

## HUMAN RIGHTS OF EXPATRIATE (STATELESS PERSONS) IN THE CONTEMPORARY WORLD: IN INDIAN SCENARIO

**Amit Sharma**

Assistant Professor, School of Law, Monad University, Hapur

**Akhilesh Kumar Pandey**

Assistant Professor, School of Law, Monad University, Hapur

### **Abstract:**

A person and a state are legally bound by their nationality, which has an impact on how well they may live and how safe they feel. Being stateless is a risky situation since it prevents one from getting access to basics like economic stability, permanent housing, and education. According to Article 15 of the Universal Declaration of Human Rights, everyone has the right to own a nationality, and nobody may have their nationality taken away from them without cause. The state is given power and protection, as well as rights and duties, based on a person's nationality. All of a person's legal rights are accessible to them, allowing them to fully exercise all of their fundamental human rights.

Those who were born in India or who had resided there for at least five years prior to the Constitution's inception are considered to be citizens of India. Citizenship laws allow non-citizens, even lawful immigrants, to register. The majority of non-illegal immigrants are eligible to apply for naturalization under Section 6, however because the term "Illegal Migrant" is not defined, stateless people are also eligible to petition for citizenship.

In this paper, the researcher will investigate that in contemporary society and in the context of India in the current terrorist scenario, international legislation honoring the human rights of stateless persons is not being implemented.

**Significant Words:** - Human Rights, Nationality, Statelessness, State's Protection, Illegal Migrants

*"During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die."*

**- Nelson Mandela**

### **Introduction –**

Nationalist and ethnic conflicts, that have been present since the Cold War and reaching deadly levels between the 8th and 90th centuries, represent a serious threat to international peace and security. Ethnic wars broke across Bosnia, Kosovo, Rwanda, Congo, Sierra Leone, Somalia, Indonesia, the Philippines, Sri Lanka, India, Afghanistan, Myanmar, Haiti, and Colombia in the final decade of the 20th century. There are no prospective rivals in these disputes now, thus they still exist.

Ethnic conflicts in South-east Asia have a long history and mainly a result of colonial practices. These conflicts now have a new facet called on by the present trends of disintegration and supremacy. One of the most marginalized and stateless populations worldwide is the Rohingya, a persecuted minority and refugee community in Myanmar. Since the 1940s, they have been compelled to emigrate since the Burmese government deprived them of their citizenship in 1982. More than a million Rohingya have left the nation, taking with them their restricted rights and

religious institutions. The Rohingya disaster affects the entire world. In order to make Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan eligible for Indian citizenship, the Citizenship (Amendment) Bill, 2019, aims to change the Citizenship Act, 1955. Nationwide demonstrations against the law have broken out, dividing India and the world community. The harm done to India's foreign policy and international standing has been emphasized in the media, and the nation's growing estrangement from its long-standing friends has raised concerns about its constitutional commitment to minorities' rights.

### **Human Rights: -**

The United Nations General Assembly approved the Universal Declaration of Human Rights (UDHR), a global statement articulating the rights and liberties of all people. It consists of 30 articles outlining a person's fundamental rights and liberties, reiterating their inherent, unalienable, and universal nature. The Declaration is regarded as a "milestone document" because it uses a language that is inclusive of all cultures, political ideologies, and religions. It served as the impetus for the creation of international human rights legislation and as the foundation for the International Bill of Human Rights. At the time of the Declaration's significance by the General Assembly in 1948, Eleanor Roosevelt said:

*"In giving our approval to the declaration today, it is of primary importance that we keep clearly in mind the basic character of the document. It is not a treaty; it is not an international agreement. It is not and does not purport to be a statement of law or of legal obligation. It is a declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations."*<sup>1</sup>

In contrary to creating enforceable duties, a statement in international law communicates goals or understandings between parties. The United Nations Declaration, which all member states are obligated to abide by, was created to further the principles of customary international law set down in the Charter. Many countries' courts, constitutions, or legal codes have been affected by judicial and political individuals. Indian courts have ruled that the Indian Constitution includes the majority of the Declaration's provisions.

