citizens of this country and come here merely as tourists or in any other capacity will be entitled to the protection of their lives in accordance with the Constitutional provisions. They also have a right to “Life” in this country. Thus, they also have the right to live, so long as they are here, with human dignity. Just as the State is under an obligation to protect the life of every citizen in this country, so also the State is under an obligation to protect the life of the persons who are not citizens.

The Rights guaranteed under Part III of the Constitution are not absolute in terms. They are subject to reasonable restrictions and, therefore, in case of non- citizen also, those Rights will be available subject to such restrictions as may be imposed in the interest of the security of the State or other important considerations. Interest of the Nation and security of the State is supreme. Since 1948 when the Universal Declaration was adopted till this day, there have been many changes - political, social and economic while terrorism has disturbed the global scenario. Primacy of the interest of Nation and the security of State will have to be read into the Universal Declaration as also in every Article dealing with Fundamental Rights, including Article 21 of the Indian Constitution<sup>17</sup>. According to the tenor of the language used in Article 21 of the Constitution of India it will be available not only to citizen of this country but also to a person who may not be a citizen of the country.

The Madras High Court held that Article 21 of the Constitution of India and the International Convention or Treaty, as also the doctrine of Legitimate Expectations. The fact that India is not a signatory to the UN Refugee Convention of 1951 and 1967 is stated to make no difference. The prayer made is that Tamil refugees should be entitled to driving licensees, bank accounts, movable articles, educational rights and immovable properties<sup>18</sup>. The financial assistance scheme is also extended to the pregnant Sri Lankan Tamil refugee women and they are given Rs.1, 000 per month for six months. Integrated Child Development Scheme is also extended to the Sri Lankan Refugees. Free medical facilities are also given to the camp refugees. It has also been stated in the affidavit that public transport is arranged, opening of bank accounts for self-help group members is permitted, etc. Qua immovable property, the stand is the same as of the Union of India. It is submitted that the Government of India and the Government of Tamil Nadu,

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<sup>16</sup> *Dongh Lian Kham v. Union Of India* WP(CRL) No.1884/2015

<sup>17</sup> *Chairman, Railway Board v. Mrs. Chandrima Das* (2000) 2 SCC 465.

<sup>18</sup> *Gnanaprakasam v. The Government of Tamil Nadu*, decided on 8 October, 2014

take care of the Sri Lankan refugee Tamil people who were fled from Sri Lanka and seek asylum in our land. No Tamil Refugee is left deserted in the camps without food and shelter. Government endeavors to provide the refugees, a peaceful life in this country.

The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence<sup>19</sup>.

Under international law, refugees are individuals who are outside their country of nationality or habitual residence have a well-founded fear of persecution because of their race, religion, nationality, membership in a particular social group or political opinion and are unable or unwilling to avail themselves of the protection of that country, or to return there, for fear of persecution. A refugee is a person who seeks protection, assistance and safeguard of his/her rights. Refugee populations consist of people who are terrified and are away from familiar surroundings. There can be instances of exploitation at the hands of enforcement officials, citizens of the host country, and even United Nations peacekeepers. Instances of human rights violations, child labor, mental and physical trauma or torture, violence-related trauma, and sexual exploitation, especially of children, are not entirely unknown. It is high time that this Bill is see the light of the day and becomes a living document by being enacted. By doing so, lives of thousands of refugees in our country can be affected for their betterment, in as much as valuable rights can be conferred. Our commitment to adherence to international law can be fulfilled if we enact this law. The principle of non- refoulement is a cornerstone of basic human rights. By handing over a person to a nation where he fears persecution, would make us nothing short of abettors in that persecution.

## **SUSTAINABLE DEVELOPMENT GOALS OF UNHCR**

Facilitating long term solutions for refugees is part of UNHCR's global mandate. Solutions include the voluntary repatriation of refugees who wish to return to their country in safety and dignity, or where possible, the local integration of refugees who wish to remain in India and

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<sup>19</sup> *Harinder Kaur v. Union of India*, decided on 25 September, 2012

qualify for Indian citizenship under national laws. In addition, UNHCR submits the cases of a few refugees with particularly compelling protection needs for resettlement to a third country<sup>20</sup>.

