
THE ROHINGYA CRISIS: LEGAL AND POLICY CHALLENGES IN HOST COUNTRIES

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ABSTRACT

The Rohingya crisis presents a highly sensitive mix of humanitarian and legal question international politics. Struggling to provide sanctuary to the Rohingya Muslims who escape ethnic violence in Myanmar, Bangladesh, India, and Malaysia, confront a complex web of legal, political, and security problems. This paper sets out to examine the position of a Rohingya refugee under international and national law and to highlight the insufficient protections that exist due to the fragmented legislative framework that governs refugees in the host states. It also delves into the policy difficulties these countries face such as economic challenges, sociopolitical unrest, and vulnerabilities to security threats. This research paper analyzes how states are responding to the situation in terms of international legal obligations with the aim of resolving the contradiction between humanitarian obligations and national interests. To provide a more effective and rights-based approach to crisis management, the study recommends bolstering policies for regional collaboration, legal recognition of refugees, and increasing international support.

Keywords: Rohingya Crisis, Refugee Law, Host Countries, Legal Challenges, Policy Responses, Human Rights

INTRODUCTION

One of the most urgent refugee crises facing the globe now is the Rohingya problem. A Muslim ethnic group living mostly in Rakhine State, Myanmar, the Rohingya have endured decades of human rights abuses, statelessness, and persecution. Under Myanmar's 1982 Citizenship Law, they were denied citizenship and have experienced forced relocation, violence, and discrimination.¹ When a military campaign led hundreds of thousands of Rohingyas to migrate to neighbouring countries including Bangladesh, India, and Malaysia in 2017, the situation became more dire. Due to their inability to handle the massive refugee inflow, host nations have faced serious legal and policy issues. Although several countries have offered temporary sanctuary, their reaction has been hindered by the lack of a unified refugee strategy as well as worries about social tensions, economic hardship, and national security. Numerous Rohingya refugees are still living in unstable circumstances, with little access to fundamental rights, unclear legal status, and ongoing fear of deportation.

Human rights organizations and the United Nations High Commissioner for Refugees (UNHCR) have called for a long-lasting and rights-based solution, bringing the problem to the attention of the world.² However, the issue has been extended due to political complexity, Myanmar's unwillingness to enable safe repatriation, and the absence of a coordinated regional solution. For the international community as well as the host nations, finding a lasting solution is still quite difficult.

RESEARCH METHODOLOGY

The legal and policy obstacles host nations confront in handling the Rohingya refugee issue are examined in this study using a qualitative methodology. It mostly uses secondary data sources, such as government policies, domestic legislation, international legal documents, scholarly publications, and reports from international organizations. The study employs a doctrinal (desk-based) research methodology, emphasizing the analysis of current policy texts, legal frameworks, and academic discourse. Host states the responsibilities within international treaties such as the Convention Relating to the Status of Refugees of 1951, the Protocol of

¹ Human Rights Watch, "An Open Prison Without End": Myanmar's Mass Detention of Rohingya in Rakhine State (Oct. 8, 2020), <https://www.hrw.org/report/2020/10/08/open-prison-without-end/myanmars-mass-detention-rohingya-rakhine-state> (last visited Apr. 3 2025).

² Amnesty International, Myanmar: *UN Must Act to End the Persecution of Rohingya Muslims*, AI Index ASA 16/5362/2017 (Sept. 18, 2017).

1967, and non-refoulement. These fundamental treaties outline their obligations. As part of the legal review, the immigration and refugee policies of Bangladesh, India, and Malaysia are analyzed. In addition to academic literature, policy documents, judicial decisions affecting Rohingya refugees, UNHCR, Amnesty International and Human Rights Watch provide relevant insight into the legal and humanitarian nuances of the issue.

