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Asylum and Protection Policies in India: Where do the Rohingya Stand?

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Abstract

The Rohingya humanitarian crisis has displaced several hundred thousand people from Northern Rakhine State, Myanmar, to Cox's Bazar, Bangladesh. The United Nations and the United Nations High Commissioner for Refugees (UNHCR) have characterized the Rohingya persecution as possessing "genocidal intent" and serving as a "textbook example of ethnic cleansing." This state-sponsored forced displacement is the result of persecution initiated earlier by the Myanmar government and was influenced by joint economic projects involving Indian interests in Rakhine State. Despite this, India has traditionally welcomed displaced populations from diverse countries, providing asylum and protection. Indeed, India is often framed as a mother country for asylum seekers and a protector of persecuted minorities across South Asia. Recent trends indicate that these traditional protection policies continue to drive minority migration toward India, with many Hindus migrating from Afghanistan, Bangladesh, Bhutan, Nepal, Pakistan, and Sri Lanka. However, despite the Rohingya being one of the most persecuted communities in the world—and sharing a major border with India—the Indian government has shown little interest in safeguarding them. While India allows other fleeing populations, particularly Hindus, to enter and seek citizenship, it remains reluctant to offer protection to this large group of forcibly displaced Rohingya.

Keywords: *Rohingya, India, Bangladesh, refugees, statelessness*

> "Refugees had occupied many of the open places in the city, pitching tents in the green belts between roads, erecting lean-tos next to the boundary walls of houses, sleeping rough on pavements and in the margins of streets. Some seemed to be trying to recreate the rhythms of a normal life, as though it were completely natural to be residing, a family of four, under the sheet of plastic propped up with branches and a few chipped bricks. Others stared out at the city with what looked like anger, or surprise, or supplication, or envy. Others did not move at all: stunned, maybe, or resting. Possibly dying" (Hamid, 2017).*

Introduction

The Rohingya are described as the *"largest stateless community"* and the *"most persecuted minority"* in the world by several humanitarian agencies such as UNHCR (USA for UNHCR, 2024). Since 25 August 2017, more than 743, 000 Rohingya people have fled to bordering

*Mohsin Hamid, the writer of "Exit West" published in 2017, portrayed the Indian partition happened in 1947 in a fictional manner. In the beginning of this paper, his narration used related to the incident Rohingya crisis.

ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

Bangladesh from Myanmar to survive the violent military crackdown. This has happened due to widespread crimes against humanity. However, from 1978 until now, Bangladesh has hosted several thousand Rohingya people. Since the 25 August 2017 military crackdown by the Burmese Army (UNHCR, n.d.) and the massive influx of the Rohingya, as of June 2026, a total of 1,197,411 (UNHCR, 2026) Rohingya are in several camp settings in Cox's Bazar and Bhashan Char. The United Nations High Commissioner for Refugees (UNHCR) stated that the Rohingya persecution is a "textbook example of ethnic cleansing." In addition to this, the United Nations coined this large-scale problem genocidal intent "to describe the large-scale problem committed against the Rohingyas. The Government of Myanmar and its entire allies triggered Buddhist nationalistic identity as a weapon to make the Rohingyas "others", "illegal immigrants" in the country (Ali, 2019; Yhome, 2018). Yhome has stated that "at the root of these conflicts is the inability of the Buddhist-majority community to accept that the nation is a multiracial, multilingual, and multireligious society". Unfortunately, fueled by a mono-cultural, monolingual & mono-religious ideology, to make a singular racial-religious identity in Myanmar, "kill all, burn all: the Japanese war tactic used on the Rohingya" (Jaipragas, 2017). This state-sponsored, systematic, and protracted socio-economic and geopolitical exclusion and marginalization, as well as ethnic cleansing, has been happening due to the Citizenship Act enacted in 1982. The act has declared the Rohingya as aliens and foreigners, leaving the Rohingya as the largest stateless people living in Myanmar and in the entire world. Mostly, the Rohingya are framed as Bangladeshi because of their religious and linguistic similarities. It is the result of the plight of hundreds of thousands of Rohingya people initiated earlier by the Government of Myanmar itself.

