



Asia Pacific
Refugee Rights
Network

INDIA: SUBMISSION TO THE UN COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

ISSUES RELATED TO THE DETENTION OF MIGRANTS, REFUGEES, AND ASYLUM SEEKERS

SUBMITTED: JULY 2026

ABOUT THE GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT THE ASIA PACIFIC REFUGEE RIGHTS NETWORK

The Asia Pacific Refugee Rights Network (APRRN) is an open and growing network consisting of more than 240 civil society organisations and individuals from 28 countries committed to advancing the rights of refugees in the Asia Pacific region.

APRRN aims to advance the rights of refugees and other people in need of protection through joint advocacy, capacity strengthening, resource sharing, and outreach. APRRN envisions a region in which all people in need have equal and adequate access to assistance and protection, and to timely durable solutions. We envision a region in which refugee communities, civil society, UNHCR, States (including those outside the region) and other actors collaborate effectively towards the common purpose of protection.

India: Issues Related to the Detention of Migrants, Refugees, and Asylum Seekers

Submission to the UN Committee on the Elimination of Racial Discrimination (118th Session)

Submitted July 2026

1. Introduction

- 1.1 The [Global Detention Project \(GDP\)](#) and the [Asia Pacific Refugee Rights Network \(APRRN\)](#) welcome the opportunity to provide information relevant to the review of India's twentieth and twenty-first periodic reports during the 118th session of the UN Committee on the Elimination of Racial Discrimination.
- 1.2 This submission focuses on India's detention and removal of migrants, refugees, and asylum seekers for reasons related to their immigration status. An important consideration for making this submission has been the Committee's position on immigration detention and border policies, laid out in its Joint General Recommendation (No.39/No.8) issued with the UN Committee on Migrant Workers (2025). In particular, we recall the following:

"The Committees recall that immigration detention is always harmful and disproportionate as an interim measure during administrative procedures or in response to an administrative irregularity or infraction. The Committees strongly recommend that States Parties take all appropriate measures without delay to progressively abolish migration-related detention policies and practices."

2. Background

- 2.1 For years, India has served as an important destination for asylum seekers and refugees from neighbouring countries like Pakistan, Bangladesh, and Myanmar, as well as from further afield, including Afghanistan, Somalia, and the Democratic Republic of Congo.
- 2.2 Under the Hindu nationalist Bharatiya Janata Party (BJP) there has been a marked increase in xenophobic attitudes and policies; a securitised approach to immigration enforcement; and intensified detention and deportation operations targeting specific groups like Rohingya refugees and persons perceived to be Bangladeshi, especially Bengali-speaking Muslims.

- 2.3 Despite a July 2025 appeal from the CERD to India calling for an end to the arbitrary mass detention and forced deportation of Rohingya to Myanmar,¹ the discriminatory targeting of this population—as well as persons perceived to be Bangladeshi—has escalated. In May 2025, the Ministry of Home Affairs published revised guidelines “regarding deportation of illegally staying Bangladeshis / Rohingyas (Myanmar nationals).” Since then, there have been widespread verification drives, detentions, and pushbacks disproportionately affecting Bengali-speaking Muslims, Rohingya refugees, and others perceived to be Bangladeshi.
- 2.4 These measures have been accompanied by efforts that undermine India’s obligations under the customary international law principle of non-*refoulement*, as well as amendments to citizenship legislation that risk rendering minority communities stateless. Public campaigns have further stigmatised refugees and asylum seekers, fuelling discrimination and hostility.
- 2.5 In the wake of the Pahalgam terrorist attack in Kashmir in April 2025, India’s Ministry of Home Affairs ordered states to apprehend and remove “illegal foreigners” from the country, even if they hold citizenship or residence status. In states such as Gujarat, Delhi, Assam, Maharashtra, and Rajasthan, “identified illegal immigrants” have been rounded up, sent to border points in Assam, Tripura, and Meghalaya, and then pushed across the border.
- 2.6 A variety of facilities are used to detain non-nationals. As well as dedicated detention centres, police stations, prisons, juvenile detention centres, and border guard posts, authorities also use more informal “holding centres” and “transit centres.” The largest of these is Assam’s [Matia Transit Camp](#). Observers have also reported to the Global Detention Project that ad hoc sites, including houses, have been used for detention purposes. Amid increasing scrutiny and detention of refugees and asylum seekers, in 2025 the Ministry of Home Affairs formally ordered all state governments to establish new holding centres or detention camps to detain and restrict greater numbers of asylum seekers and refugees.²