The research undertakes a comprehensive study analyzing the approaches of various host countries to formulate and execute policies regarding refugees. It employs a case study approach to focus on the management of refugees in Bangladesh, India, and Malaysia to showcase the challenges and solutions each country encounters. Moreover, a systematic evaluation is conducted to determine the alignment of existing legal, administrative frameworks, and policies with international standards, and the effectiveness of these frameworks for protecting Rohingya refugees. A combination of analytical and descriptive strategies is employed for this research to present a comprehensive overview of the legal and policy dimensions of the crisis while suggesting alternatives for a more proactive humanitarian approach.

LITERATURE REVIEW

The Rohingya issue has been thoroughly studied particularly with regard to host country policies, human rights violations, and refugee law by academics, global institutions, and rights activists. The literature available is useful in understanding the international legal regime in relation to the protection of Rohingya refugees, their legal status, and the challenges faced by host countries in accommodating them.

Several studies emphasize the plight of Rohingya as stateless individuals, explaining how Myanmar's 1982 Citizenship Law effectively stripped them of a nationality and left them devoid of any protective legal frameworks within Myanmar's domestic legislation. Amnesty International in 2017 and Human Rights Watch in 2018 have claimed that the absconding on citizenship has facilitated systematic persecution which includes genocidal acts such as mass killings, sanctioned population movements, and severe controls on movement. The Rohingya's

treatment has been described by UNHRC as having features for genocide.³

The 1951 Refugee Convention and its accompanying 1967 Protocol are international treaties that outline the rights of refugees and the responsibilities of the states that host them under international refugee law. However, this creates a major issue for refugees, because the vast majority of host states with the largest number of migrants like Bangladesh, India and Malaysia are not parties to the treaty. That means those states are not bound by the obligations of the Convention. Thus, we have an uneven and oftentimes inadequate legal framework for protecting refugees in these states.⁴ The UNHCR's 2020 report asserts that, of legal protections for refugees, the prohibition of refoulement is the most significant. Refoulement is the principle of not returning persons to a territory where they have experienced or profess that they will face a threat to their lives or freedom. Despite its status as an important principle of international law, host states frequently do not fulfil their international obligations regarding the prohibition of refoulement as documented by many reports.⁵

There has also been a lot of scholarly attention paid to the policy issues that host nations face. Although Bangladesh has temporarily housed about a million Rohingya refugees in Cox's Bazar, studies show that the country's resource constraints, security worries, and environmental damage have increased opposition to permanent settlement.⁶ The Supreme Court's decisions regarding the deportation of Rohingya and the government's position on national security threats are at the center of legal discussions in India.⁷ Due to internal political pressure, Malaysia has gradually limited Rohingya immigration and employment possibilities, even if at first it had a more liberal stance.⁸

³ Human Rights Watch, "An Open Prison Without End": Myanmar's Mass Detention of Rohingya in Rakhine State (Oct. 8, 2018), <https://www.hrw.org/report/2018/10/08/open-prison-without-end/myanmars-mass-detention-rohingya-rakhine-state> (last visited Apr. 3 2025)

⁴ Mohammad Shahabuddin Azad & Ferdoushi Jasmin, *Durable Solutions to the Protracted Refugee Situation: The Case of Rohingyas in Bangladesh*, 25 *Journal of Indian Studies & International Relations* 47, 52 (2013).

⁵ U.N. High Commissioner for Refugees, *Legal Considerations Regarding the Principle of Non-Refoulement Under International Refugee and Human Rights Law*, at 1–3 (Oct. 2020), <https://www.unhcr.org/publications/legal-considerations-non-refoulement-2020> (last visited Apr. 3 2025)

⁶ Md. Mahbubar Rahman, *The Rohingya Refugee Crisis: A Security Dilemma for Bangladesh*, 41 *Journal of Asian and African Studies* 1, 5–7 (2019), <https://research-portal.najah.edu/migrant/2599/> (last visited Apr. 3 2025)

⁷ Kriti Jha, *India's Legal Stance on Rohingya Refugees: National Security vs. Human Rights*, 58 *Indian Journal of International Law* 235, 240–45 (2021).