As India is experiencing and welcoming people from diverse countries and providing asylum and protection simultaneously, India is often framed as a mother country for the asylum seekers and a protection provider among the persecuted minorities in South Asia. A recent trend on these issues proved that Indian protection policies are behind the migration of minorities towards India. The Rohingya are one of the persecuted communities not only in Myanmar but also in the World, and India, as a major part of its border, did not show any interest in protecting the lives of the Rohingya people. Whether India is allowing people, especially Hindus, to come and apply for Indian citizenship, here, in terms of Rohingya protection, the Indian counterpart is reluctant to interfere in this large group of forcibly displaced people. The primary objective of the paper is to examine Indian asylum and protection policies from a sociological perspective. In this paper, the author explores India's position on the Rohingya crisis and draws a conclusion.

Indian Asylum and Protection Policies

India has a long tradition of hosting a large refugee population. Over the decades, South Asia has welcomed one of the largest refugee populations. The Government of India, led by the Bharatiya Janata Party (BJP), recently proposed that "those who belong to the minority communities in Pakistan, Bangladesh and Afghanistan and have been staying in India on a long-term visa be allowed to buy property, open bank accounts and obtain

ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

Permanent Account Number as well as Aadhaar card". The ruling party also wanted to amend the Citizenship Act, 1955 by declaring India as "a natural home for persecuted Hindus" earlier in their election manifesto (Tripathi, 2016). Before the declaration, an estimated 4,35,900 refugees and asylum seekers were to be hosted, according to the World Refugee Survey 2007 conducted by the United Nations Committee for Refugees and Immigrants (Paul *et al*., 2017). On top of this, the Rohingya migration in India is an old issue. While Bangladesh provided shelter for over 1.1 million, India has 18,000 Rohingya asylum seekers and refugees registered with UNHCR. However, the Government of India estimated the number of Rohingyas in India is almost 40,000 (Das, 2019). Brenner (2019) stated that various types of Rohingya migration took place in India, with distinct patterns, drivers, and experiences. According to UNHCR's statistics, two-thirds of the registered Rohingyas are living in the cities of Hyderabad and Jammu, including the capital, New Delhi. Unregistered Rohingyas are living in the Indian states of West Bengal, Uttar Pradesh, Punjab, Rajasthan, Karnataka, Bengaluru, Chennai, Tamil Nadu, and Kerala.

Meanwhile, India is not a signatory to international conventions on statelessness: "*Convention relating to the status of stateless persons*" (United Nations, 1954) and "*Convention on the reduction of statelessness*" (United Nations, 1961), as well as conventions and protocols on refugees: "*Convention relating to the status of refugees*" (United Nations, 1951) and "*Protocol relating to the status of refugees*" (United Nations, 1967). India is not interested in following the regulations of the conventions due to the socio-economic status of the refugees, which might be harmful to India. Considering the definition of refugees is narrow in the Indian context, the country believes that "most of the refugee movements are directly related to the widespread poverty and deprivation around the globe" (Paul et al., 2017). This is why the Indian counterpart stated that "Rohingya refugees illegally staying in India will be deported to Bangladesh" (Sansad TV, 2018). India is not upholding the principle of non-refoulement despite not having ratified the 1951 Convention and the 1967 Protocol (Paul et al., 2017). While many innocent Rohingya became victims of mass atrocities and genocide because India supported the military government of Myanmar, India is now protecting its borders by claiming that they are "highly porous" because of the mass migration of people. Overall security is an optimal issue for deporting the Rohingya as well.

On the other hand, India is following a "restrictive migration policy for refugees". The country tends to believe that terrorism is becoming part of the migrant groups. The Independent reported that hundreds of families fled India for Bangladesh to avoid deportation to Myanmar due to the call for an "identify and kill" movement against the Rohingya refugees in the Indian states of Jammu, Hyderabad, and the capital, New Delhi.