The Protection of Human Rights Ordinance of September 28, 1993, inaugurated the National Human Rights Commission of India (also known as NHRC), a statutory entity, on October 12, 1993. The Protection of Human Rights Act of 1993 (PHRA) gave it legal representation. The statute describes human rights as

*"Rights Relating to Life, Liberty, Equal and Dignity of the Individual Guaranteed by the Constitution or Embodied in the International Covenants and Enforceable by Courts in India" and the NHRC is responsible for protecting and promoting these rights."*<sup>2</sup>

The National Human Rights Commission (NHRC) is obligated by the Protection of Human Rights Act to investigate and recommend treatments for human rights misconduct committed by the Indian government or elected officials, investigate factors including acts of terrorism that restrict their enjoyment, study international treaties, conduct research, visit prisons, engage in human rights education, promote NGOs and institutions working in human rights on a voluntary basis, and consider the necessity of any of these measures. The NHRC additionally requires that requests be made for public records or copies from courts or offices. This include encouraging human rights research, visiting prisons, taking part in human rights teaching, as well as making sure that human rights are protected.

---

<sup>1</sup> Quoted in Hurst Hannum, "The Status Of The Universal Declaration Of Human Rights In National And International Law", *Georgia Journal of International and Comparative Law*, Volume 25, Number 1 (1996), p. 318

<sup>2</sup> Nath, Damini. "NHRC issues notice to T.N." *The Hindu*. Retrieved 23 February 2017.

## Nationality: -

A group of people who are organized in a single nation and subject to a single body of law, or who are connected by a shared culture, history, customs, or origin, are said to have a nationality. Everyone has the right to a nationality, and no one shall be arbitrarily deprived of it or denied the opportunity to change it, according to Article 15 of the Universal Declaration of Human Rights<sup>3</sup>. International custom and conventions, which form an element of nationality law, enable governments to identify who their citizens are. State-specific citizenship laws frequently supplement the rights and responsibilities of nationals, making citizenship and nationality

A subject's nationality is a status that confers privileges and responsibilities, but frequently without automatically enforcing them. It is a must because any state-created rights or duties may exist. Nationality is sometimes referred to as citizenship, subject, or belonging to a sovereign state in international law. However, almost 10 million individuals lack a nationality. Politics, civic rights, and social freedoms are all active under full citizenship. The ability to exercise full political rights inside a state or polity is contingent on nationality, but it is not adequate in and of itself. The ability to cast a ballot for representatives has traditionally been the primary distinction between a national and a citizen. A person's subjective sense of belonging to one state or country is referred to as national identity. A person may be a national of a state without feeling emotionally or subjectively part of that state.

It had been decided how to interpret the constitution's date of domicile in **Abdul Sattar Haji Ibrahim Patel v. State of Gujarat**<sup>4</sup>. The burden of evidence is with the accused under Section 14 of the Foreigners Act of 1946 when he claims that he was living in India at the time the Constitution entered effect and should be given the opportunity to do so. After the restricted scope of several other laws, the Supreme Court declared in **Lal Babu Hussain v. Electoral Registration Officer**<sup>5</sup> that determining citizenship must be done by authority in line with constitutional clauses and the Citizenship Act of 1995.

The case of **Ramesh Singh vs. Sonia Gandhi and Ors.**<sup>6</sup> was a contentious legal dispute.

*"The Citizenship Act, 1955, is a statute that allows Indian citizenship to be acquired through various methods such as birth, descent, registration, and naturalization. The Central Government can register a person if they are married to an Indian citizen and have lived in India for seven years before submitting their application. However, the Act prohibits the revocation of registration certificates. Section 9 of the Act states that citizenship can be lost upon acquiring it from another nation, and Section 10 allows citizenship to be revoked by the Central Government."*

A single person who has a formal connection to two different, sovereign governments is said to have dual nationality. This may happen, for instance, if a person's parents are citizens of different nations and the mother's country recognizes all of the mother's descendants as its own citizens, while the father's country recognizes all of the father's descendants. Dual nationality was viewed as an issue that led to strife between governments and occasionally placed restrictions on anyone who had it, such having to serve in two militaries at once. Numerous international agreements were made around the middle of the 20th century with the goal of limiting the possibility of dual nationality. Numerous agreements recognizing and governing dual nationality have since been established. The two words are frequently used in conversation within the Indian culture. While nationality is a status that can apply to both natural and juridical persons and determines an entity's rights under international law, citizenship is a legal status that can only be held by natural persons and determines the civil and political rights a person may exercise. This definition provided by the Supreme Court is more precise and is applicable to Indian law. citizenship and nationality are the