⁸ Gerhard Hoffstaedter, *The Dominant Discourses of Refugees, Recognition, and Othering in Malaysia: Regimes of Truth versus the Lived Reality of Everyday Life*, 10 *Situations: Cultural Studies in the Asian Context* 27, 34–36 (2017), available at:

https://www.academia.edu/34714594/The_Dominant_Discourses_of_Refugees_Recognition_and_Othering_in_Malaysia_by_Gerhard_Hoffstaedter (last visited Apr. 3 2025)

The need for a regional and global response to the situation is highlighted by the research that is currently available. According to studies, agencies such as the UNHCR, SAARC, and ASEAN ought to be more involved in promoting a legal framework for refugee protection and guaranteeing safe, voluntary repatriation (Barua, 2021). Repatriation efforts, according to many academics, will be futile until Myanmar pledges to award Rohingya citizenship and guarantee their safe return.⁹

The Rohingya situation has been extensively covered in the literature, but little is known about long-term legal and legislative solutions that strike a balance between humanitarian duties and host nations' security and economic interests. By carefully examining host nation policies and putting out workable frameworks for better refugee protection, this study seeks to add to this conversation.

METHOD

This study examines the legal and policy obstacles host nations face in handling the Rohingya refugee issue using a qualitative and doctrinal methodology. The study's secondary data sources include government policies, academic literature, reports from international organizations, and legal documents. Three main techniques are used in the research: comparative policy review, case study evaluation, and legal analysis.

1. Legal Analysis

The domestic and international legal systems controlling refugee protection are examined using a doctrinal legal analysis. This includes an examination of important international legal documents like:

a) 1951 Refugee Convention & 1967 Protocol

The 1951 Refugee Convention is the foundational international agreement that addresses the rights of refugees and the legal obligations that nations have to them. At first, it was limited to refugees who had departed from Europe due to circumstances that had occurred before January 1, 1951. It was developed in response to the post-World War II refugee crisis. A person is

⁹ Sreya Barua, *Regional Approaches to Refugee Protection: The Role of UNHCR, SAARC, and ASEAN*, 15 *Journal of International Affairs* 123, 130–35 (2021).

deemed a refugee under the Convention if they have crossed an international border in pursuit of safety and have a justifiable fear of persecution due to their race, religion, nationality, membership in a particular social group, or political convictions.¹⁰

The 1951 Convention grants refugees the following rights:¹¹

Nondiscrimination: Regardless of their color, religion, or nationality, refugees must get the same treatment.

Freedom of movement: Refugees should be permitted to travel throughout the host nation without being permanently housed in camps.

Employment and education: Refugees ought to have the same access to employment and educational opportunities as citizens.

Access to legal systems: If a refugee is applying for asylum, they should be protected by the laws of their new nation and not be penalized for entering illegally.

One of the key principles of the Convention is *non-refoulement*, which prohibits countries from returning refugees to a country where their freedoms or lives are in jeopardy. Since it has become customary international law, this idea applies to all states, even those that have not ratified the Convention.

However, the 1951 Convention was limited in both time and geography, only applying to European refugees and those who were displaced by pre-1951 events. The 1967 Protocol Relating to the Status of Refugees was created in order to alleviate these limitations. By eliminating the temporal and geographic restrictions, the Protocol made the definition of a refugee globally applicable. This made it possible for refugees from war and persecution around the world, including the Rohingya crisis, to benefit from the Convention's safeguards.¹²

Bangladesh, India, and Malaysia are among the several Rohingya-hosting nations that have not ratified the 1951 Refugee Convention or the 1967 Protocol, despite the significance of these

¹⁰ U.N. High Commissioner for Refugees (UNHCR), *The 1951 Refugee Convention and Its 1967 Protocol*, <https://www.unhcr.org/1951-refugee-convention.html> (last visited Apr. 3, 2025).

