

HUMAN RIGHTS OF REFUGEES IN SOUTH ASIA: A STUDY

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“We can’t deter people fleeing for their lives. They will come. The choice we have is how well we manage their arrival, and how humanely.”

-UN Secretary-General António Guterres

Abstract

South Asia is home to one of the world's highest concentrations of refugees, but none of the South Asian countries other than Afghanistan have ratified the 1951 Convention or its 1967 Protocol. India, Pakistan, and Bangladesh are members of the Executive Committee of the United Nations High Commissioner for Refugees. This paper discusses the lack of a regional framework among South Asian countries in dealing with the refugee problem and the reasons for their apathy in not acceding to the Refugee Convention. Additionally, it studies the refugee movements and their influx since 1947 in this region and the steps taken by UNHCR in providing durable solutions to the problems of refugees.

Keywords: UDHR, Refugees, UNHCR, Refugees Conventions, South Asia

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INTRODUCTION

Every State is under an obligation to protect its citizens against violation of their human rights. However, when a State fails to protect these basic rights, individuals may be compelled to leave their home and their families to seek refuge in some other country. In such circumstances, it is incumbent upon the international community to step in and provide help to these vulnerable groups, whereas nations that are parties to the Refugee Convention ought to protect refugees on their territory in consonance with international norms. Even though the rules of the 1951 Refugee Convention are not applicable to non-signatories¹, the principle of non-refoulement² (which forms part of jus cogens principle³) prohibits the states from forcing refugees to return to their home country where their life or liberty is in jeopardy.

When we trace the development of law on refugees, Universal Declaration on Human Rights (UDHR), 1948 can be given credit for being the first law to declare and protect rights of refugees in an explicit manner. Thereafter, various other international and regional instruments protecting the rights of refugees were signed. Article 14(1) of the Universal Declaration of Human Rights, 1948 states that everyone has the right to seek and enjoy in other countries asylum from persecution, Article 6 of International Covenant on Civil and Political Rights, 1966 (ICCPR) declares that everyone has an inherent right to life, Article 22 (7) of the American Convention on Human Rights, 1969 grants right to asylum in foreign territory, and Article 12(3) of

¹ States that are not parties to the 1951 Refugee Convention in South and Southeast Asia include India, Bangladesh, Pakistan, Sri Lanka, Malaysia, and Indonesia.

² The principle of non-refoulement is enshrined in Article 33 of the refugee convention. Because of its widespread practice, it is now considered as a customary principle of international Law.

³ Principles which are norms of international law due to widespread practice.

African Charter on Human Rights, 1981 declares that everyone shall have the right when persecuted to seek and obtain asylum in another country in accordance with the law of that country and International conventions. However, the most significant and fundamental law on refugees is the 1951 Refugee Convention⁴ adopted by General Assembly resolution 429 (V) of 14 December 1950 and its 1967 Protocol. According to Article 1 of the Convention, Refugee is defined as a person who, “owing to a 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 or habitual residence.” The Convention enunciates the rights and obligations of States that have ratified it. The UNHCR serves as the guardian and complements the work of States in protecting rights of refugees. The 1951 Refugee Convention was a precursor to the signing of various other regional instruments, including the 1969 Organization of African Unity (OAU) Refugee Convention in Africa, the 1984 Cartagena Declaration in Latin America.⁵

South Asia consists of eight countries as per the South Asian Association for Regional Cooperation (SAARC). These include India, Pakistan, Nepal, Bhutan, Afghanistan, Sri Lanka, Bangladesh, and Maldives. South Asia has hosted one of the maximum numbers of refugee population throughout the

⁴ Convention relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (1951 Convention); Protocol relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 (1967 Protocol).

⁵ The Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa is a treaty governing refugee protection in the continent of Africa and ratified by 46 of 55 member states of African Union. The Cartagena Declaration on Refugees was adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama on November 22, 1984. The declaration is a non-binding agreement but has been incorporated in refugee law in various countries.

world. Six different factors have been stated as “being the root causes of refugee generation, ranging from the fight for political independence, human rights violation including social discrimination and de-citizenship, economic alienation including poverty, forced colonization and landlessness, religious persecution, cultural discrimination and population transfer, Environmental dislocation by high dam projects, deforestation, desertification and natural disasters, to armed conflicts and violence.”⁶ In all these factors, one cannot overlook the role of the State in generating refugees in South Asia. “A refugee observer in South Asia supports this idea that the state system is at the root of refugee generation and notes that the upsurge in refugee flow in the post-cold war era...was primarily caused by nation states induced factors, such as the state repression for political or ethnic reasons or failure of the state to provide economic, social and environmental sense of security to the people.”⁷