¹ OHCHR, “India Must End Racial Discrimination Against Rohingya, Cease Forced Deportation and Arbitrary Detention, Urges UN Committee,” 2 July 2024, <https://www.ohchr.org/en/press-releases/2024/07/india-must-end-racial-discrimination-against-rohingya-cease-forced>

² Ministry of Home Affairs, “Sub: Procedure for Deportation of Illegal Bangladeshi Nationals / Rohingyas,” 2 May 2025, <https://www.scobserver.in/wp-content/uploads/2025/12/Procedure-for-deportation-of-illegal-Bangladeshi-nationals-2nd-may.pdf>

Key Concerns Regarding India's Compliance with the Convention

3. Legislative Concerns

- 3.1 In its List of Issues Prior to Reporting, the Committee requested information regarding measures taken to “(a) Adopt and implement national refugee and statelessness legislation that is consistent with international standards, ensure protection of all refugees, asylum seekers and stateless persons, including finding suitable durable solutions” (Paragraph 26(a)).
- 3.2 India subsequently confirmed in its State Report that it remains a non-signatory to the 1951 Refugee Convention and its 1967 Protocol, and that the rights of foreign nationals are governed by provisions contained within legislation including the Foreigners Act and the Citizenship Act. However, the GDP and APRRN share serious concerns regarding this legislation, which remains incompatible with the State party's obligations under the Convention.
- 3.3 **Immigration and Foreigners Act, 2025:** In 2025, India replaced the 1946 Foreigners Act with a new Immigration and Foreigners Act (no.13 of 2025). The 1946 Act had treated anyone without valid documentation as an illegal foreigner liable for arrest, detention, and deportation. The new law, however, is more restrictive, providing broad powers to immigration officers to detain and deport summarily, with little judicial oversight; and enables authorities to prohibit the entry, stay, and exit of “any particular foreigner or any specified class or description of foreigner” (Section 7). Critically, there are no particular provisions to safeguard vulnerable groups like refugees, asylum seekers, children, or stateless persons—and their arrest and detention is subsequently regularly documented.
- 3.4 Counter to international guidance, including the CERD's 2025 Joint General Recommendation No.39, the Act also criminalises irregular entry, with Section 21 providing for imprisonment for up to five years and/or fines of up to five lakh rupees (approximately 5,300 USD). It fails to place a statutory limit on the duration of immigration detention, leaving detainees subject to indefinite detention. Prolonged detention has been documented in practice. (In September 2024, more than 100 refugees from Myanmar, including Chin and Rohingya, went on hunger strike to protest their indefinite detention in the Matia Transit Camp. These detainees had been transferred to the facility after completing their court-imposed sentences for “illegal border entry,” and some had been in detention for over a decade³.)

³ Rohingya Human Rights Initiative, “Indefinite Detention and Desperation: Myanmar Refugees on Hunger Strike in Assam, India Cry for Justice,” 10 September 2024,

- 3.5 Sections 9 and 10 impose mandatory reporting requirements upon educational and medical institutions. This may result in the discrimination against migrants, refugees, and asylum seekers, restricting their access to education and healthcare in violation of Article 5(d) of the Convention.
- 3.6 **Citizenship Amendment Act, 2019 (CAA):** Passed in 2019 and operationalised in 2024, the CAA amended the 1955 Citizenship Act to introduce new discriminatory provisions. It accelerates the acquisition of Indian citizenship for specific religious minorities—specifically, Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan—and provides them with legislative protection against detention and deportation. However, it controversially excludes many other groups like Rohingya Muslims and Sri Lankan Tamils.
- 3.7 Although not a signatory to the 1951 Refugee Convention, India allows UNHCR to process refugee claims for certain nationalities, including those from Myanmar and Afghanistan. However, UNHCR does not have a presence in the north-eastern states of India, thereby forcing those seeking protection to undertake the long journey to New Delhi, risking detention by state authorities along the way.