¹¹ *Ibid*

¹² The 1951 Refugee Convention and Its 1967 Protocol, *Supra* note 10

agreements.¹³ They are therefore not legally obligated by the terms of the treaty, which results in uneven refugee policies and the Rohingya refugees' lack of legal status. Nevertheless, regardless of their treaty obligations, host nations are nonetheless obliged to respect the principle of non-refoulement since it is regarded as a standard of customary international law.

b) Customary International Law

Customary international law (*opinio juris*) is the term used to describe legal standards that have developed as a result of consistent state practice and a belief in their legal obligation. Unlike treaty-based laws that require official approval, customary international law is binding on all governments regardless of whether a state has signed a specific agreement. One of the most important customary norms relating to refugee protection is the principle of non-refoulement.

State expulsion or relocation of refugees to a nation where they would be subjected to persecution, torture, or grave danger is forbidden by the principle of non-refoulement. Despite being codified in the 1951 Refugee Convention, it has become a customary rule, which means that nations like Bangladesh, India, and Malaysia that have not joined the Convention are nonetheless subject to it. The right to apply for asylum, the prohibition of torture, and safeguards against statelessness are further customary rules that are pertinent to the protection of refugees. These standards strengthen states' duties to safeguard vulnerable groups like the Rohingya by influencing both domestic legal systems and international court rulings.¹⁴

c) Human Rights Treaties

The Universal Declaration of Human Rights (UDHR) (1948) affirms the right to seek and receive asylum from persecution (Article 14) and provides essential rights such as freedom from discrimination, torture, and arbitrary detention, as well as access to education and health care. The UDHR has impacted state policies and international refugee law, although not being

¹³ U.N. High Commissioner for Refugees (UNHCR), *States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol*, <https://www.unhcr.org/protection/basic/5d9ed32b4/states-parties-1951-convention-its-1967-protocol.html> (last visited Apr. 3, 2025).

¹⁴ U.N. High Commissioner for Refugees (UNHCR), *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations Under the 1951 Convention and Its 1967 Protocol*, at 4–7 (Jan. 26, 2007), <https://www.unhcr.org/4d9486929.pdf> (last visited Apr. 3 2025)

legally enforceable.¹⁵

Refugee safeguards are further strengthened by the 1966 International Covenant on Civil and Political Rights (ICCPR), which guarantees freedom of movement and access to a fair trial while forbidding arbitrary detention and deportation (Articles 9 and 13).¹⁶ In a comparable fashion, refugees have access to necessary services under the 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR), which guarantees the right to employment, healthcare, education, and a sufficient standard of living (Articles 6, 11, and 12).¹⁷

The principle of non-refoulement is strengthened by the 1984 Convention Against Torture (CAT), which forbids states from sending people back to nations where they would be subjected to torture or cruel treatment (Article 3).¹⁸ Furthermore, refugee children are granted specific safeguards under the 1989 Convention on the Rights of the Child (CRC), which guarantees their rights to healthcare, education, and protection from exploitation. Additionally, it mandates that host nations make decisions pertaining to refugee children in the child's best interests.¹⁹

All displaced people, including the Rohingya, are covered by these treaties' extensive human rights provisions, despite the fact that they do not specifically address refugees. These treaties have been ratified by numerous states, such as Bangladesh, India, and Malaysia, and legally bind countries to protect refugees' rights under international human rights law. Notwithstanding these pledges, there are implementation gaps in refugee protection programs since domestic legal systems frequently clash with these international commitments.

d) Domestic Legal Frameworks

Since Bangladesh, India, and Malaysia are not signatories to the 1951 Refugee Convention or its 1967 Protocol, their handling of Rohingya refugees is determined by immigration laws rather than official refugee policies.