None of the South Asian countries, other than Afghanistan are parties to the 1951 Convention or its 1967 Protocol which is a clear indication of reluctance on the part of South Asian nations to be bound by international standards laid down for refugees. Even SAARC, which is a regional organization of South Asian countries, failed to discuss the concerns of refugees in any of its meetings. These nations wrongly perceive the Refugee Convention as inappropriate and not applicable within the South Asian context because their refugee scenario has distinct characteristics in comparison to other nations.

⁶ Mahendra P Lama, “Managing Refugees in South Asia,” RMMRU Occasional Paper Series (4), Dhaka, 7 (2000)

⁷ Bhumitra Chakma, “Refugees: The Experience in Bangladesh,” in Joshva Raja (Ed.), *Refugees and their Right to Communicate: South Asian Perspectives*, Bangalore: United Theological College 64 (2003)

RIGHTS OF REFUGEES

Every State ought to protect the human rights of its citizens. Those persons or groups who flee their own countries seeking refuge or shelter in other countries do so precisely because their human rights are susceptible to abuse in the country they are residing. When a State fails to protect the human rights of its own citizens due to discrimination or political reasons, the international community has to step in to take charge and grant protection to the refugees who have been forced to leave their countries. Even though, it is the discretion of the State to decide whether to permit an alien to stay on its land, this prerogative must be in consonance with the international obligations binding upon the State. Rather than making the problem of refugees a political issue, the government should consider it on humanitarian grounds to avert the possibility of refugees being subjected to religion-induced hatred and violence.

Many South Asian countries have concluded bilateral agreements, which include the Repatriation agreement on Rohingyas between Myanmar and Bangladesh⁸, an agreement on Chakma refugees between India and Bangladesh⁹, and an agreement for protecting Afghan refugees signed in 1993 between Pakistan and Afghanistan.¹⁰ These countries have dealt with

⁸ On November 23, 2017, Bangladesh and Myanmar signed a repatriation agreement. However, the two sides had not agreed on a concrete process of repatriation or on a deadline for completion of the repatriation. The contents of the agreement were not disclosed. Two subsequent repatriation attempts in November, 2018 and August, 2019 failed.

⁹ In 1997, the Chittagong Hill Tracts peace accord was signed. The Bangladeshi government agreed to take back the Chakma refugees in Tripura and rehabilitate them.

¹⁰ Afghan Peace Accord signed on 7th March 1993 between State of Afghanistan, Pakistan and United Nations High Commissioner For Refugees for facilitating voluntary repatriation and reintegration of Afghan refugees in the country of origin.

refugee problems under bilateral and ad hoc arrangements which most of the time hinders the compliance of human rights standards applicable to all nations. This manner of ad hoc treatment of refugees leads to discrimination based on religious and ethnic grounds. While some may be bestowed with favorable treatment, others may be neglected and left to fend for themselves. One such illustration is the manner in which Tamil Refugees from Sri Lanka have been accorded adverse treatment on the grounds of religion.¹¹ In the Citizenship Amendment Act, 2019 (CAA) drafted by the Indian government, the Tamilian refugees who are predominantly Muslims have been excluded from the ambit of the Act, and this provision has been challenged before the Supreme Court as being manifestly arbitrary and discriminatory.¹² On the other hand, Tibetan refugees in India have enjoyed favorable treatment by the government. This explains the lacunae of the ad hoc system for handling the refugee crisis and the clear need for a regional framework for the same. Such discrimination by these countries on religious grounds has provided an impetus to the violation of human rights. These refugees from religious minorities are considered a threat to the internal security and stability of nations where they are seeking refuge from persecution persisting in their own country.

It is imperative that South Asian nations develop a regional framework by involving non-governmental organizations (NGOs), civil society organizations (CSOs), academia, governments, and other stakeholders in the process of researching and formulating policies to protect all classes of refugees keeping in mind the regional peculiarities. A regional regime has

¹¹ Citizenship Amendment Act 2019 has excluded Tamil refugees from Sri Lanka who are Muslims from the ambit of the Act.