---

<sup>3</sup> [Convention on Certain Questions Relating to the Conflict of Nationality Laws Archived 2014-12-26 at the Wayback Machine](#). The Hague, 12 April 1930. Full text. Article 1, "It is for each State to determine under its own law who are its nationals..."

<sup>4</sup> [AIR 1965 SC 810](#)

<sup>5</sup> [AIR 1995 SC 1189](#)

<sup>6</sup> [AIR 2016 UP 1254](#)

same thing.<sup>7</sup> Prior to the Constitution of India's full adoption and the country's membership to a republic on January 26, 1950<sup>8</sup>, the citizenship stipulations of the document took effect on November 26, 1949.<sup>9</sup> The methods for obtaining nationality in states are often a mixture of automated and non-automatic. Automatic acquisition is based on the *sanguinis jus* or *jus soli* and happens at birth. It is regulated by legislation. On the other side, non-automatic acquisition requires a person or state authority to take some action before a change in nationality status may take place, like through naturalization. Since its independence, India has struggled with statelessness, but there is no official information on the number of adults or children who are stateless. Stateless people's legal and human rights concerns have only recently been addressed by a small number of academic institutions and NGOs.

### Statelessness:

Significant international treaties for preventing statelessness include the Convention on the Status of Stateless Persons, 1954, and the Convention on Reducing Statelessness, 1961. The 1954 Convention is now recognized by over 80 nations, with more recent ratifications spurred by the UNHCR's Statelessness Campaign. India hasn't joined any convention yet. Stateless people are marginalized and faced with inequity, which is addressed in part by other international documents including the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. A person who is not regarded as a national by any nation under the operation of its laws is referred to as a "stateless person" in Article 1 of the 1954 Convention Relating to the Status of Stateless Persons.<sup>10</sup> Those who lack any nationality at all are covered by Article 1(1) of the 1954 Convention, not those who lack "effective" nationality. It is important to realize that a "stateless person" is not entitled to identical protection as a "refugee," who is protected under the 1951 Convention Relating to the Status of Refugees. A stateless individual will receive protection primarily under the Refugee Convention if they are also refugees. It is usually sufficient to look at whether a person has legal links to a certain state, such as their birth country, parents' country, habitual residence country, or spouse's country of nationality, to determine citizenship or statelessness.<sup>11</sup> A person fulfills the criteria for the 1954 Convention's definition of a stateless person if they are discovered to be without a nationality after inspection by an appropriate state authority. The Prato Conclusions distinguish between obtaining and losing nationality "under the operation of its law" and "by operation of law," taking into account both manual and automatic processes.

A Writ Petition addressing the nationality of Sheikh Abdul Aziz, a foreigner living in India, is **Sheikh Abdul Aziz v. NCT of Delhi**<sup>12</sup>. He has been imprisoned in Kashmir since 2005 for unauthorized entrance. He was sent to Delhi's Tihar Central Jail for deportation procedures after serving a year. These, however, were delayed. The Central Government was given a two-week window in which to determine Aziz's nationality by the Delhi High Court in April 2014. Aziz was deemed "stateless" by the Ministry of External Affairs, who also suggested that he seek identifying documents from the passport office in order to apply for a long-term visa.

Married women aren't permitted to give their husbands or children citizenship under Jordanian law. For the purpose of applying for citizenship, non-Jordanian men who are married to

---

<sup>7</sup> Ashesh, Ashna; Thiruvengadam, Arun (July 2017). Report on Citizenship Law: India (Report). [European University Institute](https://www.eui.eu/Research/Reports/2017/07/20170701_Citizenship_Law_India_Report.pdf). hdl:1814/47124 p.1.