Tiwari et al. (2024) mention that "The Indian government has categorized the Rohingyas as 'illegal migrants' under law in 2017. Compared to Bangladesh, India is hosting a very small number of Rohingyas. It is something between 18,000 (UNHCR in India) and 40,000 (Recent media, but not verified)." Though a very small number of Rohingyas took shelter in India during the state-organized crackdown on them in Myanmar, the Indian government was already in the process of illegalizing them, Tiwari et al. (2024) mention. In the work of Tiwari et al. (2024), two related theoretical frames are discussed: (1) Linda

ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

Bosniak's framework on 'status non-citizenship' and notions of personhood, and (2) Tendayi Bloom' s 'non-citizenism'.

Tiwari et al. (2024) also note that the UNHCR has operated in a limited capacity in India since 1981, and that refugee status determination has been delegated to UNHCR India on an ad hoc basis, depending on the asylum seeker's nationality (Bosniak, 2010). India is obliged to ensure protection for the 'refugees' and/or 'asylum-seekers ' under several refugee-relevant international human rights instruments and compacts inspired by the "1948 Universal Declaration of Human Rights", "1965 International Convention on the Elimination of all forms of Racial Discrimination", "1966 International Covenant on Civil and Political Rights", "1979 Convention on the Elimination of all forms of Discrimination Against Women", "1989 Convention on the Rights of the Child" (India has signed/ratified/acceded all these). However, its immigration laws still do not segregate between foreigners and 'refugees' or 'asylum-seekers' as a special class; this means it does not explicitly recognize a right to seek asylum, a right to asylum, or a right against non-refoulement, as Tiwari et al. (2024) mention from the work of Syam (Syam, 2019, p. 1380).

The Rohingyas have been treated as a "tolerated community in India" since 2012, following some protests for their recognition as "refugees" and their permission to participate in the UNHCR registration process, along with the Long-Term Visas (LTVs) by the Indian government after 2012, based on their UNHCR refugee cards. All of these protected them against arbitrary detention and deportation and ensured their access to certain key services, such as applying for identification documents like Aadhaar cards and enrolling children in public schools, until 2017. However, this situation changed overnight since the August 2017 executive order, in which the Rohingya refugees were classified as 'illegal migrants' under the law, and then the state governments were instructed to detect, detain, and deport the Rohingya community (Ministry of Home Affairs, 2017a). Through this order, the Indian government excluded an entire refugee community (Rohingyas) from its protection in India, despite several existing constitutional and international human rights obligations. It also fueled state surveillance and monitoring, as well as possible detentions of the Rohingya refugees as "illegal migrants" (Tiwari et al., 2024).

Some immediate impacts of the "2017 order" were arbitrary detentions of the Rohingyas across several states in India, on various charges, according to Rahman (2022), as well as the shutdown of "Long Term Visas (LTVs)" issued for the Rohingya people, as mentioned by Field et al. (2017). Tiwari et al. (2024) also mention that even with valid UNHCR cards, the Rohingya have not been safe from the Indian government's detention or deportations (Tiwari & Field, 2020) since that "2017 Order". Some cases of "illegal immigration charges" against several hundred Rohingya people have been found despite them holding UNHCR-issued refugee cards, as mentioned by Banerjee and Chaudhuri (2022). Along with this, Ellis-Petersen and Hassan (2021) add that around 168 Rohingya people in Jammu were rounded up for an identity 'verification exercise' by the Indian authorities on 6 March 2021. Moreover, even having "UNHCR refugee cards, many of them were still detained in a sub-divisional jail described as a 'holding center' with the clear intention of deporting them back to Myanmar. Another systematic trap mentioned by Majumder (2018) is that the

ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

Rohingya refugees arriving from Bangladesh or, sometimes, from Myanmar must travel thousands of kilometers by road or rail to get the refugee status determination (RSD), as UNHCR is unable to conduct this process in India's border regions. Moreover, while they are en route to UNHCR without valid visas, or while they must wait for the RSD process to be completed, they remain extremely vulnerable to detention (Tiwari & Field, 2020). In their work, Tiwari et al. (2024) mention several incidents of detentions and forced deportations of the Rohingya in India since the order of 2017.