¹² DMK filed affidavit in November 2022 in Supreme Court challenging CAA, 2019 as arbitrary (Deccan Chronicle, 30th November 2022).

advantages vis-a-vis a national legislation in terms of depoliticizing the gesture of granting asylum as it increases burden sharing among states within the region and provides accountability with respect to the acts of the administration. Once the refugee situation is depoliticized, there is a lesser chance of any conflict between the country of origin and the refugee hosting country as both sides can reach an amicable solution to their problem.

Some of the regional initiatives undertaken by the South Asian States include their participation in Asian African Legal Consultative Organization (AALCO), which meets every year to discuss issues affecting their region and more over refugee problem has been on its agenda since its inception. Other initiatives include membership of India, Bangladesh and Pakistan in the Ex. Com of the UNHCR, Informal Consultations on Refugee and Migratory Movements held in 1994 in Geneva by South Asian countries, rights granted to aliens by most of these countries in their Constitution, recognition of such rights in favor of refugees by the judiciary in these countries, and the role of media in disseminating awareness on refugee rights are illustrative of a consensus being built in favor of a specific regime on refugees.

REFUGEE MOVEMENT IN SOUTH ASIA POST 1947

Refugees constitute the most vulnerable section in the world. Both the World Wars resulted in massive displacement of population from their nation State with people seeking refuge in other countries. This resulted in international community drafting agreements and laws for providing adequate treatment and protecting the basic human rights of refugees. “South Asia is home to over 2.5 million refugees (75,927 in Afghanistan,

932,209 in Bangladesh, 197,122 in India, 21,467 in Nepal, 1,393,132 in Pakistan, and 820 in Sri Lanka).¹³ This poses unprecedented challenges to a region ill-equipped to deal with the contemporary refugee crisis.”¹⁴ Pakistan has hosted a large number of Afghan refugees since the Russian invasion of Afghanistan in 1979, whereas Nepal, being such a small country, has hosted refugees from Bhutan and Tibet.¹⁵ From the time Bangladesh was established as a nation in 1971, ‘Urdu Speaking Biharis’ have taken refuge there.¹⁶ Besides a little over 671,000 Rohingya refugees have arrived in Bangladesh since August 2017 and continue to arrive, although the government has refused to recognize them.¹⁷ India has been a host to many refugee communities, however, it does not produce refugees. The reason for the same could be because India has a federal set up where States have been given a lot of independence and each State has a pluralistic culture thereby accommodating other ethnic groups.

A cursory observation on refugee movements in the South Asian region reveals that they were a result of State persecution, state repression, or failure of the State to protect the rights of its citizens. The most prominent amongst these was the 1947 Partition by the British, which established India and Pakistan as two independent nations and led to large-scale displacement of population from both countries. The population comprising Hindus were inclined to move to India, and the Muslims gravitated towards East and

¹³ Nafees Ahmad, “Options for Protecting Refugees in South Asia” Available at: <https://harvardilj.org/2019/09/options-for-protecting-refugees-in-south-asia/> (last visited on: 15.11.2022)

¹⁴ Ibid.

¹⁵ Louie Albert, S. J., Stan Fernandes, S. J., & D’Sami, B. “Asia Refugees: in South Asia: Issues and Concerns” *Migratory Flows at the Borders of Our World*, 276.

¹⁶ Ibid at 278

¹⁷ Ibid

West Pakistan. However, those people who were called refugees, migrants, and displaced persons were given permanent status in their respective territories by their governments. “The Chakma refugees, the tribal groups of Chittagong Hill Tracts (CHT) consisting of Chakmas, Murangs, and Tripuras migrated to the territories of Assam, Tripura, Arunachal Pradesh, Mizoram, and Meghalaya after the partition in 1947.¹⁸ During 1963, about 45,000 Chakmas fled to India from East Pakistan as victims of the Kaptai Hydro-electric project that inundated their homelands.”¹⁹ Another refugee influx took place in the year 1959 after Dalai Lama, along with his multitude of followers, fled Tibet and sought political asylum in India.²⁰ The government of India granted asylum to the Tibetans on humanitarian grounds providing them with basic living conditions and assistance, which resulted in animosity from the Chinese government. It is significant to mention here the UNHCR, with the aid of the Indian government, gave recognition to the Tibetans in exile as refugees and expedited their resettlement by involving them in traditional handicraft skilled work.

