

Joint Submission to the
Human Rights Council

Universal Periodic Review

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INDIA

Nationality For All

Minority Rights Group International

Institute on Statelessness and Inclusion

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NATIONALITY FOR ALL

Advancing the right to a nationality in the Asia-Pacific region

minority
rights
group
international



**Institute on
Statelessness and
Inclusion**

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to the Human Rights Council
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Introduction

1. Nationality for All (NFA),¹ Minority Rights Group International (MRG)² and the Institute on Statelessness and Inclusion (ISI)³ make this joint submission to the Universal Periodic Review (UPR), on the right to a nationality and human rights challenges pertaining to statelessness in India.
2. The co-submitting organisations have developed this submission in close collaboration with Indian partner organisations that work on the right to nationality, the rights of stateless people and refugees, and related issues. However, after careful consideration of the growing risks faced by our Indian partner organisations, we collectively decided that they would not be named as co-submitters. This decision, solely for the purpose of mitigating risks, is indicative of the extent to which civil society space has deteriorated in India, particularly for those who work to hold the Indian government to account on politically charged issues such as the right to nationality and the rights of stateless people and refugees.
3. This submission focuses on the following issues:
 - I. Citizenship determination and deprivation in Assam;
 - II. Arbitrary detention of stateless persons;
 - III. Denial of rights to non-citizens;
 - IV. Stateless refugees in India.

¹ Nationality For All (NFA) was formed from the work undertaken by the Statelessness Network Asia Pacific (SNAP) to build a regional civil society movement on addressing statelessness in the region. With the vision of ensuring nationality for all, NFA works closely with stateless persons, persons affected by statelessness, grassroots organizations, activists, and national NGOs. NFA aspires to increase the proximity to power of persons with lived experience of statelessness through their meaningful participation in the statelessness ecosystem. For more information, see <https://nationalityforall.org/>

² Minority Rights Group International (MRG) is an international non-governmental organisation working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 150 organisations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council, observer status with the African Commission on Human and Peoples' Rights, and is a civil society organisation registered with the Organization of American States. For more information, see <https://minorityrights.org/>

³ The Institute on Statelessness and Inclusion (ISI) is the first and only human rights NGO dedicated to working on statelessness at the global level. ISI's mission is to promote inclusive societies by realising and protecting everyone's right to a nationality. The Institute has made over 80 country specific UPR submissions on the human rights of stateless persons. ISI has also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23rd to the 40th UPR Sessions. For more information, see <https://www.institutesi.org/>.

Previous UPR Reviews of India

4. India was previously reviewed during the 8th (First Cycle - 2008), 21st (Second Cycle - 2012), and 36th (Third Cycle - 2017) Sessions of the UPR. During the Second Cycle, India received three relevant recommendations: to ratify the UN statelessness and refugee conventions (Ghana);⁴ and ensure universal birth registration (Holy See), particularly for people living in extreme poverty, belonging to religious minorities or in remote areas (Mexico). All three recommendations were noted.⁵
5. During the Third Cycle, Kenya and Slovakia recommended that India accede to and implement the Statelessness and 1951 Refugee Conventions, and Kenya recommended the implementation of article 7 of the Convention on the Rights of the Child (CRC) to end statelessness and guarantee nationality for affected children. These recommendations were noted.⁶ Mexico reiterated its previous recommendation on birth registration (which India accepted), Slovakia recommended ensuring children's rights to a nationality regardless of the legal status or ethnicity of their parents, and Bahrain recommended India remove barriers prohibiting castes and tribes from registering their children's births (which India noted).⁷

India's International obligations

6. Despite its membership of the Human Rights Council, India is not party to key international conventions including the Convention on the Status of Stateless Persons, Convention on Reduction of Statelessness and Convention on the Status of Refugees.
7. Nevertheless, India has international obligations to protect the right to a nationality and the rights of stateless persons on the basis of other treaties to which it is party. These include, the International Covenant on Civil and Political Rights (ICCPR) (Article 24.3), International Covenant on Economic, Social and Cultural Rights (ICESCR) (Articles. 2.2 and 3), CRC (Articles 2, 3, 7 and 8), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Article 9), Convention on the Elimination of All Forms of Racial Discrimination (CERD) (Article 5(d)(iii)), and the Convention on the Rights of Persons with Disabilities (CRPD) (Article 18).

Snapshot of Statelessness in India

8. There are many communities in India that are stateless or at risk of statelessness. Historically, groups like the Chakma and Hajong have been stateless in India for many generations. Many Refugees from Tibet and Sri Lanka are also (at risk of) statelessness. Further, tens of thousands of stateless Rohingya refugees live in India, though they are denied protection and a secure legal status. Over 140,000 people have been 'Declared Foreigners' through the implementation of an arbitrary and controversial legal

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review* India*, 21st sess, UN Doc A/HRC/21/10 (9 July 2012) [138.25].

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review* India*, 21st sess, UN Doc A/HRC/21/10 (9 July 2012) [138.131, 138.132].

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review* India*, 36th sess, UN Doc A/HRC/36/10 (17 July 2017) [161.32 and 161.33].

⁷ *Ibid* [161.150-161.152.].

framework to identify “illegal migrants” in the state of Assam. Assertions that they are Bangladeshi citizens have been rejected by Bangladesh, and with no other nationality, these people are stateless. Further, almost two-million people in Assam are at risk of statelessness, having been excluded from the National Register of Citizens.