In the work of Rao and Digumarthi (2025), it is mentioned that the selective dual approach- (1) *historically refugee-friendly background* and then (2) *denial of entry to certain groups* such as the Rohingya, especially since the policy shift in 2017- reflects a "conflict" in India's policy regarding refugees and asylum seekers; more practically, India's "ad hoc" refugee policies. It is also found in this work that India has a history of changing its policy based on the origin and number of refugees. For example, certain refugee communities like the Chakmas, the Tibetans, and the Tamils from Sri Lanka obtained full protection from the Indian government. At the same time, refugees from Myanmar and Afghanistan received different treatment from the Indian government. The amendments to the Citizenship Act of India in 2019 (Government of India, 2019) deny Muslims as eligible religious minorities; thus, the Rohingya Muslims from Myanmar as well as Afghan Muslims became vulnerable in India. However, Rao and Digumarthi (2025) mention that India's response to the Rohingya is framed by its historical connections with Myanmar, which compels the Indian government to shape its policy toward the Rohingya with security concerns. Alongside the earlier Order of 2017 and the Amendment of the Citizenship Act of India in 2019, the Ministry of Home Affairs issued another directive to state governments regarding the deportation of Rohingya refugees in 2021, denying the contestation of its petitioners (Birla, 2023). However, Rao and Digumarthi (2025) focus on the rising attention from radical Islamist groups from the Middle East, South and Southeast Asia towards the Rohingya armed groups since 2017, presumably one of the causal factors of India's framing of the Rohingya as a potential threat to the military sector as well as an existential threat to its "sovereignty". The Minister of State for Home Affairs, Kiren Rijiju, declared in 2017 that, '*They (the Rohingya) are illegal immigrants and not refugees. Under the law, they are subject to deportation. Any illegal immigrant is a potential threat to the internal security of the country*' (The Hindu, 2017), which reflects India's securitization framing.

Some of the core arguments we can extract from the work of Rao and Digumarthi (2025) are: The absence of a dedicated refugee law creates policy uncertainty (pp. 846-847), India's treatment of refugees is selective (pp. 847-848), Securitization influences the classification of Rohingya (pp. 849-852), UNHCR registration does not guarantee protection from deportation (pp. 850-851), etc.

On the other hand, Verma (2026) brings some other core arguments in her work such as: Legal ambiguity does not equal protection (pp. 7-8), Documentation can become a source of vulnerability (pp. 13-14), Securitization has consequences beyond official policy (pp. 11-17), Threat narratives can shape the boundaries of belonging (pp. 9-10), Effective protection requires institutional reform (pp. 20-22), etc.

ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

India on the Questions of the Rohingya Crisis

The Rohingya crisis is becoming a pressing issue for Bangladesh, not only because the country fails to get enough geopolitical and diplomatic support and attention from the international community, but also because the country is receiving declining aid (Panorat & Kraffel, 2025; Sullivan & Karim, 2025) from global humanitarian actors compared to the increasing needs of the Rohingyas (Bangladesh Inter-sector Needs Assessment, 2025). The Government of Bangladesh is trying to convince the international community, as well as the UN, through the Foreign Ministry of Bangladesh, to solve the crisis and repatriate the Rohingyas to Myanmar. However, what has been done by the Government of Bangladesh cannot ensure the safe and sustainable return of the Rohingyas (Parvez, 2025). The repatriation procedures have not yet begun due to support from China and India for Myanmar. It is reported that China and India are behind Myanmar over the Rohingya. This is happening due to heavy investment in Northern Rakhine State. It is also evident that the two countries took markedly different approaches to the Western powers, leaning on Suu Kyi's beleaguered government (Bhaumik, 2017). The allegations have been proven when Aung San Suu Kyi, leader of the National League for Democracy and the first and incumbent State Counselor, a position akin to a prime minister, claimed that Bangladesh is only responsible for the repatriation process and that the host country needs help from the international community, especially from India. Unfortunately, Bangladesh is facing the problem alone, and signing deals, Memoranda of Understanding (MoUs), and contracts with the government of Myanmar is not feasible.