Another major refugee influx took place from the nation of Sri Lanka. “Due to the civil war in Sri Lanka in 1983 between the Sinhalese majority community and the Tamil minority, the Tamils fled to India in tiny boats from the northern tip of Sri Lanka. During the first wave, from 1983 to 1987, 134,053 Tamil refugees were reported to have come to India.”²¹ “Following Sri Lanka and India's 1987 Accord, which sought to create an agreement between the two warring communities, the Indian government

¹⁸ V. Vijayakumar, “A Critical Analysis of Refugee Protection in South Asia” Vol. 19, *Canada's Journal on Refugees* 9 (2001)

¹⁹ Ibid at 9

²⁰ Ibid

²¹ South Asia Human Rights Documentation Centre, *Sri Lankan Tamil Refugees in Tamil Nadu Camps-Valuntary Repatriation or Subtle Refoulement* (New Delhi: SAHRDC, 1996).

repatriated 25,885 Tamil refugees from 1987 to 1989.”²² “India had to stop the repatriation program in 1989 when its shores were flooded once again with a refugee wave fleeing Sri Lankan violence. During this second phase of Tamil flight in search of a haven, from 1989 to 1991, 122,037 Tamil refugees reportedly reached India but 113,298 of them are still currently held in 298 camps along the coastal Indian states of Tamil Nadu and Orissa.”²³ The refugee movement from Sri Lanka persists unabated even today. The condition of Sri Lankan Tamil refugees has remained precarious, which has been a source of conflict between government of India and Sri Lanka. The majority population of Sri Lankan refugees prefers resettlement in a third country rather than repatriation to their home country. Another refugee constituting group in South Asia is the Bhutanese who fled to Nepal. Worried that the growing ethnic Nepali minority threatened the culture and political dominance of the majority Drukpa people, the government adopted a “One Nation, One People” policy in the 1980s.²⁴ In the early 1900’s, “about 125,000 Bhutanese of Nepali origin were forced to leave Bhutan by the actions taken by the Government of Bhutan including the passing of the Citizenship Act. These people are now settled in about 7 camps in Southern Nepal. India also hosts some of them.”²⁵

Post-independence of Myanmar (earlier Burma) in 1948 by the British, many Indian origin residents were forced to return to India as refugees.²⁶

²² Ibid

²³ Ibid

²⁴ Erika Schultz, “Bhutanese refugee crisis: a brief history” The Seattle Times, October 14, 2016

²⁵ The World Refugee Survey, 2000, U.S Committee for Refugees at 3 indicates that 110,000 Bhutanese are in Nepal while India hosts 15,000.

²⁶ V. Vijayakumar, “A Critical Analysis of Refugee Protection in South Asia” Vol. 19, *Canada’s Journal on Refugees* 9 (2001)

Similar situation occurred in 1962 when the army staged a coup and put an end to democracy resulting in migration by many groups.

When the nation of Pakistan was created in 1947, it comprised of Muslim population in Western Pakistan, and Bengali population in Eastern Pakistan, and these two parts were physically separated by India. In addition, the country was governed by the rulers in West Pakistan, thereby causing resentment among the Bengali community in East Pakistan. Soon thereafter, this resentment led to the division of the two nations in 1971, resulting in a mass refugee exodus to India. Within a span of one month, nearly one million refugees fled the military repression in East Pakistan and made their way into India, and by the end of May, 1971 the average daily influx into India was over 100,000 and had reached a total of almost four million²⁷ By the end of 1971, as per the data given by the Indian government to the United Nation, the total refugee influx into India had reached about 10 million.²⁸ The government of India was not in a position to accommodate such large numbers of refugees but due to pressure from international community, they were left with no other alternative and had housed most of these refugees into camps at the borders.