9. Citizenship in India is governed by the Constitution of India, 1950⁸ and the Citizenship Act, 1955 (CA 1955).⁹ Part II of the Constitution governs acquisition of citizenship at the time of commencement of the Constitution in 1950, and the CA 1955 for the period thereafter. In its original iteration, the CA 1955 allowed acquisition of citizenship by birth (S.3), descent (S.4), registration (S.5), naturalisation (S.6) and by incorporation of territory (S.7). The Act granted citizenship to all persons born on the territory of India and allowed equal access to citizenship through naturalisation and registration, irrespective of religion or immigration status.
10. Through successive amendments, including the Citizenship (Amendment) Act, 1986 (CAA 1986)¹⁰ and the Citizenship (Amendment) Act, 2003 (CAA 2003),¹¹ birth right citizenship in India has been made contingent on parental status, and at present children born on the territory acquire citizenship at birth only if one parent is an Indian citizen, and the other is not an “illegal migrant”. The CAA 2003 inserted the term “illegal migrant” in the law, denying access to citizenship by naturalisation and registration to such persons.
11. The Assam Accord (1985) and Citizenship (Amendment) Act, 1985 (CAA 1985) also contributed to the formation of a distinct citizenship standard in the northeastern state of Assam. Assam, which shares a border with Bangladesh, has witnessed violent contestations over the question of cross-border migration. The Assam Movement (1979-1985), which centred demands to identify and expel foreigners from the state, culminated in the signing of the Assam Accord (1985) and subsequently the CAA 1985.¹² Section 6A of the latter reads as a naturalisation provision that deems persons who have entered Assam from Bangladesh before 24 March 1971 as citizens. Yet this provision has come to be interpreted by officials and courts in Assam as the sole citizenship standard for all persons resident in Assam (including those temporarily resident), to the exclusion of other modes of acquisition of citizenship. This has had the effect of retroactively denying citizenship by birth to persons who were born in Assam prior to 1985, as well as citizenship by descent.
12. In line with the Assam Accord and Section 6A of the CAA 1985, the separate citizenship standard in Assam has also led to large-scale citizenship identification through two parallel processes: individual citizenship determination proceedings in Foreigners’ Tribunals that have been underway since 1964 *and* the state-wide updating of the National Register of Citizens (NRC) in Assam which began in 2013. As a result of these

⁸ The Constitution of India, 1950

⁹ The Citizenship Act, 1955, available at https://www.indiacode.nic.in/bitstream/123456789/4210/1/Citizenship_Act_1955.pdf

¹⁰ Citizenship (Amendment) Act, 1986, available at https://data.globalcit.eu/NationalDB/docs/04_INDI_Citizenship%20Amendment%20Act%201986.pdf

¹¹ Citizenship (Amendment) Act, 2003, available at https://egazette.nic.in/WriteReadData/2004/E_7_2011_119.pdf

¹² Memorandum of Settlement dated 15 August, 1985, available at https://assamaccord.assam.gov.in/sites/default/files/swf_utility_folder/departments/assamaccord_medhassu_in_oid_3/portlet/level_1/files/The%20Assam%20Accord%20-%20English.pdf

processes, over two million people are currently at risk of statelessness in Assam. The NRC was created in 1951 on the basis of the 1951 census, and between 2013 and 2019 the NRC in Assam was updated for the first time, ostensibly to establish a decisive record of who is a citizen and who is a foreigner, or “illegal migrant”. The NRC process has been heavily criticised, including due to onerous documentation requirements and reverification processes, which have had particularly negative impacts on the most marginalised (see Issue I). In August 2019, the final NRC Assam list was published, excluding 1,906,657 persons, the majority of whom are reportedly Hindu and Muslim Bengali speakers. While those excluded have the right to appeal, the appeals process has not begun, leaving many in a state of extended precarity. Also particular to the citizenship regime in Assam are quasi-judicial bodies set up under the Foreigners (Tribunal) Order, 1964, to identify foreigners in the state. Declared foreigners (DFNs) are subject to detention and deportation to Bangladesh, which does not recognise them as its citizens, leaving them effectively stateless (see Issue II).

13. While the NRC process remains unique to Assam, the Union Government and high-ranking officials have previously expressed intentions to introduce a nation-wide NRC process. Although there do not appear to be any plans to begin this process, these calls are reflective of a wider majoritarian politicisation of citizenship under the ruling Bharatiya Janata Party since its election in 2014. This politicisation aligns with a vision of India as a nation-state of and for Hindus above all, in particular, Muslims. This was most clear with the introduction of the Citizenship (Amendment) Act, 2019 (CAA 2019), which was met with legal challenges and country-wide protests, which were violently repressed by the state. The CAA 2019 stipulates that “persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan...shall not be treated as illegal migrants for the purposes of this Act”. CAA 2019 Section 6 relaxes residency requirements for naturalisation and creates a separate pathway to citizenship for such persons. The CAA 2019 follows the Foreigners (Amendment) Order, 2015 and the Passports (Entry into India) Amendment Rules of 2015, which exempt the same minority groups from proceedings under the Foreigners Act, 1946, and prosecution for immigration offences. In May 2021 the Ministry of Home Affairs (MHA) passed an order under Section 16 of the CA 1955 which empowers the Union Government to delegate powers under the Act and introduced a specific procedure for naturalisation and registration for citizenship for the populations stipulated in the CAA 2019 who are resident in specified districts in five states.¹³ Ultimately, these changes have created a preferential pathway to citizenship for the specified populations by (I) exempting them from the definition of the term “illegal migrant” and prosecution for immigration offences, and (II) creating an expedited route to citizenship.
14. When considered together, these amendments have resulted in discriminatory access to citizenship in India under the guise of protecting minority rights. While the stated purpose of the CAA 2019 has been to protect persecuted religious minorities in South Asia, it remains unavailable to key persecuted groups including Ahmadis in Pakistan, Sri Lankan Tamils, and Rohingyas from Myanmar. Thousands of the latter two groups

¹³ Ministry of Home Affairs, Foreigners Division, Order, S.O. 2069(E), <https://egazette.nic.in/WriteReadData/2021/227219.pdf>, Introduces a procedure for specified persons in certain districts in the states of Gujarat, Chhattisgarh, Punjab, Haryana, and Rajasthan.

currently reside in India, where they face protection gaps and/or risk of deportation (see Issue III). The exclusion of Muslims in general places Muslim migrants and refugees at greater risk of statelessness.

15. These amendments to India's citizenship provisions also render Muslims more vulnerable to citizenship deprivation when considered alongside the NRC process in Assam (see Issue I). Hindus identified as foreigners by the Foreigners Tribunals can claim exception from prosecution under the Foreigners (Exemption) Order of 2015 and are offered a path back to citizenship via these amendments. In successive cases before the Gauhati High Court, Hindu litigants have successfully claimed protection of these orders and obtained court directions permitting them to apply for citizenship.¹⁴ Conversely, no such avenue is available to Muslims designated as foreigners. Moreover, while both Hindu and Muslim Bengalis in Assam - often framed as 'infiltrators' - are confronted with xenophobic rhetoric and hate speech, Muslims are particularly vulnerable, reflective of wider and rising anti-Muslim sentiment across India.