<sup>8</sup> Winegard, Timothy C. (2011). *Indigenous Peoples of the British Dominions and the First World War*. Cambridge University Press. ISBN 978-1-107-01493-0. Archived from the original on 23 October 2021. Retrieved 21 October 2021.

<sup>9</sup> Ashesh, Ashna; Thiruvengadam, Arun (July 2017). Report on Citizenship Law: India (Report). [European University Institute](https://www.eui.eu/Research/Reports/2017/07/20170701_Citizenship_Law_India_Report.pdf). hdl:1814/47124 p.6.

<sup>10</sup> UNHCR. (2010). Expert Meeting - The Concept of Stateless Persons under International Law. Retrieved from <http://www.refworld.org/docid/4ca1ae002.html>

<sup>11</sup> *ibid*

<sup>12</sup> *Sheikh Abdul Aziz v. NCT of Delhi*, W.P.(CRL) 1426/2013. T

Jordanian women must demonstrate 15 years of continuous residence. With the approval of the Council of Ministers, unmarried women are permitted to convey citizenship to their offspring, but only if the father is a Palestinian. Children with non-citizen Palestinian dads and Jordanian mothers are stateless and unable to use basic government services.<sup>13</sup>

Additionally, there are two ways to interpret the idea of statelessness: de jure and de facto. De jure statelessness, which is not specifically stated in either the 1954 or 1961 Conventions, is the definition of a "stateless person" under the 1954 Convention. The 1961 Convention's Final Act does, however, make reference to the phrase de facto. A brief review of two conventions, pertinent legal instruments, and international human rights texts is required in order to debate statelessness and assess domestic legislation since they serve as an essential foundation for preventing and reducing statelessness globally.

**1. 1954 Convention relating to the Status of Stateless Persons**

**2. 1961 Convention on the Reduction of Statelessness**

The international conventions to which India is a party are summarized in brief here. These are important for recognizing India's dedication to upholding and advancing human rights, as well as its current attempts to address the issue of statelessness-

- Universal Declaration of Human Rights, 1948
- International Covenant on Civil and Political Rights (ICCPR), 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- The Convention on the Rights of Child (CRC), 1990
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1979
- Convention on the Nationality of Married Women, 1957
- International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990
- Convention on the Rights of Persons with Disabilities (CRPD), 2006

The Indian Constitution is the first component of legislation that determines who is considered an Indian citizen. 'Citizenship at the Commencement of Constitution of India' is the title of Article 5 of the Indian Constitution. Although "citizenship" is not defined in the Constitution.<sup>14</sup> The Constitution's Article 5 establishes a general rule to determine if someone is an Indian citizen. Any such person who was born in the territory of India or whose parents were, or who has ordinarily stayed in India for at least five years before the commencement of the Constitution, shall be deemed to be a citizen of India, if he had domicile in the territory of India at such commencement, according to the provisions of the Constitution.<sup>15</sup> Despite several Indian legislation defining the word for other reasons, no parliamentary statute has ever defined the term "domicile" for citizenship-related purposes. The term "domicile" has the following meaning according to the Supreme Court:

*"By domicile is understood a permanent dwelling. Domicile is the location that a person has made their home for themselves and their family, not only for a one-time use or temporary residence, but with the current aim of making it their permanent residence."*<sup>16</sup>

Parliament is allowed to pass legislation governing citizenship acquisition and renunciation under Article 11 of the Indian Constitution. In order to facilitate India's acquisition and determination of citizenship, the Citizenship Act was passed in 1955. The Indian Constitution and this Act are the main framework for obtaining Indian citizenship.

The Citizenship Act specifies five ways to become a citizen:

**1. By Birth<sup>17</sup>**

---

<sup>13</sup> Southwick and Lynch, 2009: 51

<sup>14</sup> Brill Academic Publisher. (1990). Nationality and International Law in Asian Perspective. The Netherlands: Sik, K. S.

