The COVID-19 pandemic has had a serious economic impact on the global population, with many countries on the brink of collapse and people left scrambling for essential supplies. In India, fears about the impending crisis and its catastrophic effects, given India’s dense population and inadequate public health-care facilities, led the prime minister to call for a complete lockdown from 25 March 2020 – with less than four hours’ notice. India’s lockdown has been one of the world’s largest and strictest, and its impact has been devastating, particularly for more vulnerable groups, such as asylum seekers and refugees, who have lost their livelihoods and have struggled to sustain themselves.

India hosts more than 200,000 refugees who live in densely populated urban settlements. They have limited access to mainstream services and support owing to their tenuous legal status and the rapidly deteriorating protection environment. India is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, and has consistently chosen not to enact a national asylum framework. As such, it primarily relies on ad hoc executive orders/policies to manage and accord rights to different refugee groups. India, in fact, operates two different refugee protection frameworks – one for refugees from neighbouring countries (except Myanmar), who are accorded protection by the government, and another for refugees from Myanmar and non-neighbouring countries, who are managed by the United Nations High Commissioner for Refugees (UNHCR). This has resulted in different groups of refugees having different documents and being accorded differential treatment. This article highlights some of the issues currently faced by refugees in India, based on our interactions with various community leaders and other relevant stakeholders.

* Roshni Shanker is the founder and Executive Director of the Migration and Asylum Project (MAP), a refugee law centre based in New Delhi, India.
† Prabhat Raghavan is a Legal Consultant at MAP, New Delhi, India.
MEASURES IMPLEMENTED BY INDIA WITH RESPECT TO REFUGEES AND MIGRANTS

To mitigate the impact of the pandemic, the Indian government has implemented a slew of measures, including: declaring masks and sanitizers essential commodities; stepping up its contact tracing and testing efforts; permitting private laboratories to conduct testing; and announcing a relief package to address the immediate needs of the poor and others in need of urgent assistance.

Although the lockdown has affected almost all citizens to varying degrees, migrant workers have emerged as among the most impacted. Stranded in bigger cities with no livelihoods in the absence of economic activity, many were left with no choice but to attempt reverse migration. However, with fears that this exodus would lead to the uncontrollable spread of the virus into the interior of the country, the government acted swiftly to curtail this, and most of those unable to return home were placed in temporary shelter facilities by various state governments in India. The central government also set up hunger centres and initiated a migrant mapping protocol to make relief measures accessible to them. More recently, the jurisdiction of the Supreme Court of India has been invoked in matters relating to provision of basic amenities, payment of minimum wages to workers, and ensuring that people covered by the government’s flagship health-care scheme were able to access free COVID-19 testing at private laboratories. However, despite all these measures, the plight of refugees remains the same; they continue to be excluded from mainstream systems and do not have access to any of these benefits.

PROBLEMS FACED BY THE REFUGEE COMMUNITY

While the government has continued to issue advisories, very little has been done to address the concerns of refugees residing in India. Many such concerns stem from the lack of clarity surrounding refugees’ legal status and the consequent lack of government documentation. This is why so many refugees are employed in the unorganized sector, yet the lockdown has meant that people working in this sector are no longer able to

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1 Ministry of Consumer Affairs, Food & Public Distribution, Government of India, ‘Govt Brings Masks and Hand Sanitizers under the Essential Commodities Act’, Press Information Bureau (13 March 2020) <https://pib.gov.in/newsite/PrintRelease.aspx?relid=200239> accessed 15 March 2021.

2 Nikunj Ohri, ‘10 Government Measures to Help Poor through Lockdown’ (Bloomberg Quint, 26 March 2020) <https://www.bloombergquint.com/economy-finance/10-government-measures-to-help-poor-through-lockdown> accessed 15 March 2021.

3 Somesh Jha, ‘Covid-19 Impact: Govt Begins Mapping of Migrant Workers for Relief Measures’ (Business Standard, 10 April 2020) <https://www.business-standard.com/article/economy-policy/coronavirus-lockdown-govt-mapping-migrant-workers-for-relief-measures-120040901787_1.html> accessed 15 March 2021.

4 Legal Correspondent, ‘Take Steps to Resolve Migrant Workers’ Issues Raised by Activist Harsh Mander: Supreme Court’ The Hindu (21 April 2020) <https://www.thehindu.com/news/national/take-steps-to-resolve-migrant-workers-issues-raised-by-activist-harsh-mander-supreme-court/article31399619.ece> accessed 15 March 2021.
earn an income. This has deeply impacted those who live from daily wages and have no savings with which to stock up on essential goods.

Furthermore, the temporary suspension of UNHCR’s refugee status determination (RSD) activities during the lockdown has severely affected asylum seekers whose cases are still pending, as well as those who have not yet registered with UNHCR.

Restricted access to essential services has further aggravated the problems faced by refugee communities during this prolonged period of crisis. A major concern is the lack of access to public health-care facilities, especially by pregnant women, the elderly, and those who require close monitoring following advanced medical procedures. While refugees are allowed to access the public health-care system, hospitals are currently overburdened and unable to provide medical care in most non-coronavirus-related cases.

India has not taken any positive steps to extend the benefits of free COVID-19 testing or other government-implemented relief schemes to refugees. There has also been a rise in domestic violence, worsened by refugee women’s inability to access existing support systems. While the government has set up new helplines to extend assistance remotely, refugee women are typically reluctant to approach government authorities due to their ambiguous legal status and fear of reprisal within their communities.