ISSUE I Citizenship determination and deprivation in Assam

16. Under international law, states have traditionally had broad discretion in the regulation of nationality matters. This is not, however, an absolute discretion, and has been gradually limited by the evolution of human rights law. While states have relatively greater discretion in relation to setting rules and criteria for the acquisition of citizenship (subject to some limitations), a number of international standards and principles must be adhered to in relation to deprivation of citizenship.¹⁵
17. The *Principles on Deprivation of Nationality as a National Security Measure*,¹⁶ provide important guidance on the question of deprivation of nationality. The **Principles** restate or reflect international law and legal standards under the UN Charter, treaty law, customary international law, general principles of law, judicial decisions and legal scholarship, regional and national law and practice.¹⁷
18. According to the analysis of international law standards presented in the **Principles**, state discretion in relation to deprivation of nationality is subject to the individual right

¹⁴ See *Bablu Paul@Sujit Paul v Union of India and Ors*, WP(C)/7229/2017; *Mangla Das v Union of India and Ors*, Review.Pet./73/2021

¹⁵ See Paras 7 & 8 of the Commentary to the Principles on Deprivation of Nationality as a National Security Measure, available at: https://files.institutesi.org/Principles_COMMENTARY.pdf.

¹⁶ Principles on Deprivation of Nationality as a National Security Measure, March 2020. Available at: <https://files.institutesi.org/PRINCIPLES.pdf>. The Principles were developed over a 30-month research and consultation period, with input from more than 60 leading experts in the fields of human rights, nationality and statelessness, counter-terrorism, refugee protection, child rights, migration and other related areas, in a process facilitated by ISI in collaboration with the Open Society Justice Initiative and with support from the Asser Institute and Ashurst LLP. At the time of submission, they have been endorsed by over 110 individual experts and organisations, including leading academics, UN Special Rapporteurs and Treaty Body members, litigators, judges, parliamentarians and diplomats.

¹⁷ A detailed Commentary to the Principles provides an in-depth analysis and overview of the international law norms and standards, which underlie the Principles. This Commentary can be found here: https://files.institutesi.org/Principles_COMMENTARY.pdf.

to nationality,¹⁸ the prohibition of arbitrary deprivation of nationality,¹⁹ the prohibition of discrimination²⁰ and the obligation to avoid statelessness.²¹ Furthermore, the impact of nationality deprivation on the enjoyment of other human rights, humanitarian and refugee law obligations and standards must be taken into consideration when assessing the legality of citizenship deprivation. These include the right to enter and remain in one's own country, the prohibition of *refoulement*, the prohibition of torture and cruel, inhuman or degrading treatment or punishment, the liberty and security of the person the right to private and family life, legal personhood and the rights of the child.²² Any measures to deprive nationality must also comply with due process safeguards and the right to a fair trial.²³

19. Contestations around migration in Assam have resulted in a distinctly stringent citizenship regime, oriented towards the detection, detention, and deportation of “foreigners”. Politicisation of and anxieties surrounding large-scale migration can be traced back to colonial land re-settlement policies; transportation of indentured labour; and, later, the 1971 war in Bangladesh, which saw the arrival of Bengali refugees. “Anti-foreigner” agitation in Assam from 1979-1985 saw significant levels of violence, notably including the Nellie massacre in 1983 which saw almost 2,000 Bengali Muslims murdered in one day.²⁴ This period of agitation ended with the signing of the Assam Accord and the CAA 1985.
20. Quasi-judicial Foreigners Tribunals (FTs) have been established under this regime to undertake citizenship determination and detect “illegal migrants” in Assam. The rules governing these bodies are a legacy of colonial-era legislation, the Foreigners Act, 1946. Crucially, they impose a reverse burden of proof on individuals, requiring them to verify their citizenship if questioned in any proceeding.²⁵ There is no legal threshold for claiming “suspicion” concerning a person’s citizenship status and therefore initiating a case against them. At least 125,333 persons in Assam have had “doubtful” inserted against their names in electoral rolls, resulting in the suspension of their voting rights and a requirement to prove their Indian citizenship before a FT.²⁶ Analysis of documents which precede the designation of an individual as a “doubtful” voter reveal a number of problems with corresponding inquiries, including incomplete forms, incorrect information about the person in question, and the absence of any recorded statement by them.²⁷ This appears to be a feature rather than an unintended shortcoming of this

¹⁸ *Human Rights Council Resolution 7/10, Human rights and arbitrary deprivation of nationality*, UN Doc A/HRC/RES/7/10 (27 March 2008); *Human Rights Council Resolution 10/13, Human rights and arbitrary deprivation of nationality*, UN Doc A/HRC/RES/10/13 (26 March 2009); *Human Rights Council Resolution 13/2, Human rights and arbitrary deprivation of nationality*, UN Doc A/HRC/RES/13/2 (24 April 2010); *Human Rights Council Resolution 20/4, The right to a nationality: women and children*, UN Doc A/HRC/RES/20/4 (16 July 2012); *Human Rights Council Resolution 20/5, Human rights and arbitrary deprivation of nationality*, UN Doc A/HRC/RES/20/5 (16 July 2012); *Human Rights Council Resolution 26/14, Human rights and arbitrary deprivation of nationality*, UN Doc A/HRC/RES/26/14 (11 July 2014); *Human Rights Council Resolution 32/5, Human rights and arbitrary deprivation of nationality*, UN Doc A/HRC/RES/32/5 (15 July 2016).

¹⁹ Principles on Deprivation of Nationality as a National Security Measure, March 2020. Available at: <https://files.institutetsi.org/PRINCIPLES.pdf>, Principle 7. See also, the Draft Commentary to the Principles, available at: https://files.institutetsi.org/Principles_COMMENTARY.pdf.

²⁰ Ibid Principle 6.

²¹ Ibid Principle 5.

²² Ibid Principle 9.