<sup>15</sup> Article 5 of the Constitution of India. Retrieved from <http://lawmin.nic.in/coi/coiason29july08.pdf>

<sup>16</sup> See K. Mohammad Ahmed v. State of Kerala and others 1983 SCC OnLine Ker 181: AIR 1984 Ker 146; Abdus Samad v State of West Bengal (1973) 1 SCC 451; In Re Aga Begum (1971) 1 MLJ 18; Mohd. Raza Dabstani v. State of Bombay and Others (1966) 3 SCR 441; Habatullah Haji Fazale Hussain v. The State 1963 SCC OnLine Guj 7: AIR 1964 Guj 128; Mangal Sain v. Shanno Devi AIR 1959 P H 175.

<sup>17</sup> Section 3 of The Citizenship Act, 1955. Retrieved from [http://mha1.nic.in/pdfs/ic\\_act55.pdf](http://mha1.nic.in/pdfs/ic_act55.pdf)

2. By Descent<sup>18</sup>
3. By Registration<sup>19</sup>
4. By Naturalization<sup>20</sup>
5. By Incorporation of New Territory<sup>21</sup>.

The perspectives that follow and the relevant domestic legislation may be examined in order to identify stateless individuals in India in addition to the Citizenship Act:

- a. Indian Census (Census Act, 1948)
- b. Foreigners Act of 1946, which governs foreigners in India
- c. The 1967 Passport Act, which governs passports in India
- d. The Registration of Births and Deaths Act of 1969 requires the registration of all children born in India.

In **Jan Balaz v. Anand Municipality and Ors**<sup>22</sup>, a German surrogate couple from the UK and their Indian surrogate mother were denied passports by the Indian authorities. The case was unique, as the Indian judiciary had no precedents for such situations. The main issue was whether a child born in India to an Indian surrogate mother and a foreign biological father would receive Indian citizenship by birth. The court ruled in favor of the surrogate parents.

**State's Protection:** - The need of universal protection is emphasized in both the Universal Declaration and the 1966 International Covenant on Civil and Political Rights (ICCPR). The ICCPR forbids discrimination on the grounds of race, color, sex, language, religion, political opinion, national or social origin, possessions, date of birth, or any other status. Additionally, it requires states to protect everyone's rights, regardless of their citizenship status or country of origin. The ICCPR also includes responsibilities to avoid citizenship denial via birth registration and reaffirmation of a child's right to nationality. It also provides protections against arbitrary deportation and equality before the law. Additionally, forced assimilation and citizenship rejection based on language and cultural origins are prohibited under Article 27 on minority rights.

The 1961 Convention's Articles 11 and 14 deal with questions relating to supervision and application. The two clauses are as follows:

Article 11. The Contracting States shall promote the establishment within the framework of the United Nations, as soon as may be after the deposit of the sixth instrument of ratification or accession, of a body to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority.

Article 14. Any dispute between Contracting States concerning the interpretation or application of this Convention which cannot be settled by other means shall be submitted to the International Court of Justice at the request of any one of the parties to the dispute.

The NRC exercise justifies citizenship deprivation through the use of national security language. Citizenship deprivation is a widespread practice that is frequently linked to international dangers, notably worldwide Islamist terror networks. This relationship is not recent; rather, it is part of a historical trend where authorities have denied some "hyphenated citizens"<sup>23</sup> protection because of alleged security risks.

A. Marilyn Andrea Pragishini Immanuel contends that statelessness results in a situation of expulsion from humanity by building on Hannah Arendt's writings. She draws a connection between modern nation-states and citizenship rights and statelessness. Immanuel contends that

---

<sup>18</sup> Section 4, Id.

<sup>19</sup> Section 5, Id.

<sup>20</sup> Section 6, Id.

<sup>21</sup> Section 7, Id.

<sup>22</sup> Jan Balaz v. Anand Municipality and Ors, supra note 59.

<sup>23</sup> Akash Chandran, 'Statelessness, Detention Centres and the Otherisation' (2021) 3(1) Statelessness & Citizenship Review 258, 259. Chandran borrows this terminology from Anupama Roy: see Anupama Roy, 'Ambivalence of Citizenship in Assam', (June 2016) 51(26) Economic and Political Weekly 45.

losing one's nationality results in a lack of a respectable existence and a feeling of alienation from mankind because one's position is still unclear.<sup>24</sup>

### **Illegal Migrants:**

Over the course of human history, population change has been profoundly impacted by migration, a worldwide phenomenon. It entails the ongoing translocation of people or groups across artificial or political borders into new neighborhoods and communities. Small groups used to migrate often in antiquity, but now most people migrate alone or with their families. Internal migration (moving within a region to establish a new domicile) and international migration (moving from one country of origin to another), which can be either emigration (moving out) or immigration (moving in), are the two types of migration.