3.8 Recommendations: As per guidance provided by the Committee in its General Recommendation No.39 with the CMW, we urge the Committee to demand that India amend its Immigration and Foreigners Act to ensure that:

- 3.8.a** Deprivation of liberty is only used as a measure of last resort, where it is necessary and proportionate; is used for the shortest possible time; and is based on an individual assessment which demonstrates a realistic prospect for removal.
- 3.8.b** A strict statutory maximum time limit on immigration detention is introduced, and prolonged or indefinite detention is prohibited.
- 3.8.c** Vulnerable groups such as refugees, asylum seekers, and children are provided with protections to safeguard them from arrest, detention, and deportation.
- 3.8.d** Irregular entry is decriminalised.
- 3.8.e** Educational and medical institutions cease being required to report foreign nationals.

<https://www.rohringya.org/news/indefinite-detention-and-desperation%3A-myanmar-refugees-on-hunger-strike-in-assam-india-cry-for-justice.html>

3.8.f Repeal the 2019 Citizenship Amendment Act due to its discriminatory and exclusionary provisions.

3.8.g Adopt comprehensive national legislation establishing a legal framework for the protection of all refugees and asylum seekers, regardless of their religious background, consistent with international human rights standards.

4. National Register of Citizens (NRC): A Gateway to Detention

- 4.1 The Committee will recall its request for information regarding measures taken to ensure that the “process of updating the National Register of Citizens in Assam does not lead to ... detention or arbitrary deprivation or citizenship,” as well as disaggregated data on the number of non-nationals who have been detained on the basis of this process (List of Issues Prior to Reporting, paragraph 19.)
- 4.2 In its State Report, India provided a limited and inadequate response, defending the National Register of Citizens (NRC), stating that authorities incorporated “appropriate safeguards to protect the rights of people involved and comprehensively address any concerns as to discrimination.” The State Party also failed to provide disaggregated statistics regarding non-nationals detained on NRC grounds.
- 4.3 In reality, the NRC remains an issue of serious concern and serves as a gateway to the detention of non-nationals. Published in 2019, the NRC is a register of people who can prove they came to Assam before 24 March 1971, and which excludes nearly two million residents. Those who are excluded are vulnerable to being labelled “illegal” by quasi-judicial “Foreigners’ Tribunals,” leaving them at risk of detention under the Immigration and Foreigners Act.
- 4.4 Although the State party notes that anyone who wishes to challenge their designation as an “illegal foreigner” can seek judicial review before the Gauhati High Court and India’s Supreme Court, in reality it is far more complicated. Researchers and observers have documented systemic hurdles to accessing such reviews—cost, distance, and legal complexity—“making it nearly impossible for impoverished litigants to contest adverse decisions effectively,”⁴ and noted that rulings by the Gauhati

⁴ National Law School of India University and Queen Mary University London, “Unmaking Citizens: The Architecture of Rights Violations and Exclusion in India’s Citizenship Trials,” July 2025, https://www.nls.ac.in/wp-content/uploads/2025/07/Unmaking-Citizens_online-report.pdf

High Court have tended to uphold decisions rather than act as “sites of correction.”⁵

- 4.5 This is additionally concerning given the reversal of the burden of proof by the Immigration and Foreigners Act (Section 16), which is employed by the Foreigners Tribunals. This means that instead of the conventional “presumption of innocence” where prosecutors must prove the defendant’s guilt, individuals are presumed to be “illegal migrants” from the outset and must personally prove their legal status to the court—raising concerns regarding fairness, due process, and indirect indiscrimination against marginalised populations with limited access to documentation. In July 2026, in the case of *Sabitri Dey @ Swasthi Dey and Ors v. Union of India*, the Supreme Court stated that such proceedings must be carried out by a “fair, lawful and reasonable” process, and that “the existence of a statutory burden under Section 9 of the 1946 Act cannot be read to mean that the Tribunal is relieved of its own obligation to conduct a lawful adjudication.”⁶ As of 20 July 2026, it remains unclear if and how this will be implemented.
- 4.6 The consequences of the tribunal process are severe. While the State party failed to provide statistics regarding the numbers detained as a result of this process, and while authorities do not publish an official dataset, according to Assam’s Governor as of January 2026 170,000 people had been declared “illegal foreigners,”⁷ and large numbers of detainees have been documented. According to information received by the National Law School of India University and Queen Mary University London, in January 2025 255 people were in detention. In February 2019, 938 persons were detained in six Assam detention centres.⁸