¹⁵ Hurst Hannum, The Status of the Universal Declaration of Human Rights in National and International Law, 25 Ga. J. Int'l & Comp. L. 287, 290–94 (1996), <https://digitalcommons.law.uga.edu/gjicl/vol25/iss1/13/> (last visited Apr. 3 2025)

¹⁶ International Covenant on Civil and Political Rights, arts. 9, 13, Dec. 16, 1966, 999 U.N.T.S. 171.

¹⁷ International Covenant on Economic, Social and Cultural Rights, arts. 6, 11, 12, Dec. 16, 1966, 993 U.N.T.S.

¹⁸ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3, Dec. 10, 1984, 1465 U.N.T.S. 85.

¹⁹ Convention on the Rights of the Child, arts. 3, 22, 24, 28, Nov. 20, 1989, 1577 U.N.T.S. 3.

Rohingya refugees are considered undocumented migrants in Bangladesh under the Foreigners Act of 1946, which does not distinguish between refugees and illegal immigrants. Despite Bangladesh's provision of temporary shelter, Rohingya face limitations on their freedom of movement, absence of legal rights, and limited economic prospects.²⁰

India, which does not have a refugee legislation either, handles asylum seekers under the Foreigners Act of 1946, which gives it extensive authority to hold or deport unauthorized people. India treats Rohingya as illegal migrants and has deported a number of them in recent years, despite the Supreme Court's recognition of the concept of non-refoulement under Article 21 (Right to Life).²¹ Rohingya refugees are denied formal legal recognition, work permits, and access to services in Malaysia due to the Immigration Act, 1959/63, which views them as unlawful immigrants. Even though many people rely on UNHCR refugee identification, they nevertheless run the possibility of being arrested, detained, or deported.²² These nations lack official refugee laws, which leads to legal instability, limited rights, and deportation risk. Political and security considerations frequently influence policy decisions rather than humanitarian principles.

2) Case Study Approach

The legal frameworks, legislative initiatives, and humanitarian reactions of several host nations to the Rohingya issue are examined using a case study methodology. Among the chosen case studies are:

a) Bangladesh

More than a million Rohingya have been temporarily housed in Bangladesh, the main host nation for Rohingya refugees, mostly in Cox's Bazar. However, it limits their freedom of movement, job, and educational opportunities by classifying them as unauthorized migrants under the Foreigners Act of 1946. Increased monitoring and travel restrictions are the result of security issues like drug smuggling, human trafficking, and

²⁰ Manzoor Hasan & Arafat Reza, *Evaluating Bangladesh's Legal Framework for Rohingya Refugees: Gaps and Solutions*, EJIL: Talk! (Jan. 10 2025) <https://www.ejiltalk.org/evaluating-bangladeshs-legal-framework-for-rohingya-refugees-gaps-and-solutions/> (last visited Apr. 3 2025)

²¹ Satyaajeet Mazumdar, *India's Approach to Rohingya Refugees: Legal and Policy Perspectives*, 4 Indian L. Rev. 85, 90–95 (2022).

²² *Understanding Refugee and Asylum Laws in Malaysia*, Generis Global Legal Services (Nov. 22 2024) <https://generisonline.com/understanding-refugee-and-asylum-laws-in-malaysia/> (last visited Apr. 3 2025)

extremism. The administration has also sent some refugees to the isolated island of Bhasan Char in an effort to alleviate overcrowding. Bangladesh has held bilateral discussions with Myanmar and believes that deportation is the best course of action. However, because of Myanmar's ongoing persecution and instability, repatriation efforts have halted. Bangladesh continues to struggle to strike a balance between diplomatic efforts, security concerns, and humanitarian needs while accepting international aid.²³

b) India

Since India is not a signatory to the 1951 Refugee Convention, it does not formally recognize Rohingya refugees. The Rohingya are considered undocumented migrants under the Foreigners Act of 1946, which leaves them open to imprisonment and deportation. The government places a higher priority on national security issues, claiming purported extremist ties, even though the Supreme Court has addressed their right to non-refoulement under Article 21 (Right to Life). Consequently, India has limited Rohingya access to social assistance, job permits, and refugee status. Some do not have legal protection under Indian law, even though they are registered with the UNHCR. India's strategy is still selective and security-driven, influenced by regional and political factors.²⁴