Migrants refer to those who have left their native country because of push or pull causes, such as refugees and asylum seekers, or because the place of immigration offers economic advantages. Both categories contain illegal immigrants. With high rates of psychiatric illness and mental health issues documented, migrants' mental health is a worry. Posttraumatic stress disorder, depression, and anxiety symptoms are quite common in refugees and asylum seekers. These problems have been related in studies to traumatic events that occurred before migrating and the exile lifestyle. Compared to refugees, the mental health of labor migrants and illegal immigrants is less well-known, and a recent meta-analysis found that they have less despair and anxiety. A number of investigations, however, failed to take into account the duration that people stayed in the country of immigration, which may have affected how symptoms varied.

According to the Human Development Report 2009, 740 million individuals migrate within their own nation, which is roughly four times as numerous as those who move outside. Only about a third of immigrants made the transition from underdeveloped to industrialized nations. The majority of emigrants traveled between developing and industrialized nations. 60 percent of the 192 million international migrants in 2005 lived in industrialized nations, making about 3% of the world's population. Only 77 million foreign migrants resided in poor nations in 2005.<sup>25</sup>

A decades-old tradition of migration from Bangladesh and East Bengal to India became illegal following India's split in 1947. Numerous Hindus left East Pakistan after the split in order to avoid intergroup violence. This also occurred during the 1971 liberation war for Bangladesh. Around one million illegal Pakistani infiltrators entered eastern India between 1951 and 1961, according to the Chief Minister of Assam, with 220,961 of them arriving in Assam, 459,494 in West Bengal, 297,857 in Bihar, and 55,403 in Tripura.<sup>26</sup> Following the construction of the Kaptai hydroelectric project and the ethnic violence in the Chittagong Hill Tracts in the 1970s and 1980s, numerous Chakmas and Hajongs migrated to India. Even though forced migration stopped after the occurrences, unlawful migration between Bangladesh and India is still a contentious problem. Despite having an 881 persons per square kilometer population density, Bangladesh is a poor nation where cross-border migration is largely influenced by economic and environmental causes.

According to the nation of origin, asylum seekers must register with the UN High Commission for Refugees, whom then conducts interviews with them in Delhi to confirm their identification as well as their justification for migrating. The application is processed, and a temporary card is issued, if the UNHCR is convinced. Only after successfully completing the temporary card stage, which takes two years and needs to be renewed every five years, are Rohingya refugees eligible to receive a refugee card. However, the UNHCR has the authority to refuse requests for asylum or refugee shelters in India, such as in the unrest-free east of Myanmar. A second appeal is possible for refugees, but if the UNHCR isn't persuaded, they must return to Myanmar.

---

<sup>24</sup> Andrea Marilyn Pragashini Immanuel, 'The Meaning of 'Life' under the Indian Constitution and the Obligation not to Render Persons Stateless: With Reference to the NRC in Assam' (2021) 3(1) *Statelessness & Citizenship Review* 185, 201.

<sup>25</sup> United Nations, "International Migration Report 2006: A Global Assessment," New York, 2009.

<sup>26</sup> Quoted in Willem van Schendel, "The Bengal Borderland; Beyond State and Nation in South Asia", Anthem Press, London, 2005, p. 204