The Rohingya crisis in Myanmar is an old issue for Bangladesh. Besides the massive influx of 2017, there have been periodic influxes of Rohingyas in 1978, 1991, 1997, and 2016 as well (ACAPS, 2017). As it is a neighboring country to Myanmar, it is now under the global spotlight due to the World's largest humanitarian response. On top of that, the Rohingya crisis is becoming a protracted crisis for Bangladesh as the entire global politics, South Asian and Regional powers, are trying to maintain their respective positions by keeping their own interests and establishing domination in the region and within the region. Strategically, each party, especially India, plays a parallel role in the same situation in different ways. This is always seen in both national and international areas as one of the main components of politics. In responding to the Rohingya crisis, India shows solidarity with Myanmar's position on the Rakhine State and the Rohingya issue. Given how the Government of Myanmar views the Rohingya issue, the Government of India may be viewing the issue similarly. To a sufficient extent, India's position is being seen as favoring Myanmar.

India has arguably been considered one of Bangladesh's trusted friend countries. On the other hand, India has a long history with Myanmar. In the context of South Asia, India stands as a territorial superpower. Thus, the role of India is crucial for Myanmar on the questions of ethnic minorities and its Eastern border security. Both countries share a common border with the North-East part of India, close to China, and they are working to frame UN resolutions that are in favor of Myanmar. Indian economic relations with Myanmar are also

ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

increasing day by day. As part of the political transformation of the countries, economists argue that India is looking at economic transformation from its own perspective. The resources allocated to Rakhine State are far more than expected. Presumably, for this, the genocide of Rohingyas is less of a concern for India than its economic investment and future in Myanmar.

To some extent, India is not considering the entire ethnic cleansing due to its association with Myanmar in its economic transformation. Similarly, India never allows Rohingyas to enter its borderland. Earlier, the country exerted pressure to keep the Bangladeshi border open and to provide shelter near the border areas. It is also evident that over the decade, India has sufficiently demonstrated its political and economic dominance over Bangladesh. The country is particularly important for South Asian politics. In our region, especially for Bangladesh, Indian supremacy is never questioned. India has always tried to maintain its influence and dominance. As we look at some of the Rohingya issues, there is a difference between the position of India and the position of Bangladesh on the recent Rohingya issue. Bangladesh's position on the Rohingya issue is different from that of India. It is being observed that a sustainable solution for the Rohingya crisis is not a concern of India. Rather, the Indian government thinks that the Rohingyas have threatened the security of its country.

Bhaumik (2017) stated that "India, too, fears a jihadi nexus" and "wants to create public assets in Myanmar." Recently, Indian intelligence services published reports in which they found close links between the Arakan Rohingya Salvation Army (ARSA), Bangladesh's Jamaat-ul-Mujahideen (JMB), and the Indian Mujahideen. In this situation, the central government has already ordered the illegal Rohingya to be sent back to their country. Most importantly, the Rohingyas are unable to appeal to the United Nations High Commissioner for Refugees. The United Nations said that the identity of Rohingya refugees can be provided, whether they are refugees or not. However, being an influential country in South Asia in terms of geopolitical aspects, India has still never been observed as interested in the recognition of refugee status for the Rohingyas. Bangladesh also notes that India is very cautious about any official statement or comment about the Rohingyas or any other minority persecution, as well as on any issues of the Myanmar government, especially if any party does not explain the position as sensitive to the Rohingya issue. Still, they do it frequently about any issues of Bangladesh, including minorities.