⁵ National Law School of India University and Queen Mary University London, “Unmaking Citizens: The Architecture of Rights Violations and Exclusion in India’s Citizenship Trials,” July 2025, https://www.nls.ac.in/wp-content/uploads/2025/07/Unmaking-Citizens_online-report.pdf

⁶ Supreme Court of India, “*Sabitri Dey @ Swasthi Dey and Ors v. Union of India*,” July 2026, https://www.livelaw.in/pdf_upload/2026/07/14/sabitri-dey-swasthi-dey-and-ors-v-union-of-india-686485.pdf

⁷ Economic Times, “Assam: Only 467 Illegal Foreigners Repatriated out of 1.7 Lakh Declared, Says Guv,” 27 January 2026, <https://economictimes.indiatimes.com/news/india/assam-only-467-illegal-foreigners-repatriated-out-of-1-7-lakh-declared-says-guv/articleshow/127611160.cms>

⁸ Times of India, “938 Persons Detained in 6 Detention Centres in Assam, 823 Declared as Foreigners, Centre Tells SC,” 19 February 2019, <https://timesofindia.indiatimes.com/india/938-persons-detained-in-6-detention-centres-in-assam-823-declared-as-foreigners-centre-tells-sc/articleshow/68062160.cms>

4.7 Recommendations:

- 4.7.a We urge the Committee to recommend that the State party ensures, as a matter of priority, that the implementation and consequences of the NRC process do not result in arbitrary deprivation of nationality, discrimination, and exposure to immigration detention.
- 4.7.b The State party should also take measures to ensure that individuals affected by NRC-related proceedings have effective, accessible, and affordable access to judicial review, including through legal aid.
- 4.7.c The Committee should also encourage the State party to publicly disclose statistics regarding the NRC process, and the number of “illegal foreigners” who are detained as a result of it.

5. Targeting of Specific Groups for Arrest, Detention, and Deportation: Rohingyas, and Persons Perceived to be Bangladeshi

- 5.1 India’s immigration enforcement policies have disproportionately targeted specific groups, notably refugees and asylum seekers from Myanmar (notably Rohingya and Chin), as well as Bangladeshi nationals and Bengali-speaking populations. Such profiling aligns with practices established in national legislation, such as the 2019 Citizenship Amendment Act which excludes groups like Rohingya Muslims and Bangladeshi Muslims.
- 5.2 Central government authorities have urged state authorities to identify, detain, and remove specific populations. In 2017, the Minister of State for Home Affairs issued a directive to state governments to identify and deport “illegal immigrants,” citing claims that “infiltration from Rakhine State of Myanmar into Indian Territory...aggravates the security challenges posed to the country.”⁹
- 5.3 More recently, in May 2025 the MHA issued revised guidelines on the “deportation of illegally staying Bangladeshis / Rohingyas (Myanmar nationals).”¹⁰ Amongst various instructions included in these guidelines were requirements for all State Governments/UT Administrations to: set up Special Task Forces in each District “to detect, identify and deport / send-back illegal immigrants”; set up Holding Centres in each District to detain non-nationals; to assess claims of Indian citizenship within 30 days—and to ensure their deportation if documents are not verified; and to take detainees “in groups as far as possible” to Border Guarding

⁹ Ministry of Home Affairs, “Subject: Identification of illegal migrants and monitoring thereof – regarding,” 8 August 2017, https://www.mha.gov.in/sites/default/files/advisoryonillegalmigrant_10092017_2.PDF

¹⁰ Ministry of Home Affairs, “Sub: Procedure for Deportation of Illegal Bangladeshi Nationals / Rohingyas,” 2 May 2025, <https://www.scoobserver.in/wp-content/uploads/2025/12/Procedure-for-deportation-of-illegal-Bangladeshi-nationals-2nd-may.pdf>

Forces / Coast Guards to “facilitate their exit from India to Bangladesh or Myanmar.”