²³ Ibid Principle 8

²⁴ Makiko Kimura, “The Nellie massacre of 1983: Agency of rioters” 7 (New Delhi: SAGE Publications, 2013) ; Surabhi Chopra, *Archives of Violence: Seeking and Preserving Records of Mass Sectarian Attacks in India*, 28 NLSI Rev. 61 (2016)

²⁵ Section 9 of the Foreigners Act, 1946

²⁶ Assam State Legislative Assembly, Reply to Unstarred Question No. 152 on 12 February 2018, available at <https://cip.org.in/wp-content/uploads/2018/10/Assam-Legislative-Assembly-Foreigners-Tribunal-12-02-2018.pdf>

²⁷ Based on interviews of lawyers practicing in Foreigners Tribunals and at the Gauhati High Court

process. The earlier legislation²⁸ introduced in 1983, which had established a complaints process requiring a *prima facie* case prior to the initiation of trials was legally challenged by a leader of the Assam Movement and struck down by the Supreme Court in 2005. The Supreme Court stated that this process inhibited the objective of detecting foreigners by introducing too many procedural hurdles and safeguards.²⁹ It also invoked strong anti-foreigner rhetoric, describing those who migrated into Assam as “external aggressors” who could not claim due process under law.³⁰

21. For an individual to establish their citizenship under this Assam specific regime, they must have documentary proof of: (a) birth; (b) parental identities; and (c) continuous stay in Assam since prior to 1 January 1966 (either directly or through a parent). Notably, this standard ignores the historical reality of documentation practices in the state, and the fact that this level of proof is next to impossible for most rural and marginalised persons to fulfil. Decisions of the FTs are not published and therefore cannot be analyzed for trends. However, lawyers conducting these cases have revealed that a significant challenge in most cases emerges in establishing parental identities in the absence of birth records. The registration of births in India was made mandatory only in 1969, and rules for the state of Assam were only introduced in 1978. Therefore, birth registration has historically been very low.³¹ Historically low levels of literacy present an additional barrier, and many do not have access to supporting records to establish parental information and address questions of lineage.³²
22. Women from rural communities who lack birth certificates and school records and who are married as teenagers are especially disadvantaged by the documentary requirements, rendering them particularly vulnerable to deprivation of citizenship. In official documentation, such women are recorded in relation to their husband rather than parents. They therefore have no documentation to prove their parents’ identities. Moreover, new brides – who traditionally move to their husband’s village after marriage – are more likely to draw suspicion on account of being newcomers. Overall, women are more vulnerable to being questioned and constitute 62% of those marked as “doubtful voters”.³³ Additional barriers to accessing documentation result from frequent internal displacement and migration for those residing near the flood plains of the river Brahmaputra. Annual floods also destroy property, including documents. Language, ethnicity, and religion also impact the likelihood of an individual being brought before

28 The Illegal Migrants (Determination by Tribunals) Act, 1983 <https://legislative.gov.in/sites/default/files/A1983-39.pdf>

29 Sarbananda Sonowal v. Union of India, reported in A.I.R. 2005 S.C. 2920, struck down the Illegal Migrants (Determination by Tribunal) Act, 1983 which had a three stage complaint, investigation and verification process before a case could go to trial.

30 Ibid at paragraph 47: “The view taken by this Court is that in a criminal trial where a person is prosecuted and punished for commission of a crime and may thus be deprived of his life or liberty, it is not enough that he is prosecuted in accordance with the procedure prescribed by law but the procedure should be such which is just, fair and reasonable. This principle can have no application here for the obvious reason that in the matter of identification of a foreigner and his deportation, he is not being deprived of his life or personal liberty.”

31 The first National Health and Family Survey in 1992-93 records that only 49.3% of women giving birth in Assam received any form of ante-natal care (including a midwife) and only 11.1% of births were in medical institutions indicating poor likelihood of birth registration. Even as of 2015-16, only 86.1% of births in Assam were registered with a birth certificate issued. See Ministry of Health and Family Welfare, Government of India, International Institute for Population Sciences (IIPS) and ICF. 2018. National Family Health Survey (NFHS-4), India, 2015-16: Assam, Table 8 at p. 40. See also, International Institute for Population Sciences (IIPS), National Family Health Survey (Ministry of Child Health and – 1 (NFHS-1), Table 9.7 at Chapter 9, p. 16.

32 Literacy in the state was only 18.3% at the time of the first census in 1951 and has gradually increased to 73.18% in the most recent census of 2011. See: Office of the Registrar General, India: State wise Literacy Rates, available at https://www.indiabudget.gov.in/budget_archive/es2006-07/chapt2007/tab94.pdf

33 Assam State Legislative Assembly, Reply to Unstarred Question No. 152 on 12 February 2018 available at <https://cjp.org.in/wp-content/uploads/2018/10/Assam-Legislative-Assembly-Foreigners-Tribunal-12-02-2018.pdf>

an FT, as well as the outcome of this process - with minorities in Assam negatively affected. Due to long-standing anti-Bengali sentiment and the framing of the Assam Accord, Bengali speakers are more likely to be proceeded against, while certain other linguistic groups, like Nepali speakers of the Gorkha community, enjoy greater safeguards from and in most cases complete exemptions from citizenship determination proceedings.³⁴ By virtue of an exemption order passed in 2015 under the Foreigners Act, 1946,³⁵ non-Muslims from Bangladesh who entered India prior to 31 December 2014 can raise a claim of religious persecution and be exempted from any action under the Act. Though successfully relied on in some recent cases,³⁶ this provision has not yet been widely resorted to since most persons who face citizenship determination proceedings are born in Assam. However, the exemption has created a potential route for Bengali Hindus (but not Muslims) who are refugees to claim protection from being declared a foreigner. As a result, the citizenship regime in Assam is discriminatory and disproportionately impacts already vulnerable minorities.