### Post Script:

Statelessness and migration are strongly related, frequently causing and being caused by one another. Policymakers and stakeholders needed to pay more attention to the dynamic connection between *Dejure*<sup>27</sup> and *Defacto*<sup>28</sup>. Statelessness is a position in which it is caused and perpetuated through transnational migration. South-East Asian Nations such as Myanmar, Philippines, North-Corea, Tibet should address the ongoing cycle of statelessness and the absence of safeguards resulting from irregular status, which prevents access to birth registration and nationality acquisition. These issues are common concerns across the nations about the relationship between migration and statelessness. Addressing both the migrant population's irregular status and the cycle of statelessness would result in a long-lasting solution. Due to lack of political acceptance, India's efforts to stop illegal cross-border immigration continue to be unproductive. Unchecked immigration has negative effects on the population and the social environment, leading to tensions and conflicts between immigrants and indigenous, particularly in North-East India such as illegal migrants of Bangladesh. The fight against such migrates generates racial, religious divisions and demographic differential in the nation, leading to future tensions and conflicts not just between natives and immigrants but also inside the native population. This is especially worrying for North-East India, Kerla and Jammu & Kashmir which has prolonged suffered from illegal migration.

Due to the substantial number of foreigners entering India illegally, there is a high risk of security. It leaves a susceptible population that Pakistani and Bangladeshi intelligence agencies can take advantage of. Extremist groups have stopped speaking out on the subject, while insurgent groups have grown into strong partners of ISI. Agencies like ISI has generated sleepers' cells in the illegal migrant's colonies in nationwide. Due to ethno-nationalist ambitions, the "transnational Bangladeshi identity" is likely to manifest itself in the area. It will take more than a thousand years for India to deport an estimated 15 million illegal immigrants if deportations stay at the current pace, since the country has decided to overlook cross-border immigration. India must adopt time-limited tactics to control cross-border migration. Based on the above discussion, the research needs to anticipate some potential outcomes related to immigration while revisiting some of the corrective measures that must be performed at the local and national levels.

One component of statelessness is poverty, which is an issue that frequently includes violations of human rights, denial of nationality, and discriminatory treatment. In order to address these issues, international development organizations should work to eradicate and minimize statelessness through fostering national identity and battling exclusionary discrimination-

1. States must uphold their commitments under international law to all individuals, regardless of their nationality, status, or location inside the State, by ratifying the 1954 and 1961 Conventions on Statelessness and passing laws outlining the necessary requirements to implement them.
2. States should create sufficient safeguards against mistreatment of stateless people, especially with regard to human trafficking and indefinite imprisonment.
3. States should create anti-discrimination laws and procedures, including public servant training, judicial reform, and the development of a culture that upholds the rule of law;
4. States should execute birth registration campaigns in partnership with UNICEF, including mobile birth registration teams as needed;
5. States should make sure that children are given the tools to obtain nationality at birth;
6. International donor governments and development organizations ought to make sure that aid is successfully delivered to stateless groups of people;
7. UNHCR should receive more support from international donor countries to increase its attempts to prevent and reduce statelessness; 3.

---

<sup>27</sup> what happens according to the law

<sup>28</sup> which is used to refer to what happens in practice or in reality.



8. Through their overseas embassies, as well as in their country and human rights reports, states and international development organizations must better monitor the condition of stateless individuals;
9. International funding agencies should encourage academics and non-governmental organizations to do applied research to map the connections between vulnerability, poverty, and statelessness as well as to understand the factors that have sparked effective transformation.

**References: -**

1. Benhabib, S., (2004) 'The Rights of Others: Aliens, residents, and citizens,' Cambridge University Press: Cambridge
2. Detrick, S., (1999) 'A Commentary on the United Nations Convention on the Rights of the Child,' Martinus Nijhof Publishers
3. Inter-Parliamentary Union and UNHCR (2014), Nationality and Statelessness Handbook for Parliamentarians N°22. Retrieved from 87 India and the Challenge of Statelessness <http://www.refworld.org/docid/53d0a0974.html>
4. Blitz, B.K. (2009), Statelessness, Protection and Equality, Oxford: Refugee Study Centre, University of Oxford. Retrieved from <http://www.refworld.org/docid/4e5f3d572.html>
5. Open Society Justice Initiative (2006) 'Human Rights and Legal Identity: Approaches to Combating Statelessness and Arbitrary Deprivation of Nationality', Thematic Conference Paper. Retrieved from [http://www.opensocietyfoundations.org/sites/default/files/identity\\_2014\\_06/identity\\_2014\\_06.pdf](http://www.opensocietyfoundations.org/sites/default/files/identity_2014_06/identity_2014_06.pdf)