- 5.4 In the wake of the publication of these revised guidelines, there has been a sharp increase in the detention and forced removal of persons suspected of being Bangladeshi nationals or Rohingya. This has led to widespread verification drives, detentions, and pushbacks disproportionately affecting Bengali-speaking Muslims, Rohingya refugees, and others perceived to be Bangladeshi. This has been implemented through racialised profiling based on ethnicity, language, and perceived national origin instead of the rule of law.
- 5.5 Following arrest, non-nationals have been detained in a network of facilities, including “holding centres,” as well as informal, ad-hoc sites. In-line with the 2025 MHA guidelines, new infrastructure for detention has also been established to hold the increased numbers of detainees.
- 5.6 Particular incidents include:
- Between January and July 2025, Chhattisgarh authorities conducted numerous operations targeting Bengali-speaking Muslim migrant workers, allegedly driven by linguistic and religious profiling rather than verified intelligence. In Raipur, some 2,000 were detained in open grounds and makeshift centres without legal access.¹¹
 - Between April and July 2025, Gujarat police detained over 1,000 people suspected to be “illegal Bangladeshi immigrants” in Ahmedabad and Surat—many of whom were arrested during door-to-door nighttime raids. Reports, however, suggested that many were in fact Indian citizens. They were held in makeshift detention centres, including a football stadium.¹²
- 5.7 Those detained include women (including pregnant women), children, and elderly persons.¹³ As noted below, the conditions in detention are “dire,” with detainees enduring overcrowding, inadequate nutrition, water, and medical care. (See: **6. Detention Conditions.**)

¹¹ Association for Protection of Civil Rights, “Branded as Bangladeshis: State Violence Against Bengali-Speaking Muslims in India,” August 2025, <https://apcrindia.in/wp-content/uploads/2025/08/Branded-as-Bangladeshis-Report-2025.pdf>

¹² Association for Protection of Civil Rights, “Branded as Bangladeshis: State Violence Against Bengali-Speaking Muslims in India,” August 2025, <https://apcrindia.in/wp-content/uploads/2025/08/Branded-as-Bangladeshis-Report-2025.pdf>

¹³ Special Rapporteur on the Situation of Human Rights in Myanmar et al, “Communication to India, AL IND 14/2024,” 3 March 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29597>

- 5.8 Prompted by the Committee to describe measures taken to “fully comply with the obligation of non-*refoulement*, in particular in the context of deportations of Rohingya,” the State party described “**voluntary repatriation and resettlement** in line with the national laws and mutual agreement with the country concerned,” and noted that “an increasingly number of refugees from bordering countries have **voluntarily returned to their homeland in conditions of safety.**”
- 5.9 Contrary to the State party’s assertions, however, extensive documentation by rights observers reveals that removals have not been conducted on a voluntary basis, or in conditions that meet international standards. As the GDP and APRRN noted in a 2025 submission to the Committee on the Elimination of Discrimination against Women, forced removals into Bangladesh and Myanmar continue.¹⁴ In May 2025, Bangladeshi media reported that 123 people had been pushed into Bangladesh¹⁵—with Assam’s Chief Minister Himanta Biswa Sarma later publicly confirming these reports.¹⁶
- 5.10 Authorities often employ violent tactics during these removals, such as forcing people across borders at gun point.¹⁷ Particularly grave allegations include that of an Indian naval vessel casting Rohingya refugees into the Andaman Sea in May 2025—described by the UN Special Rapporteur on the situation of human rights in Myanmar as “an affront to human decency” and “a serious violation of the principle of non-refoulement.”¹⁸
- 5.11 Documented cases of deportation to Myanmar also include that of Hasina Begum (36), who was separated from her family and deported in March

¹⁴ Global Detention Project and Asia Pacific Refugee Rights Network, “India: Joint Submission to the UN Committee on the Elimination of Discrimination Against Women,” 29 September 2025, <https://www.globaldetentionproject.org/india-joint-submission-to-the-un-committee-on-the-elimination-of-discrimination-against-women>

¹⁵ The Daily Star, “India Pushes 123 Individuals into Bangladesh,” 7 May 2025, <https://www.thedailystar.net/news/bangladesh/news/india-pushes-123-individuals-bangladesh-3889256>