c) Malaysia

Malaysia first provided Rohingya refugees with humanitarian aid before enforcing more stringent regulations. Due to its non-signatory status to the 1951 Refugee Convention, it permits Rohingya to remain in the country but denies them access to services, employment rights, or legal status, making them susceptible to arrest and incarceration under the Immigration Act of 1959/63. Malaysia has tightened immigration laws and sees Rohingya as a transitory burden, supporting deportation or resettlement in third countries, even though some of them work in the unorganized sector. Its changing position reflects both domestic political

²³ Human Rights Watch, *An Island Jail in the Middle of the Sea: Bangladesh's Relocation of Rohingya Refugees to Bhasan Char* (June 7, 2021), <https://www.hrw.org/report/2021/06/07/island-jail-middle-sea/bangladeshs-relocation-rohingya-refugees-bhasan-char> (last visited Apr. 3 2025)

²⁴ Daniel P. Sullivan, Priyali Sur, Ankita Dan, *A Lifetime in Detention: Rohingya Refugees in India*, Refugees International <https://www.refugeesinternational.org/reports-briefs/a-lifetime-in-detention-rohingya-refugees-in-india/> (last visited Apr. 3 2025)

constraints and humanitarian concerns.²⁵

3. Comparative Policy Review

Regarding legal recognition, policy responses, and regional cooperation initiatives, Bangladesh, India, and Malaysia have different approaches to Rohingya refugees. Because none of these nations have ratified the 1951 Refugee Convention, they lack official refugee rights and must rely on immigration regulations to control their stay.

Instead of formally recognizing Rohingya as refugees, Bangladesh categorizes them as "Forcibly Displaced Myanmar Nationals" (FDMNs), limiting their freedom of movement, employment, and legal rights while offering them temporary camp shelter. While repatriation continues to be a top priority despite numerous setbacks, security concerns have prompted initiatives at relocation and surveillance.²⁶

Under the Foreigners Act of 1946, India sees the Rohingya as unlawful immigrants and does not accord them any privileges or legal refugee status. India's strategy is still security-driven, resulting in detentions, deportations, and the refusal of work permits, even though the Supreme Court has acknowledged their right to life. India has not set up official humanitarian programs or sizable refugee camps for the Rohingya, in contrast to Bangladesh.²⁷

Malaysia has increased restrictions and does not publicly acknowledge Rohingya as refugees, despite its initial support. Under the Immigration Act, 1959/63, they are left without legal status, employment rights, or social services, leaving them open to arrest and deportation. Although others work unofficially, Malaysia supports repatriation or resettlement in third countries because it views the Rohingya as a temporary duty.²⁸

²⁵ Harsha Mahaseth & Samyuktha Banusekar, *Living in the Shadows: Rohingya Refugees in Malaysia*, Cambridge University Press (Mar. 22 2025) <https://www.cambridge.org/core/journals/asian-journal-of-international-law/article/living-in-the-shadows-rohingya-refugees-in-malaysia/8E0FE5235E5244F4FF8EAA87346A0A58> (last visited Apr. 3 2025)

²⁶ *Bangladesh: Spiraling Violence Against Rohingya Refugees*, Human Rights Watch (July 13, 2023), available at <https://www.hrw.org/news/2023/07/13/bangladesh-spiraling-violence-against-rohingya-refugees> (last visited Apr. 3 2025)

²⁷ *Centre rejects Rohingya right to stay, files affidavit before Supreme Court*, India Today (March 21, 2024), available at <https://www.indiatoday.in/law/story/centre-rejects-rohingya-right-to-stay-supreme-court-affidavit-2517580-2024-03-21> (last visited Apr. 3 2025)