Recently, the Mizoram government in India is preparing for the influx of more refugees from Bangladesh after the State Cabinet agreed to provide food and shelter to Kuki-Chin-Mizo refugees who have crossed the international borders of India, Bangladesh, and Myanmar.²⁹ The refugee influx began after clashes broke out between the Kuki-Chin National Army,

²⁷ Rupture in South Asia, Available at: <https://www.unhcr.org/3ebf9bab0.pdf> (last visited on 02.02.2023)

²⁸ Ibid

²⁹ Esha Roy, "Mizoram expecting more Kuki tribal 'asylum seekers' from Bangladesh" The Indian Express, November 28, 2022

the armed wing of the Kuki-Chin National Front, and Bangladesh's Rapid Action Battalion, in the Bandarban region of Chittagong Hill Tracts, an area populated by Bawn tribe.³⁰ The refugees had fled to escape being caught in the crossfire. This is the second influx of refugees from a neighboring country, after an earlier exodus of refugees, also of Kuki-Chin ethnicity from Myanmar last year in the wake of a coup by the military junta in Myanmar and the resulting conflict between the junta and various resistance groups.³¹

REASONS FOR NON-RATIFICATION OF REFUGEE CONVENTION

It is believed that a regulatory framework on refugees cognizant of human rights objectives would not only acknowledge a nation's security issue but would also respect the concerns of refugees and migrant populations. Despite these advantages, none of the South Asian countries other than Afghanistan have ratified the Refugee Convention or its 1967 Protocol. This apathy can be attributed to their belief that the refugee convention does not reflect the realities of developing countries with respect to mass exodus of refugees. They believe that the definition given to the term refugee is very restricted (for instance, the term does not include climate refugees) and reflective of the European context and is inapplicable to the South Asian milieu. Also, according to them, most of these contentious issues can be best resolved bilaterally rather than by resorting to a legal framework. None of these countries want to be subjected to the interventionist approach that may be adopted by the United Nations in handling the refugee concern. The South Asian nations also apprehend that they would be under intense

³⁰ Ibid

³¹ Ibid

scrutiny from the international community and would be subjected to additional burdens and obligations that the Refugee Convention and its Protocol entail. The ratification would have financial implications on them as well.

The primary reasons that India cited for not acceding to the 1951 Refugee Convention were that the Convention was only meant to help the cold-war refugees from communist countries who were seeking refuge in western democratic countries and that the Convention has lost its importance in the current scenario and failed to address the current refugee situation and problems. India cited that the Convention couldn't be applied to circumstances of developing countries that are experiencing mass and mixed flow of refugees. Also, the signing of the Convention will not put India in a better position than it already was with respect to protecting and securing the rights of refugees.³² Pakistan cited that being a developing country, it has very limited resources, and the signing of the Refugee Convention would entail additional obligations, which it cannot fulfill, keeping in mind its economic condition.³³

Additionally, the 1951 Convention dealt with civil and political rights of refugees and overlooked the significance of their economic, social, and cultural rights. These countries allege that even those countries that have ratified the Convention have not implemented the provisions effectively, and therefore, no benefit accrues from adopting the same. The current scenario is that the countries that signed the 1951 Convention have endorsed strict immigration policies. Therefore, those who seek asylum are

³² Narayan Sharma, "Refugee Situation in South Asia: Need of A Regional Mechanism" *Kathmandu Law Review* Vol. 1 No.1 2000, p.87

³³ *Ibid*

consequently being sent to detention centers. However, it is not out of context to state that some nations that have acceded to the Refugee Convention have adopted better policies and norms for protecting the rights of refugees.

ROLE OF UNHCR

United Nations High Commissioner for Refugees (UNHCR) was initially constituted for a period of three years with the objective of providing help to millions of Europeans who were forced to flee their country after the Second World War. However, the organization continues to exist till today, rendering help to millions of refugees across the world. The UNHCR has established its offices in the South Asian nations even though none of these countries have ratified the 1951 Convention or its protocol. It has been instrumental in providing lasting solutions to the problem of refugees. In cases where solutions have not been provided, UNHCR has made efforts to protect the rights of refugees and especially the weaker sections. One such illustration is in respect of the Bhutan refugees taking shelter in Nepal. The UN High Commissioner for Refugees in the year 2000 visited both the countries of Bhutan and Nepal, which culminated into the signing of agreements on various issues though there was some disagreement regarding the definition of 'family unit, serving as the yardstick for verification of refugees before repatriation. Pending a solution on this subject, UNHCR has continued to aid the Bhutanese refugees in their camps. In the year 2010, the government of Nepal, supporting UNHCR's proposals, carried into effect a strategy named, the Community Based Development Programme to provide rehabilitation and consolidation of its

refugees.³⁴ In the case of Tibetan Refugees sheltered in India, UNHCR has provided them with vocational training through its office established in India in the year 1969.