¹⁶ Maktoob Media, “Assam CM Confirms India Pushing Detainees of Matia Transit Centre, Including Rohingyas, Into Bangladesh,” 11 May 2025, <https://maktoobmedia.com/public/post?id=102213&slug=assam-cm-confirms-india-pushing-detainees-of-matia-transit-centre-including-rohingyas-into-bangladesh>

¹⁷ BBC News, “I Was Pushed Across the India Border Into Bangladesh at Gunpoint,” 4 June 2025, <https://www.bbc.co.uk/news/articles/cqj78v79z9do>

¹⁸ OHCHR, “Alarmed by Reports of Rohingya Cast Into the Sea From Indian Navy Vessels, UN Expert Launches Inquiry of ‘Unconscionable, Unacceptable Acts,’” 15 May 2025, <https://www.ohchr.org/en/press-releases/2025/05/alarmed-reports-rohingya-cast-sea-indian-navy-vessels-un-expert-launches>

2022 following a year in detention,¹⁹ and Jafar Alam, who was similarly separated from his family and deported in May 2022.²⁰

5.12 India is not party to the 1951 Refugee Convention or its 1967 Protocol, and has maintained that it is therefore not bound by the principle of non-*refoulement*.²¹ However, the country played an important role in the development of regional refugee protection standards through the Asian-African Legal Consultative Organization (AALCO), for which India was a founding member in 1956. Through its longstanding participation in AALCO, India has demonstrated its support for the principle of non-*refoulement* and other key refugee protection standards reflected in the organisation's adoption of several relevant instruments, including:

- **1961 Principles Concerning Admission and Treatment of Aliens**,²² Article 3 of which provides that “*A State shall not refuse to an alien entry into its territory on the ground only of his race, religion, sex or colour.*”
- **1966 Bangkok Principles on the Status and Treatment of Refugees** (revised in 2001 at AALCO’s 40th Session in New Delhi),²³ which include a specific article on the issue of non-*refoulement*. Article III(1) states that “*No-one seeking asylum in accordance with these Principles shall be subjected to measures such as rejection at the frontier, return or expulsion which would result in his life or freedom being threatened on account of his race, religion, nationality, ethnic origin, membership of a particular social group or political opinion.*”

5.13 Additionally, Indian courts have given judgements over the years recognising that the prohibition of *refoulement* is implicit in Constitutional guarantees and the country’s international legal

¹⁹ Al Jazeera, “Rights Groups Slam India for Deporting Rohingya Woman to Myanmar,” 2 April 2022, <https://www.aljazeera.com/news/2022/4/2/india-starts-deporting-rohingya-refugees-from-jammu>

²⁰ Asia Pacific Refugee Rights Network, “Addressing the Issues of Rohingya Detention and Human Rights Violations in India at G20,” 25 September 2023, <https://aprrn.org/newsroom-detail/37/>

²¹ See, for example: Jurist News, “Right to Life Encompasses Non-Refoulement: Indian High Court Advances Refugee Policy,” 30 June 2021, <https://www.jurist.org/commentary/2021/06/indian-high-court-advances-refugee-policy/>

²² Asian-African Legal Consultative Organization, “Principles Concerning Admission and Treatment of Aliens,” 1961, <https://www.aalco.int/PRINCIPLES%20CONCERNING%20ADMISSION%20AND%20TREATMENT%20OF%20ALIENS.pdf>

²³ Asian-African Legal Consultative Organization, “Final Text of the AALCO’s 1966 Bangkok Principles on Status and Treatment of Refugees, As Adopted on 24 June 2001 at the AALCO’s 40th Session, New Delhi,” <https://www.aalco.int/final%20text%20of%20bangkok%20principles.pdf>

obligations, despite the country's failure to ratify the 1951 Refugee Convention. In the case of *Nandita Haksar v. State of Manipur*, the Manipur High Court held that:

*"[T]hough India may not be a signatory to the Refugee Convention of 1951, its obligations under other international declarations/covenants, read with Article 21 of our Constitution, enjoins it to respect the right of an asylum seeker to seek protection from persecution and life or liberty-threatening danger elsewhere."*²⁴