23. These issues are exacerbated by the operation of the FTs, of which there are now 300 in Assam, following a rapid expansion over the last couple of years. The FTs conduct summary trials, with no uniform procedure: instead, each FT is free to evolve their own procedure, resulting in significant variation. Standards for admissibility and appreciation of evidence are framed in a hyper-technical manner, with minor inconsistencies in spellings of names across documentation being a common reason for rejection. These tribunals fail to meet many fundamental due process requirements including: no requirement of charges being framed; denial of fair disclosure; no shifting onus of proof; denial of right to seek requisition of public documents and summoning of public witnesses; denial of the right to be heard; and passing of *ex parte* decisions against individuals. Individuals declared as 'foreigners' by an FT have a limited right to seek review of the decision in a writ for grant of certiorari, which is a very narrowly framed jurisdiction, under which courts cannot look into questions of fact or evidence. Further, FT members are appointed by contract and are not insulated from interference by the executive. A report by Amnesty India revealed that the Assam government gave poor performance reviews to members whose overall case completion rate was good, but who, in terms of outcomes, had held a fair number of persons as Indian citizens. These members were dismissed from service for not holding enough people as "foreigners".³⁷ It was only in 2018 that the Gauhati High Court (the highest court in Assam) clarified that performance reviews were to be conducted by the High Court and not the executive

³⁴ Indira Newar v. Union of India, Judgement of the Gauhati High Court in Writ Petition (Civil) No. 8490/2018 dated 29 November 2019 available at <https://indiankanoon.org/doc/6334197/>. See also Extra Ordinary Gazette notification of Government of India Part 1, Section-1, Date 23rd August 1988, No. 26011/6/88-IC.I; Government of India, Ministry of Home Affairs (Foreigners Division) Notification dated 24.09.2018 and Ministry of Home Affairs, Press Note dated 10 October 2018 available at https://www.mha.gov.in/sites/default/files/PressreleaseNEPAL_11102018_0.pdf. See also "Gorkhas of Assam Laud Dropping of Foreigners' Tribunal Cases, Want D-voter Tag Gone" News18, (5 August 2021), available at <https://www.news18.com/news/india/gorkhas-of-assam-laud-dropping-of-foreigners-tribunal-cases-want-d-voter-tag-gone-4049243.html>

³⁵ Notification dated 07.09.2015 bearing G.S.R. 686(E) amended the Foreigners Order, 1950 to exempt the following class from the Foreigners Act, 1946: "Persons belonging to minority communities in Bangladesh and Pakistan, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who were compelled to seek shelter in India due to religious persecution or fear of religious persecution and entered into India on or before the 31st December, 2014."

³⁶ For example, see Mangla Das v. Union of India, Judgement of the Gauhati High Court in Review Petition No. 73/2021 dated 04.09.2021, available at <https://parichayblog.org/tag/caa/>

³⁷ "Designed to Exclude," Report by Amnesty International India, at page 28, available at https://www.amnesty.be/IMG/pdf/rapport_inde.pdf

government.³⁸

24. At present, a total of 435,282 cases have been referred to the FTs in Assam.³⁹ Of these, 309,048 cases have been completed and 123,929 cases are currently pending.⁴⁰ As an outcome of the completed cases, 144,077 persons have been “declared foreigners”,⁴¹ and at least 63,959 of these cases were decided *ex parte* (without hearing the suspected individual)⁴² Some of those who have been “declared foreigners” are currently incarcerated in detention centres (see Issue II).
25. Parallel to the existing flow of cases, the over 1.9 million people excluded from the final NRC Assam list in August 2019 are now awaiting reference to these same FTs to determine their citizenship status. Given the arbitrariness and stringent documentation requirements of these FTs, this has raised concern of a sharp increase in the number of those deemed foreigners and languishing in the state’s expanding detention centres. Notably, the state government of Assam has filed an application before the Supreme Court for permission to conduct a ‘reverification’ of the NRC list, previously considered ‘final’ - a move justified in the name of a more accurate NRC to address “major irregularities” of the previous list. Yet this has led to fears that more people could be put at risk of exclusion, with an arduous re-verification replicating the issues pervasive in the recent NRC process. This would again be likely to disproportionately affect those most marginalised – including minorities, particularly women and the socio-economically disadvantaged – as well as stoke anti-foreigner and Islamophobic sentiment.

ISSUE II Arbitrary Detention of Stateless Persons

26. This section addresses the arbitrary detention of stateless persons in Assam, focusing particularly on **declared foreigners (DFN)**. This group is currently specific to the Assam NRC context. DFNs are those declared as foreigners by Foreigners Tribunals under section 9 of the Foreigners Act, 1946. As discussed above, DFNs have to discharge the burden of proving that they are *not* foreigners, and are often unable to do so because of inconsistencies in or lack of documents. Further, DFNs have no effective right to appeal and are subject to deportation proceedings. At least 1,133 DFNs have been incarcerated in six prisons that were notified as “detention centres” allegedly “pending deportation”.⁴³ This includes 102 children who are held with their mothers (under 6) in women’s prisons or with their fathers (boys above 6) in men’s prisons.⁴⁴ Between 2016-

³⁸ *Mamoni Rajkumari vs State Of Assam*, reported in (2018) 2 Gau LR 422 (*Gauhati High Court*)

³⁹ Parliament of India, Reply to Rajya Sabha Unstarred Question 2306 on 23 March 2022 No.

<https://pqars.nic.in/annex/256/AU2306.pdf>

⁴⁰ Parliament of India, Reply by the Ministry of Home Affairs to Rajya Sabha Unstarred Question No. 865 on 09 February 2022 and Reply to Unstarred Qu

⁴¹ Parliament of India, Lok Sabha Reply to Unstarred Question No. 865 submitted by Binoy Viswam on 09 February 2022; Biswa Kalyan Purkayastha, 31 declared foreigners died in detention centres from 2016 to 2021: Assam govt, *Hindustan Times*, 29 March, 2022,

<https://www.hindustantimes.com/india-news/31-declared-foreigners-died-in-detention-centres-from-2016-to-2021-assam-govt-101648551804550.html>

⁴² [Lok Sabha Unstarred Question no. 1724](#) 02/07/2019, Parliament of India.

⁴³ [Lok Sabha Unstarred Question no. 1724](#) 02/07/2019, Parliament of India

⁴⁴ Assam State Legislative Assembly, Reply to Unstarred Question No. 548 on 09.08.2021

2022, 31 DFNs have died due to illness in the six detention centres across Assam.⁴⁵ Given that Bangladesh does not recognise DFNs as its own nationals, they are in effect stateless, stuck in a legal limbo.