In another major refugee influx, which took place in 1979 after the Soviet invasion of Afghanistan, UNHCR assisted in the repatriation of many Afghans who had taken shelter in Pakistan.³⁵ “In fact, the repatriation process of Afghans returning to their country from Pakistan has been one of the largest in the world.”³⁶ The office of UNHCR deserves credit for working with the government of Pakistan to provide relief and rehabilitation to one of the largest refugee populations. It prepared the census in 2005 of Afghans who were taking shelter in Pakistan along with undertaking a nationwide registration between 2006 and 2007, which provided the much-needed data to cope with the refugee problem.³⁷ UNHCR has, with the assistance of Myanmar government played a significant role in implementing quick impact projects for ameliorating the conditions of all sections of persons inhabiting the Rakhine State and advancing social solidarity between them in order to facilitate the voluntary return of refugees.³⁸ UNHCR has facilitated reintegration efforts and engaged in a dialogue with the authorities in Myanmar with respect to issues affecting the

³⁴ Louie Albert, S. J., Stan Fernandes, S. J., & D’Sami, B. “Asia Refugees: in South Asia: Issues and Concerns” *Migratory Flows at the Borders of Our World*, 278

³⁵ *Ibid* at 277

³⁶ *Ibid* at 275

³⁷ Nasreen Ghufra, “The Role of UNHCR and Afghan Refugees in Pakistan” *Strategic Analysis*, Vol.35, No.6 (2011), p.945

³⁸ “UNHCR Statement on Voluntary Repatriation to Myanmar” available on <https://www.unhcr.org/news/press/2019/8/5d5e720a4/unhcr-statement-voluntary-repatriation-myanmar> (last visited on 31.12.2022)

Muslim population in Northern Rakhine State.³⁹ Most of the discussions laid emphasis on the issue of compulsory labour as well as contributions, which adversely impact the stability of returnee populations.

Despite the security problems which persisted in parts of Afghanistan, “almost half a million refugees and over 80,000 internally displaced persons returned to their homes with the help of UNHCR and its partners. By year’s end, over three million persons had received assistance to return home since December 2001.”⁴⁰

The office of UNHCR has contributed to fast-tracking the process of vulnerable cases, including those of children, rape victims, determination of gender-sensitive refugees and providing impetus in securing enrolment of children in schools.

CONCLUSION

South Asian countries have come under severe criticism for not formulating a law on refugees, which is a grave challenge facing all nations. Though there has been some development toward establishing a refugee protection framework at the regional level in South Asia, but it has not paved the way for devising concrete legislation. UNHCR has been tasked to pursue its efforts until the refugee problem is solved. The regional initiatives undertaken include the Colombo Consultation of 1995, which outlined the need for a South Asian regional framework for refugees, the New Delhi Consultation of 1996, and the Dhaka Declaration of 1997. Though none of

³⁹ “Myanmar/Bangladesh Repatriation and Reintegration Operation”, UNHCR Global Report 1999 available on <https://www.unhcr.org/3e2d4d617.pdf> (last visited on 01.01.2023)

⁴⁰ “UNHCR Global Report” (2003) p.16

these yielded any fruitful results. It is the need of the hour for countries to frame a national legislation that incorporates their distinctive requirements, and additionally, the national law should be following the regional convention/treaty. Also, it is imperative that the refugees and people seeking asylum are granted legal status. In absence of which they apprehend the threat of arrest if they go out to work and the distress of seeing their children grow up without access to education.

Some refugees have lived for decades in host countries, such as Tibetans (in India and Nepal), Sri Lankan Tamils (in India), Afghans (in India, Iran and Pakistan), Biharis (in Bangladesh), Rohingyas (Bangladesh and India), and Chin (India and Malaysia).⁴¹ Since the refugee crisis is a result of persecution by the State and failure on the part of the State to grant national protection to its citizens, the government should adopt a non-political approach while dealing with their issues and play a constructive role in rehabilitating them. There should be a political consensus amongst the government of South Asian nations with respect to the management of refugees, and adoption of appropriate measures for handling different groups of refugees according to their needs. To find a long-term solution to the refugee problem, the international community must become more actively involved in supporting, building, and keeping the peace and framing laws that incorporate the distinctive requirements of each region affected by refugee crisis.

⁴¹ Louie Albert, S. J., Stan Fernandes, S. J., & D'Sami, B. "Asia Refugees: in South Asia: Issues and Concerns" *Migratory Flows at the Borders of Our World*, 275.