- 5.14 While the State party notes in its Report that "the issue of deportation of illegal migrants of Rakhine state was considered by the Supreme Court of India in *Mohammad Salimullah and Anr v. Union of India (2021)*, and they found no grounds to interfere with the decision," the principal challenge (that the deportation of Rohingyas would amount to a breach of India's obligations under international law, specifically those of the principle of non-*refoulement*) remains pending as of July 2026.
- 5.15 The targeting of specific groups has been accompanied by frequent inflammatory statements by officials, fuelling widespread hostility. These statements have often taken the form of portraying certain communities as "infiltrators" and "security threats," as well as claims of "Muslim domination" and "population jihad," reinforcing narratives of exclusion. In 2024, the India Hate Lab documented 118 instances of hate speech against Rohingya refugees, and of these, 22 percent explicitly called for violence against the Rohingya community. Similarly, 22 percent of the 182 documented speeches invoking claims of the "Bangladeshi infiltrator" featured direct calls for violence.²⁵

5.16 Recommendations: The GDP and APRRN encourage the Committee to issue the following recommendations:

5.16.a Ensure the eradication of racial profiling and other discriminatory practices in migration control activities, and ensure that immigration enforcement is based on an individualised assessment rather than group-based categorisation.

²⁴ *Nandita Haksar v. State of Manipur*, High Court of Manipur, W.P.(Crl.) NO. 6 OF 2021 with MC[W.P.(Crl.)] NO.1 OF 2021 and MC[W.P.(Crl.)] NO.2 OF 2021, Judgment dt. 3 May 2021, available at: https://drive.google.com/file/d/1MIJytgk_oKYi2qAh2uTrtiqsxJPWnz4v/view

²⁵ India Hate Lab and Center for the Study of Organised Hate, "Report 2024: Hate Speech Events in India," 2025, <https://www.csohate.org/wp-content/uploads/2025/02/Hate-Speech-Events-in-India-Report-2024.pdf>

- 5.16.b** Immediately cease collective expulsions, summary deportations, and informal pushbacks at both land and maritime borders, and investigate allegations of such removals—ensuring accountability where violations are found.
- 5.16.c** Incorporate the principle of non-*refoulement* into domestic legislation, consistent with principles in the Bangkok Principles on the Status and Treatment of Refugees, and taking into account the country’s commitment to refugee protection reflected in its role as a founding member of AALCO.
- 5.16.d** Take effective measures to prevent and address racist and xenophobic hate speech by public officials and political actors, including by publicly condemning rhetoric that portrays Rohingya refugees, Bangladeshi migrants, or other minority communities as security threats or demographic threats.

6. Detention Conditions

- 6.1 The conditions that immigration detainees face in India remain non-compliant with international standards, as well as domestic guidelines. The Ministry of Home Affairs’ **2019 Model Detention Centre Manual** provides that detention centres/holding camps should provide all the facilities needed to maintain a standard of living that is in consonance with detainees’ human dignity.²⁶
- 6.2 However, observers have continued to document poor conditions within the country’s detention facilities. Concerns include overcrowding, poor hygiene/cleanliness levels, non-functioning toilets, lack of basic provisions like clothes and food prepared in a safe and healthy manner, lack of means to communicate with families and counsel, and lack of medical facilities (in particular mental health care services). Women have complained of poor sanitation leading to reproductive and menstrual health issues, and older detainees with mobility difficulties

²⁶ The Ministry of Home Affairs’ 2019 “Manual on Detention” does not appear to currently be publicly available. However, facilities to be provided to inmates include: Electricity with generator, drinking water (including water coolers), hygiene, accommodation with beds (adequate cubic contents of air, floor space, lighting, ventilation and climatic protection), communication facilities, provision for kitchen, drainage and sewage facilities, fire safety systems, sufficient open space to facilitate resident movement in a secure environment, segregated accommodation for male and female detainees, ensuring family unity, medical facilities including a mobile medical dispensary, CCTV cameras for monitoring purposes. Staff should be trained to ensure that the detainees are treated with due dignity. Further, scales of diet are to be as per the Model Prison Manual, 2016. The Manual also gives a breakdown of the size of infrastructure for a 50 persons camp to accommodate all the above spaces.

are reported to have no assistance in accessing toilets.²⁷ In 2024, India's Supreme Court raised concerns regarding the [Matia Transit Camp](#) in Assam, describing it as “far from satisfactory” and pointing to critical deficiencies in amenities and services, such as education and healthcare.²⁸ These are also in contravention to the Nelson Mandela Rules.²⁹