27. This submission does not focus on **convicted foreigners** - foreigners who have been convicted for immigration offenses (e.g., entry without documents, use of forged documents) and are required to undergo criminal sentences. Further, this section does not focus on the detention of stateless refugees, which is addressed under Issue 4.
28. Article 9 of the ICCPR prohibits arbitrary arrest or detention.⁴⁶ In addition to being lawful, detention must be necessary, proportionate and reasonable.⁴⁷ The principles of necessity and proportionality require detention to be a last resort and be observed with strict legal limitations and judicial safeguards.⁴⁸ India does not have a transparent detention policy that sets out the purpose of detention.⁴⁹ The Model Detention Manual 2019, which is the blueprint for treatment of detained DFNs, does not comply with international standards.⁵⁰ It fails to confer the most basic rights such as parole and furlough, rights otherwise available to convicted criminals under the Model Prison Manual, 2016. Detainees are kept separate from other inmates but are housed within district jails.⁵¹ Alternatives to detention have not been explored, despite the fact that deportation is uncertain,⁵² thus heightening the risk of indefinite detention.
29. Arrests and detention of “declared foreigners” by the State Government of Assam do not follow procedure under law stipulated for arresting detaining or confining foreigners. Instead, the State Government claims to be acting under its powers to place “restrictions on movement” of foreigners or to require them to “reside at a particular place”.⁵³ In doing so, the government sidesteps constitutional safeguards against detention under Article 22.
30. In May 2019, the Supreme Court (SC) of India stated that DFNs could be released after three years in detention. 273 people were subsequently released.⁵⁴ In April 2020, the SC ordered the government to reduce the minimum detention period from three to two

45 Biswa Kalyan Purkayastha, 31 declared foreigners died in detention centres from 2016 to 2021: Assam govt, Hindustan Times, 29 March, 2022,

<https://www.hindustantimes.com/india-news/31-declared-foreigners-died-in-detention-centres-from-2016-to-2021-assam-govt-101648551804550.html>

⁴⁶ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 24 March 2022]

⁴⁷ European Network on Statelessness, *Protecting Stateless Persons from Arbitrary Detention: A Regional Toolkit for Practitioners* (2015).

⁴⁸ UNITED NATIONS. General Assembly. "Report of the Working Group on Arbitrary Detention." *New York: United Nations* (2015).

⁴⁹ Mohsin Alam Bhat & Aashish Yadav, "The NRC in Assam Doesn't Just Violate Human Rights of Millions – It Also Breaks International Law," Text, Scroll.in (<https://scroll.in>), accessed March 24, 2022, <https://scroll.in/article/983130/the-nrc-in-assam-doesnt-just-violate-human-rights-it-also-breaks-international-law>.

⁵⁰ UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012.

⁵¹ "Assam renames detention centres as transit camps," The Times of India, accessed March 24, 2022, <https://timesofindia.indiatimes.com/city/guwahati/assam-renames-detention-centres-as-transit-camps/articleshow/85469196.cms>

⁵² "Explained: Can India Really Deport Illegal Immigrants after the Final NRC List?," *The Indian Express* (blog), August 31, 2019, <https://indianexpress.com/article/explained/explained-can-india-really-deport-illegal-immigrants-after-final-nrc-list-5836195/>.

⁵³ See Section 3(2)(e) of the Foreigners Act, 1946

⁵⁴ "Assam renames detention centres as transit camps," The Times of India, accessed March 24, 2022, <https://timesofindia.indiatimes.com/city/guwahati/assam-renames-detention-centres-as-transit-camps/articleshow/85469196.cms>

years, and lower the bond amount from 100,000 rupees (1,300 USD) to 5,000 rupees (67 USD). The SC further ordered the release of those detained for two or more years, and to explore alternatives to detention. As a result, 481 more people were released.⁵⁵ By directing conditional release of detainees, the SC deemed detention as the primary resort rather than the last resort.

ISSUE III Stateless refugees in India

31. India is home to approximately 210,991 persons of concern to UNHCR, mainly refugees from Myanmar, Afghanistan, Sri Lanka, and Tibet.⁵⁶ Refugees from Sri Lanka and Tibet are determined and recognised by the government while those from Myanmar, Afghanistan and non-neighbouring countries are determined and recognised by the UNHCR. The degradation of their legal status, systematic exclusion from documentation and basic services, coupled with increasing harassment and detention, have placed the refugee community in highly precarious positions.
32. There are around 18,000 stateless Rohingya refugees registered with UNHCR,⁵⁷ and potentially tens of thousands more unregistered. Exact numbers are non-existent, partly as entry is not systematically recorded across India's extensive land border crossings. There is also no protection guarantee for Rohingya who declare themselves to the state. UNHCR has limited authority, reach and capacity in the country and in August 2017 (in the immediate aftermath of the Myanmar genocide), the Government of India declared Rohingya to be 'illegal migrants'.⁵⁸
33. Refugee registration processes are becoming increasingly coercive, in part, due to the impact of the CAA (see above). Further, while the Aadhaar card had become an essential lifeline for refugees who often lack other government issued documentation, since October 2018, refugee cards are no longer considered a valid documentation to obtain Aadhaar, affecting Rohingya and other refugees whose Long Term Visas are kept in abeyance and not renewed, or who were only granted UNHCR Refugee Cards. Further, the Refugee Card is often not recognised as a valid form of identification and does not provide access to basic health and education services.⁵⁹
34. Rohingya in settlements across India experience chronic protection failures and deteriorating living conditions. Poverty is compounded by the community's inability to find secure and sustainable livelihoods. Rohingya refugees face unsafe working conditions in the informal economy, which is often highly exploitative. Where Rohingya

55 "Assam Detention Centres for Foreigners Renamed 'Transit Camps,'" *The Hindu*, August 19, 2021, sec. Other States, <https://www.thehindu.com/news/national/other-states/assam-detention-centres-for-foreigners-renamed-transit-camps/article35988761.ece>.

56 UNHCR, Global Focus, India, 2022, www.reporting.unhcr.org/india.

57 CESF Consortium, Together We Can: The Covid-19 Impact on Stateless People & A Roadmap for Change 59 (June 2021).

58 Institute on Statelessness and Inclusion, Failure to protect: the denial of status, detention and refoulement of Rohingya refugees in India, August 2021, p.4-5, www.files.institutesi.org/Rohingya_Refugees_in_India_Briefing_Paper.pdf.