To limit overcrowding in prisons, correctional/protection homes, and detention centres, the Supreme Court directed state and union territory governments to establish committees to determine whether any prisoners, people on trial, or ‘illegal immigrants’ (including refugees wrongfully detained for ‘illegal’ entry) could be released.

Another concern is the lack of viable financial aid available to refugee communities. With no relief provided under central or state-implemented relief packages or alternate-livelihood assistance measures, refugees struggle to make ends meet. A significant number of families reliant upon remittances from relatives based outside India have also been unable to access financial systems, mainly banks and money transfer facilities.

Further, various community leaders have expressed concern about refugees’ inability to pay rent to their landlords due to loss of livelihoods. While state governments have issued various directions and advisories requesting landlords not to evict their tenants due to non-payment of rent – such as in New Delhi, where the state government has offered to cover the rent of those unable to meet their obligations – there continue to be reports of untimely evictions of refugees because such measures do not extend to them.

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5 Press Trust of India, ‘Never Directed States, UTs to Compulsorily Release All Prisoners: SC’ *Economic Times* (13 April 2020) <https://economictimes.indiatimes.com/news/politics-and-nation/never-directed-states-uts-to-compulsorily-release-all-prisoners-sc/articleshow/75128266.cms> accessed 15 March 2021.

6 Legal Correspondent, ‘Decongestion: Prisoners Who Have Covid-19 Should Not Be Released: Supreme Court’ *The Hindu* (13 April 2020) <https://www.thehindu.com/news/national/decongestion-prisoners-who-have-covid-19-should-not-be-released-supreme-court/article31334042.ece> accessed 15 March 2021.

7 Asian News International, ‘Government to Pay Rent if Tenants Fail to Do So: Delhi CM’ (*ET Realty*, 30 March 2020) <https://reality.economictimes.indiatimes.com/news/residential/government-to-pay-rent-if-tenants-fail-to-do-so-delhi-cm/74881255> accessed 15 March 2021.
Refugee leaders have also reported issues specific to members of their community. For instance, Chin asylum seekers and refugees have been subjected to xenophobic behaviour by the local community when going out to purchase essentials. In particular, the Rohingya community, based in camps, is highly dependent on civil society for sustenance, but has been unable to receive substantial assistance due to restricted access to Rohingya settlements.

MEASURES TAKEN TO ADDRESS REFUGEES’ CONCERNS

UNHCR, through its implementing partners, has taken measures to mitigate the pandemic’s impact as much as possible. For example, to address food insecurity, UNHCR’s partner organizations provide asylum seekers and refugees with basic rations, which include essentials such as rice, lentils, oil, sugar, salt, and soap. While this initiative has provided relief to a number of families who otherwise have no means of accessing support, it may be unsustainable given that the lockdown has been extended. Furthermore, food cannot be distributed in sealed-off ‘hotspots’ where there are large numbers of COVID-19 cases.

UNHCR and its partners have also adopted measures to raise awareness about COVID-19 within refugee communities, including launching various social media campaigns and engaging refugee artisans to stitch masks. They continue to provide sustenance allowances to the most vulnerable and facilitate helpline numbers for asylum seekers and refugees who need to access assistance.

Given that RSD has been temporarily suspended, registered asylum seekers can contact UNHCR’s partner agencies for extensions of their Under Consideration Certificate (UCC), which acts as proof of the holder’s status as an asylum seeker before UNHCR and protects the person from deportation or detention during the pendency of his or her case. For those seeking registration as asylum seekers with UNHCR, the agency is scheduling registration interviews for the second half of 2020. The information has been relayed to the community via digital means, including WhatsApp.

CONCLUSION

At present, India’s lockdown has been extended until 17 May 2020. While a set of revised guidelines was issued in early May 2020, setting out some easing of the previous versions of the lockdown, the continued lockdown has exacerbated the entire refugee community’s fears about its ongoing sustenance, given its limited access to resources. It is essential that the Indian government establishes a well-functioning response mechanism, in consultation with UNHCR and other relevant stakeholders, to mobilize resources for the refugee population.

To date, there have not been any reports of refugees being infected with COVID-19 in India. However, once restrictions start to ease, it is essential that necessary preventive and precautionary measures are put in place. To achieve this, the government must make masks available across all refugee camps and settlements in India and provide free testing at private laboratories (where the rates are otherwise prohibitive). Refugees

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8 Ministry of Home Affairs, Government of India, Order No 40–3/2020-DM-I(A).
are an incredibly vulnerable population who need to be protected, for their own safety as much as for that of the community that hosts them. Their well-being is as important to public health as that of any other section of the population.

MARCH 2021: PARTIAL RESUMPTION OF UNHCR RSD ACTIVITIES

In the second half of 2020, as India saw a rapid increase in COVID-19 infections, UNHCR was unable to conduct RSD activities. This contributed to a rise in uncertainty among the refugee population. However, UNHCR conceptualized a remote model for registering asylum seekers, conducting a short interview with the particular individual or family, via video conferencing, prior to issuing them with a UCC. This has enabled asylum seekers to access basic facilities offered by UNHCR’s implementing partners, in particular, ration assistance.

Since the beginning of 2021, with an easing of lockdown restrictions in India, UNHCR has been able to partially resume its RSD activities, albeit remotely, conducting RSD First Instance interviews (that is, interviews for asylum seekers who have not been previously interviewed), while also being able to schedule expedited interviews in a limited number of vulnerable cases. In the majority of fresh registration cases, asylum seekers continue to have long waiting periods for their RSD First Instance interviews. Further, given the recent surge of COVID-19 infections in the country, and the lack of clarity as to when vaccines will be made available to this group, it seems highly unlikely that UNHCR would be able to resume its fully operational in-person model in the coming months.

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