

News

In order to provide refugee certificates to everyone, UNHCR has set up a showroom here:



Supreme Court Justice Kant said, "**They (UNHCR) are issuing certificates to everyone.**" Senior **Advocate Muralidhar** responded that UNHCR did not distribute cards randomly and only did so following thorough verification.

In the recent case of Yousif **Haroun Yagoub Mohamed** vs. Union of India & Ors, the Supreme Court voiced reservations with the United Nations High Commissioner for Refugees' (UNHCR) practice of giving refugee status to foreign immigrants in India.

In the midst of allegations that authorities in Delhi were arbitrarily detaining African nationals, a Sudanese person (petitioner) filed a plea seeking protection from coercive action before a bench of Justices Surya Kant and Joymalya Bagchi.

The Court noted that UNHCR refugee cards are being distributed with ease after learning that the individual possessed one.

"The UNHCR has created a showroom here, and everyone is receiving certificates. At the hearing on October 6, Justice Kant said, "We don't want to comment on them."

Speaking on behalf of the petitioner, Senior Advocate S Muralidhar clarified that the guy had been residing in India since 2013 along with his spouse and two children, one of whom was just forty days old. He claimed that the UNHCR had recognized the petitioner, his spouse, and their kids as refugees.

Muralidhar clarified that the UNHCR did not distribute refugee cards arbitrarily and only did so following thorough verification, in response to the Court's objections regarding the matter.

He claimed that even the Foreigners Regional Registration Office and the Ministry of Home Affairs regarded UNHCR-recognized individuals differently, and that the procedure involved thorough examinations and assessments that frequently took years.

It requires a lot of time. These cards aren't given out right away. They analyze it and perform a lot of checking and counterchecking. They need a few years. "Those who have been given these cards have always been treated differently by the MHA and FRRO," he stated.

He went on to say that a focused campaign targeting African people in Delhi over the past few months has resulted in arbitrary detentions, which has made asylum seekers waiting to be relocated fearful.

"Just for the time being. Unexpectedly, a campaign against all Africans in Delhi has begun in the past several months. They are selecting up at random. This is the true fear and anxiety. We are waiting for Australia to grant us asylum, then all of a sudden we are informed that Muralidhar gave in.

However, Justice Bagchi stated that there is no legal structure that might grant the petitioner enforceable rights because India has not joined the 1951 Convention Relating to the Status of Refugees.

The international convention on refugees is not ratified by India. Thus, there are no legal rights or municipal laws," the Bench stated.

Instead than asking the Court for temporary protection, the Court recommended that the petitioner pursue his asylum application through the proper channels.

"Your customer must travel to Australia. Therefore, let them know to process his VISA. How about relocating to Australia? That's preferable. Justice Bagchi remarked, "If you remain there and then obtain permanent citizenship.

Muralidhar pleaded with the Court to at least make sure the petitioner is not subjected to coercion until the National Human Rights Commission (NHRC) makes a decision regarding his representation. The Bench, however, refused to issue such an order, noting that it could not continue to consider such petitions on a daily basis.

We're not sure how many cases we'll receive in a given day. We must exercise extreme caution," Justice Kant stated.

After noting Muralidhar's argument that the petitioner's matter had previously been heard by the NHRC, the Court moved forward with dismissing the petition.