On top of this, it is worth noting that India is building a deep seaport in Rakhine State. India plans to build a road from Mizoram via Thailand. The India-funded Kaladan Multi-Modal project is designed to provide a sea-river-land link to its remote northeast through the port of Sittwe (Bhaumik, 2017). At the same time, India will not be willing to put any pressure on Myanmar in its interest. The country also acknowledges that it has no liability for socio-economic stress and complications that Bangladesh has been facing due to the Rohingya humanitarian crisis (International Rescue Committee, 2021).

In contrast, India is much more interested in strengthening its position in the Indian Ocean. Talks about establishing rail links between the two countries are in the pipeline.

ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

However, India initially supported Myanmar, but the situation gradually became unclear as the frequency of the crisis increased. Indian Prime Minister Narendra Modi visited Myanmar during the massacre in Rakhine State. Aung San Suu Kyi was in a typical position when Modi announced his support for Myanmar on the Rohingya issue. There will be so much torture, persecution, and disregard for the interests of the Rohingyas. Their interests do not go silent or take a strategic position because of negative politics. If India takes a firm stand, the Myanmar government will be forced to change its existing mentality on the Rohingya people.

Despite the crisis, India has been forthcoming in its support for refugees, providing food supplies. The external affairs ministry, led by Sushma Swaraj, has declared its maximum support for Bangladesh in tackling the humanitarian crisis. Her department highlighted the need for the safe, speedy, and sustainable return of displaced persons to Rakhine State. At the same time, the Indian counterpart noted that the only long-term solution to the situation in Rakhine State is rapid socio-economic and infrastructure development, which would positively impact all the communities living in the State (Mohanty, 2018), which clearly indicates India's interest in economic growth in that land, ignoring the rights and protection of the Rohingyas living in that land for centuries.

Conclusions

The Rohingya humanitarian crisis is neither an internal nor a bilateral issue. It has become a trans-border phenomenon, creating socio-economic and geo-political complications (Islam, 2025). To solve the crisis, a multilateral approach is needed. Similarly, a South Asian influential country like India needs to cooperate on repatriation processes. Along with China, India should come forward to solve the crisis in due time. On the issue of the Rohingya, many people have been discussing the role of India in favor of Myanmar. Scholars argue that Bangladesh is not entirely a single party in the Rohingya issue; it is with the Government of Myanmar. Bangladesh's role here is to assist the endangered Rohingyas from a humanitarian standpoint. Outside Bangladesh, India is the third party here. Regardless of the role of India in the Rohingya issue, there are substantial differences in the overall relationship with Bangladesh. Whether they should or should not be particularly concerned about Bangladesh, India should not forget about the suffering of the Rohingyas. The United Nations recently tagged the crisis as ethnic cleansing and mentioned it as genocide. Experts in this sector argued that the Rohingya humanitarian crisis can be a big complication for peace and regional stability in the South Asian region unless the international community, along with India, works together.

Myanmar and its government officials are continuously denying the Fact-Finding reports prepared by UN bodies. Recently, Bangladesh has recommended three possible solutions to solve the Rohingya crisis. These are the abolition of discriminatory laws, policies, and practices of Myanmar against the ethnic minority group like the Rohingyas. Secondly, Myanmar needs to create a favorable environment by building trust and ensuring protection, human rights, and citizenship status for all the Rohingyas, including making a "safe zone" with rights to work and movement, along with other social protection. Thirdly, the crimes

ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

against the Rohingyas in Myanmar should be transparently investigated and brought to justice with accountability, particularly considering the recommendations of the Fact-Finding Mission of the UN Human Rights Council.

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ISSN 2621-5764
Vol.9 No.2 Jul-Dec 2026

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Vol.9 No.2 Jul-Dec 2026

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