- 6.3 Delays in completing administrative processes for deportation often cause detention to become indefinite. This, combined with detention in such poor conditions, has led to large numbers of detainees reporting poor health, and illnesses such as tuberculosis, urinary issues, and skin diseases are reported to be “rampant.”³⁰ Deaths are not uncommon. Research by Refugees International and the Azadi Project found that between 2021 and 2024, seven detainees died in Jammu alone.³¹ In March 2024, a 12-year-old girl died in [Sewa Sadan Detention Centre](#) in Delhi, after authorities denied her urgent medical assistance.³²
- 6.4 The use of violence against detainees has also been documented. In 2023 for example, numerous reports highlighted the use of teargas against Rohingya refugees at the Hiranagar Holding Centre in Jammu and Kashmir. A five-month-old baby subsequently died, although authorities denied claims that her death was due to the inhalation of the gas.³³

²⁷ Refugees International, “A Lifetime in Detention: Rohingya Refugees in India,” 16 December 2024, <https://www.refugeesinternational.org/reports-briefs/a-lifetime-in-detention-rohingya-refugees-in-india/>

²⁸ India Today NE, “Supreme Court Criticizes Assam Government Over ‘Abysmal Conditions’ at Matia Transit Camp,” 24 November 2024, <https://www.indiatodayne.in/assam/story/supreme-court-criticizes-assam-government-over-abysmal-conditions-at-matia-transit-camp-1115472-2024-11-04>

²⁹ United Nations Office on Drugs and Crime, “The United Nations Standard Minimum Rules for the Treatment of Prisoners,” https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

³⁰ The Telegraph, “Kidnapped, Trafficked and Incarcerated: The Unsettling Death of a Rohingya Child in India,” 4 November 2024, <https://www.telegraph.co.uk/global-health/climate-and-people/hamida-begum-rohingya-child-death-india-refugee-detention/>

³¹ Refugees International, “A Lifetime in Detention: Rohingya Refugees in India,” 16 December 2024, <https://www.refugeesinternational.org/reports-briefs/a-lifetime-in-detention-rohingya-refugees-in-india/>

³² The Telegraph, “Kidnapped, Trafficked and Incarcerated: The Unsettling Death of a Rohingya Child in India,” 4 November 2024, <https://www.telegraph.co.uk/global-health/climate-and-people/hamida-begum-rohingya-child-death-india-refugee-detention/>

³³ The Indian Express, “After Rohingya Baby’s Death, Parents Brought to Jammu Burial Ground in Handcuffs, Witnesses Say,” 22 July 2023, <https://indianexpress.com/article/india/after-rohingya-babys-death-parents-brought-to-jammu-burial-ground-in-handcuffs-witnesses-say-8853652/>

- 6.5 Sources in India have informed us that in West Bengal, there is no dedicated immigration detention centre and that asylum seekers are locked up in prisons alongside people serving sentences for unrelated crimes. (In May 2026, however, the West Bengal government ordered the establishment of “holding” (detention) centres in all districts across the State.³⁴) In some states in the north-east, like Manipur, officials reserve a section within prisons for immigration purposes.

6.6 Recommendations:

- 6.6.a** We encourage the Committee to recommend that India ensure detention conditions comply with international standards—including by guaranteeing adequate living conditions with access to healthcare—to safeguard the dignity and wellbeing of foreign detainees.
- 6.6.b** The State party must also be urged to ensure that detention never becomes indefinite—and therefore arbitrary—by ensuring that maximum limits are established in law and respected in practice.
- 6.6.c** We also urge the Committee to reiterate critical points raised within its General Recommendation No.39 regarding the use of criminal facilities for immigration detention purposes, and to encourage the State party to take measures to guarantee that the facilities and conditions of migration-related detention are “entirely different from those of the criminal system” with a view to eventually phasing out all from of immigration detention.

³⁴ The Indian Express, “West Bengal Orders Holding Centres for Bangladeshis, Rohingyas Awaiting Deportation,” 25 May 2026, <https://indianexpress.com/article/cities/kolkata/west-bengal-detention-centres-illegal-immigrants-deportation-10705569/lite/>