²⁸ *Living in the Shadows: Rohingya Refugees in Malaysia*, Asian Journal of International Law (April 2023), available at <https://www.cambridge.org/core/journals/asian-journal-of-international-law/article/living-in-the-shadows-rohingya-refugees-in-malaysia/8E0FE5235E5244F4FF8EAA87346A0A58> (last visited Apr. 3 2025)

Despite their differences, all three nations put domestic security and political concerns ahead of long-term refugee solutions and lack a clear legal framework for protecting Rohingya. Countries continue to handle the situation separately rather than jointly, demonstrating a lack of regional collaboration. The failure of international initiatives, such as diplomatic discussions and UNHCR assistance, to secure long-term solutions thus far emphasizes the necessity of a concerted regional strategy.

SUGGESTIONS

Host nations must implement more humanitarian and organized policies that strike a balance between their own interests and international refugee protection norms in order to handle the current Rohingya problem. The following actions could improve humanitarian, legal, and financial responses:²⁹

1. *Comprehensive Refugee Policies Aligned with International Law*: Formal refugee policies should be created by host nations in accordance with their commitments under international law and human rights. They can nonetheless enact national frameworks that guarantee legal protection, non-refoulement, and access to fundamental rights even when they are not signatories to the 1951 Refugee Convention.
2. *Strengthening Regional Cooperation for Burden-Sharing*: For South and Southeast Asian countries to share the cost fairly, a regional framework is necessary. Instead of letting individual nations deal with the situation on their own, groups like SAARC and ASEAN should actively participate in coordinating long-term solutions, resource distribution, and humanitarian help.
3. *Legal Recognition and Work Permits for Economic Integration*: Rohingya refugees would benefit host economies, avoid exploitation, and become less dependent on aid if they were given legal status and work permits. Refugees and local businesses can both gain by permitting regulated work in low-skilled fields.
4. *Balancing Security Concerns with Human Rights Obligations*: Although host nations point to threats to national security, regulations shouldn't penalize or hold refugees

²⁹ James C. Hathaway, *The Rights of Refugees under International Law* (2d ed. 2021), <https://www.cambridge.org/core/books/rights-of-refugees-under-international-law/A7533B16F033C9FA03612B4F829B74E2> (last visited Apr. 3 2025)

indefinitely. Governments must respect their human rights obligations under treaties such as the UDHR and ICCPR while ensuring equitable treatment, community monitoring, and law enforcement.

5. *Greater Involvement of International Organizations in Repatriation:* When conditions in Myanmar improve, the UNHCR, IOM, and other international organizations need to do more to support voluntary, secure, and respectable repatriation. International actors should keep providing host nations with financial assistance, legal counsel, and refugee resettlement initiatives until that time.

CONCLUSION

One of the most complicated refugee issues is still the Rohingya situation, which is characterized by ambiguous laws and uneven host country practices. The lack of a unified legal system as a result of Bangladesh, India, and Malaysia, three important host nations, not ratifying the 1951 Refugee Convention and its 1967 Protocol, has left Rohingya refugees with little rights and safeguards. Despite being acknowledged as customary international law, the concept of non-refoulement is not always applied consistently, which results in detention, deportation, and a lack of official recognition. As asserted in a policy comparative study, the host countries prioritized political considerations and national security over formal asylum processes, which left the Rohingya in a abyss of statelessness. Even if aid is offered through international bodies like the UNHCR or the ASEAN, considerations of national sovereignty usually limit their power. To help overcome these limitations, host countries need to create reasonable legal policies that comply with international refugee law and ensure equality of opportunities for integration and granting asylum. The aforementioned initiatives must also improve regional collaboration and burden sharing. As long as there is no coherent plan, the Rohingya will still be at risk of being displaced and having their human rights violated. Delicate legal structures are required to grant permanent asylum due to humanitarian obligations and nationalistic considerations.