*Voluntary repatriation* may be one solution for refugees who have made the brave decision to return home. Together with the country of origin and international community, UNHCR strives to facilitate their choice through ‘go-and-see’ visits, education, legal aid, and family reunification. Our efforts have helped hundreds of thousands of people to return home to countries like Angola and Somalia. For those who cannot return, either because of continued conflict, wars or persecution, resettlement in another country is one alternative. To aid this process, we provide cultural orientation, language and vocational training, as well as access to education and employment. However, of the 14.4 million refugees of concern to UNHCR around the world, less than one per cent is submitted for resettlement. Another alternative for those who are unable to return home is integration within the host community. This is often a complex process which places considerable demands on both the individual and the receiving society. However, it also has benefits, allowing refugees to contribute socially and economically. Over the past decade, 1.1 million refugees around the world have become citizens in their country of asylum.

The 2030 Agenda and its place emphasis on including marginalized groups in all development plans, “to leave no-one behind”, and provides UNHCR and others with a wider range of opportunities when seeking both durable solutions. UNHCR will engage regularly with refugees, including through focus group discussions, to gain their perspective on possible solutions, such as through voluntary repatriation and re-integration, and to plan accordingly. In 2018, UNHCR will improve its resettlement process to ensure it is efficient, robust and meets today’s protection needs and global resettlement opportunities. The Office will work with States and other partners to test ways of improving the resettlement process as part of its resettlement innovation project. The organization anticipates that the implementation of a new policy on preventing and responding to fraud committed by people of concern will help to improve the integrity of processes, including resettlement.<sup>21</sup>

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<sup>20</sup> For details see Kigge Hvid, *Addressing the Challenge of Refugees and Migrants*, Available at: <http://designtoimprovelife.dk/new-goal-refugees-and-migrants/html> (Accessed on Jan 27, 2017)

<sup>21</sup> For details see UNHCR, *GlobalAppeal2018-2019, Building Better Futures*, 176, Available at: <http://www.unhcr.org/publications/fundraising/5a0c02ab7/unhcr-global-appeal-2018-2019-building-better-futures.html> (Accessed on Jan. 27, 2017)

Advocating for returnees and areas of return to be included in national development planning processes remains a priority for UNHCR in 2018. The organization will work closely with a range of actors, including national authorities, to support returnees participation in conflict resolution mechanisms, transitional justice initiatives, land restitution programmes and their inclusion in any programmes involving education, healthcare, livelihoods, civil registration and infrastructure. Despite a high number of returns in 2016, UNHCR is concerned that returns will not be sustainable given the conditions in some return locations. The Office will therefore establish or maintain mechanisms to observe the challenges returnees may be facing, sharing relevant information with others considering repatriation. By engaging with them from the outset, UNHCR safeguards the element of free choice in refugees' decision-making process, leading to more sustainable re-integration.

The goal is that people of concern secure a durable solution that grants them the same opportunities and rights as those they live among. This process will ideally culminate in the acquisition of nationality. Throughout 2018, UNHCR will continue building relationships with governments, civil society and other concerned parties in order to improve national services and systems and will continue to advocating greater access and inclusion of people of concern in these systems and services. UNHCR will strengthen its collaboration, particularly with UNDP, to better support host country authorities as their populations grow and they need to manage more complex service provision systems. It will help promoting the inclusion of people of concern to UNHCR in national development plans through improved linkages with national and UN development mechanisms using the commitment of the Sustainable Development Goals.

## **CONCLUSION**

The National and International legal regimes are an important role to protecting the refugees. But India doesn't have any law dealing with refugees. An utterly humanitarian matter like the 'refugees' has come to be influenced by considerations of national security or relations between countries. In the past five years, three separate private member bills seeking amendments to the Citizenship law have been introduced in the Parliament but none of them have seen the light of the day. Moreover, the Protection of refugees is a big phenomenon throughout the World. The contracting states are provided many facilities to the Refugees in associated with the UNHCR and also solved many problems regarding their residence, food, and other fundamental requirements. Even though our Constitution guaranteed certain rights under Article 14, 20, 21 and 22 have to protect the Refugees. Further, International Refugee Convention and its protocol

have laid down a number of rights to refugees but they are not sufficient to them. Therefore the International agency should compel to the members state to an implement refugee regimes. And it is also desirable that National legislation is enacted to protect human rights of Refugees.