59 Institute on Statelessness and Inclusion (in association with the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), Locked in and locked out: The impact of digital identity systems on Rohingya populations, November 2020, www.files.institutesi.org/Locked_In_Locked_Out_The_Rohingya_Briefing_Paper.pdf. India granted Long Term Visas (LTV) to Rohingya from 2012 onwards, based on their UNHCR Refugee Cards, which offered some protection against detention and deportation as 'illegal migrants'. It also enabled Rohingya to obtain other key identity documents and access certain basic rights and services. However, since 2016-17, existing LTV have not been renewed and new ones have not been granted, with no official explanation as to why. As these visas are a pre-requisite to an Aadhaar identity card, which is a key piece of identity necessary to access other basic rights and services, the denial of LTV has had a cascading effect.

can settle, their homes are often built on undeveloped or disputed land on the outskirts of cities, which present a myriad of security, health, and safety risks. These challenges are exacerbated by COVID-19, and are interrelated and mutually reinforcing, heightening the cost of statelessness, generating new risks of statelessness, and stifling efforts to promote the right to nationality and the rights of stateless people. Despite a 2018 SC interim order directing authorities to provide the same access to services to refugees as Indian citizens, stateless refugees continue to be deprived of access to health and education services.⁶⁰

35. Many stateless Rohingya men, women and children face detention, with reports estimating approximately 500 in detention as of 2021.⁶¹ Many have been arrested in West Bengal, Assam, and Manipur. Around 170 have been detained in a 'holding centre' in Jammu since March 2021,⁶² many of whom hold UNHCR refugee ID cards which are supposed to protect them against detention.⁶³ The Indian government has also conducted immigration sweeps during Ramadan, which resulted in many Rohingya being arrested and detained.
36. Many Rohingya have been deported from India to Myanmar through formal legal mechanisms. This violates the customary law principle of *non-refoulement*. Since 2018, at least three groups of Rohingya have been deported. Between November 2020 and January 2021, dozens of Rohingyas were detained in West Bengal and Assam, despite the fact that many were intending to undergo refugee status determination before UNHCR in Delhi. Deportations, often follow such arrests and detentions, with a 2021 ruling by the SC having paved the way for continued deportations. In this judgment, the SC refused to apply the principle of *non-refoulement* on the basis that India is not a signatory to the UN Refugee Convention.⁶⁴
37. The UNHCR has recommended that India take immediate steps to pursue alternatives to detention for asylum-seekers and establish legal and procedural safeguards to ensure that asylum-seekers are not subjected to arbitrary or indefinite detention while allowing them to contact and be contacted by the UNHCR office.⁶⁵

ISSUE IV Denial of rights to non-citizens

38. Those denied their right to nationality or documentation, or those without a clear legal status are more likely to be deprived of other rights, including healthcare, education, free movement, work and access to justice.⁶⁶ Further, without ready solutions, children

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https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi8xbydsuj2AhVPlDgFHRJfAmYQFnoECBIQAQ&url=https%3A%2F%2Fwww.altnews.in%2Fwp-content%2Fuploads%2F2021%2F07%2F27859_2013_Order_11-May-2018.pdf&usq=A0vVaw2UG_xtTYoCBXpCViiRfB1t

⁶¹ ISI, Human Rights and Covid-19: What now for the Rohingya 8 (Aug. 2020).

⁶² "Rohingyas Detained in Jammu Shall Not Be Deported to Myanmar without Due Procedure: Supreme Court," *The Indian Express* (blog), April 8, 2021, <https://indianexpress.com/article/india/rohingyas-jammu-deported-supreme-court-7264499/>.

⁶³ Hannah Ellis-Petersen and Aakash Hassan, "India Detains Rohingya Refugees and Threatens to Deport Them to Myanmar," *The Guardian*, March 8, 2021, sec. World news, <https://www.theguardian.com/world/2021/mar/08/india-detains-rohingya-refugees-and-threatens-to-deport-them-to-myanmar>.

⁶⁴ Mohammad Salimullah v. Union of India, WP (C) 793/2017, www.main.sci.gov.in/supremecourt/2017/27338/27338_2017_31_1502_27493_Judgement_08-Apr-2021.pdf.

⁶⁵ Office of the High Commissioner for Human Rights, Submission by the United Nations High Commissioner for Refugees, Universal Periodic Review, 3rd Cycle, 27th Session, 2016, https://www.upr-info.org/sites/default/files/document/india/session_27_-_may_2017/unhcr_upr27_ind_e.pdf

⁶⁶ Institute on Statelessness and Inclusion *et al*, 'Together We Can: The COVID-19 Impact on Stateless People & A Roadmap for Change', 2021, [together we can report 2021.pdf \(institutesi.org\)](https://www.instituteforstatelessness.org/together-we-can-report-2021.pdf).

of stateless people are more likely to inherit the same (lack of) status. Of particular concern is the disruption of birth registration processes. Civil registration has not been classified as an essential service in India, leaving birth registration severely disrupted due to the COVID-19 pandemic.⁶⁷ A significant decline in birth registration has been reported in early 2021 and relates to, among others, an increase in home births and legal and operational challenges to register births during the pandemic.⁶⁸

39. COVID-19 has intensified the challenges faced by stateless people in India. The lack of documentation has undermined access to healthcare, while fear of arrest, detention and harassment has cultivated a culture of fear around accessing healthcare for stateless and undocumented people. The inability to carry out effective preventative measures including social distancing and wearing PPE, as well as lack of access to sanitation and hygiene products and facilities due to living and working conditions, also places stateless communities at great risk. The mental health impacts of lockdowns, loss of livelihoods, exposure to health risks and starvation and exclusion from state relief measure, are also significant. Further, there is an urgent need to ensure inclusivity in the roll out of COVID-19 vaccines.⁶⁹ While the Indian government created welfare packages for struggling low-income earners, farmers, the homeless and migrant workers; DFNs and stateless people are excluded from these initiatives.⁷⁰
40. According to a 2018 Standard Operating Procedure,⁷¹ those excluded from the Draft 2018 NRC could file for inclusion in the final NRC list through an application process that included submitting their biometric details. These biometric details have been stored by the Unique Identification Authority of India (UIDAI).⁷² However, the biometric details of over 2.7 million residents of Assam who applied through this process have been locked, denying them access to multiple welfare schemes for which Aadhaar linkage is mandatory. As the NRC appeals process is yet to commence, these Indian citizens who are at risk of statelessness, have been unable to link their biometrics to access financial transactions and welfare schemes, enrol in certain institutions, access employment, or obtain social security benefits including access to healthcare, education, and rations.⁷³
41. These deprivations have been challenged in the Gauhati High Court and have been widely reported on.⁷⁴ Such exclusion from the NRC process, and subsequently from access to government schemes and entitlements have had a serious mental health

⁶⁷ Gupta, A., COVID-19 and the importance of improving civil registration in India, Center for the Advanced Study of India, April 13, 2020. Available at: <https://casi.sas.upenn.edu/iit/aashishgupta>.

