

## Abstract

India is a state which has not signed the 1951 Convention on Refugees and its subsequent protocol from 1967. Neither does the state have a national legislation in place which imposes and governs the laws and procedures surrounding the legitimacy of the refugee status. The guidelines which give a framework, albeit ambiguous, to the “refugee problem” in India, is the Foreigners Act from 1946. However, as Bhairav Acharya (*The Law, Policy and Practice of Refugee Protection in India*, 2004) states, the Act is the one “thus covering all refugees within its ambit as well”. (2004: 2.3)

Without specifically cut out guidelines for refugees only, the laws bestow the responsibility and the faith of the individual cases on the judicially burdened actors. This has resulted in vastly different categorical decisions taken in the different cases, without a homogenous streak of logic piercing through either one of them. The several case instances have been briefly outlined in the Professor Ranabir Samaddar’s “Power and Responsibility at the Margins: The Case of India in the Global Refugee Regime” (Volume 33: year) Professor Samaddar (*ibid*) points out that certain refugee groups such as the Tamils of Indian origin have been received much better than the Rohingyas, for example. He coins the term for this lack of uniform law and policy coupled with its permeating ambivalence, “strategic ambiguity” (Volume 33: 44)

In Europe and just like in India, this “strategic ambiguity” has become present in the most recent influx of refugees from Ukraine. The disparity between their welcoming of the latter and the harsh push-back of the Syrian refugee influxes previous to the Ukrainian one, has shown a light upon the stark difference in reception both on a country-by-country domestic level basis and from a policy perspective. Therefore, despite India having not signed the Convention and Europe being heavily saturated in its legal and moral creed, the outcomes of who is actually welcome turn out to be quite similarly viewed; bringing the Foreigners Act and the 1951 Convention to weigh the same on the scales of responsibility and justice for refugees.