⁶⁸ Paras Singh, Deaths up in city, birth certificates issued fall sharply The Times of India (July 6, 2021).

⁶⁹ UN High Commissioner for Refugees (UNHCR), *The Impact of COVID-19 on Stateless Populations: Policy recommendations and good practices on vaccine access and civil registration*, 3 June 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/60b8d6d84.pdf>

⁷⁰ DAJI and Institute on Statelessness and Inclusion, Together We Can- India, The COVID Impact on Stateless People and a Roadmap for Change, 2021, [INDIA Together We Can.pdf \(institutesi.org\)](https://www.instituteforindia.org/india-together-we-can.pdf).

⁷¹ Standard Operating Procedure, modalities for disposal of claims and objections in the updation of National Register of Citizens (NRC) 1951 in Assam, <http://nrcassam.nic.in/pdf/SOP-claims-objections-final.pdf>

⁷² This is a statutory authority established under the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

⁷³ On the question of access to rations, the Government of Assam has issued orders that rations cannot be disbursed to existing beneficiaries who do not present a vaccination certificate and Aadhaar enrolment. See Additional Deputy Commissioner, Cachar, Silchar vide Order No. CSM25/2019/100, 05 October, 2021.

⁷⁴ Sadiq Naqvi, Name in NRC final list, but no Aadhaar? Why Assam people are angry and confused, EastMojo, 13 December 2020, <https://www.eastmojo.com/news/2020/12/13/name-in-nrc-final-list-but-no-aadhaar-why-assam-people-are-angry-and-confused/>; Gyanandra Rai, Not in NRC List, Biometrics Frozen – How Do I Get Aadhaar Card?, The Quint, 31 March, 2021, <https://www.thequint.com/my-report/assam-nrc-list-aadhaar-card-biometric-frozen-citizen-report#read-more>; Rahul Karmakar, Frozen biometrics of Assam NRC applicants cause Aadhaar hurdle, The Hindu, 4 November, 2020 <https://www.thehindu.com/news/national/other-states/frozen-biometrics-of-assam-nrc-applicants-cause-aadhaar-hurdle/article33021976.ece>

impact⁷⁵ and driven multiple people in Assam to suicide.⁷⁶ There have also been reports of land evictions.³⁴ Women from rural areas, who are illiterate, married young, and from marginalised communities are disproportionately impacted as they do not have equal access to documentation, and are thus more likely to be excluded. Several statements coming from highest positions of power indicate rampant Islamophobia at work,³⁵ reflected by the introduction of restrictions imposed on beef consumption, selling and trade in bovine animals.

42. As the NRC appeals process in Assam has not commenced for over two and half years, the legal limbo of those excluded from the 2019 list has heightened, as their access to rights has been in effect suspended. They also face societal stigma, and access to legal aid has been disrupted.
43. Stateless communities, such as, the Chakma and Hajong communities, have few resources and have been affected by the loss of employment due to the pandemic. It was only with intervention of the Ministry of Development of the northeastern region that the state government included them in COVID-19 response, and they were given access to food.⁷⁷

Recommendations

44. Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to India:

- a. Protect everyone's right to a nationality, and ensure that national laws comply with international obligations as consolidated in the Principles on Deprivation of Nationality, which prohibit the arbitrary and discriminatory deprivation of nationality, require the avoidance of statelessness and adherence to procedural safeguards and fair trial rights.
- b. Immediately stop the national registration of citizens process, the detention of those declared 'foreigners', burdensome police reporting procedures for released detainees and take steps to remove barriers to their inclusion in social welfare and relief programmes.
- c. Ensure that its treatment of stateless persons, including those in immigration detention fully complies with its international obligations, that alternatives to detention are implemented to protect against arbitrary detention in all circumstances, and that those arbitrarily detained are immediately released and compensated.
- d. Amend the Citizenship Act, 1955 to abolish all provisions that are discriminatory on the basis of ethnicity and religion, to remove barriers for Indian-born children of alleged foreigners to be citizens by birth, and to enable children of doubtful voters and declared foreigners to be registered as citizens of India.

⁷⁵ National Campaign Against Torture, Survey Finds : 89% Of People Excluded From Assam NRC Suffering From Mental Punishment, 24 August, 2019, <http://www.uncat.org/in-media/survey-finds-89-of-people-excluded-from-assam-nrc-suffering-from-mental-punishment/>.

⁷⁶ Citizens for Justice and Peace, NRC Suicides, <https://cjp.org.in/tag/nrc-suicides/>

⁷⁷ The Federal, Before COVID, Chakma, Hajong tribes of Arunachal battled stormy migration, May 2020, www.thefederal.com/covid-19/before-covid-19-chakma-hajong-tribes-of-arunachal-battled-a-stormy-migration/.

- e. Repeal the Foreigner Tribunals and replace them with a judicial mechanism that meets basic procedural and fair trial standards, provide an effective and timely appeal system against the 'opinions' of the Foreigner Tribunals, and immediately reinstate citizenship and provide reparations to those who have wrongly been excluded from the NRC or declared foreigners.
- f. Ensure free and equal access to covid-19 vaccinations to all people on the territory, including stateless people and refugees, without requiring a national id card.
- g. Identify and reach stateless people and other vulnerable and overlooked groups, through all state and humanitarian responses to covid-19, to provide them with critical information, healthcare and relief, while ensuring that access to socio-economic rights is not linked to nationality or legal status.
- h. Immediately cease efforts to deport refugees and stateless people, including Declared Foreigners and Rohingya refugees.
- i. Identify and protect refugees and stateless people in India, particularly children, through providing them with a secure legal status and associated rights, and by acceding to and fully implementing the UN statelessness and refugee conventions.