
REFUGEE LAW IN INDIA AND RUSSIA: A COMPARATIVE STUDY OF LEGAL FRAMEWORKS AND THE PRINCIPLE OF NON-REFOULEMENT

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ABSTRACT

The movement of refugees across international borders has created significant legal and humanitarian challenges for States. The manner in which refugees are recognised and protected differs considerably according to the domestic legal system of each country. This research paper provides a comparative study of the refugee protection frameworks of India and Russia, with particular focus on refugee recognition, legal rights, constitutional and statutory protection, and the principle of non-refoulement. Russia has a specific legislative framework for refugees, primarily governed by the Federal Law on Refugees, 1993, supported by constitutional and other immigration laws. India, in contrast, does not have a comprehensive legislation exclusively dealing with refugees and is not a party to the 1951 Refugee Convention or the 1967 Protocol. Refugee protection in India has consequently developed through constitutional guarantees, immigration and citizenship laws, executive measures and judicial decisions. The study also examines the role played by the judiciary in India in protecting refugees, particularly through Articles 14 and 21 of the Constitution. The principle of non-refoulement is examined as an important element of refugee protection in both legal systems. The paper further considers the rights available to refugees during and after the determination of their status in Russia and contrasts these with the more fragmented protection available in India. The comparison demonstrates that the two countries have adopted different institutional approaches to refugee protection, reflecting differences in their legal structures and methods of dealing with refugee movements. The study concludes by highlighting the importance of a clear and predictable legal framework for ensuring effective protection of persons seeking refuge.

Keywords: Refugee Law, India, Russia, Refugee Protection, Non-Refoulement, Asylum, Human Rights.

1. Introduction

The movement of refugees across international borders has become an important issue in international law. People are often forced to leave their countries because of persecution, armed conflicts, political instability and serious violations of human rights. Refugee protection, therefore, is not only about providing a person with a place to stay. It also includes recognising refugee status, protecting basic human rights and ensuring that a person is not sent back to a place where their life or freedom may be at serious risk. In this context, the principle of non-refoulement has become a fundamental principle of international refugee protection.¹

The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol are the main international instruments dealing with the protection of refugees. These instruments provide the internationally accepted definition of a refugee and lay down basic standards for their treatment.² However, the way these standards are applied varies from country to country. Each State develops its own domestic legal system for determining refugee status, regulating the rights of refugees and deciding the circumstances in which they may remain within its territory.

In this context, India and Russia represent two different approaches to refugee protection. Russia has a specific legal framework dealing with refugees, particularly under Federal Law No. 4528-I of 19 February 1993, “On Refugees”.³ India, in contrast, does not have a single comprehensive law exclusively dealing with refugees and has not acceded to the 1951 Refugee Convention or the 1967 Protocol.⁴ The protection of refugees in India has instead developed through constitutional guarantees, immigration and citizenship laws, executive policies, judicial decisions and the role played by the United Nations High Commissioner for Refugees (UNHCR).

This article examines the legal framework relating to refugees in India and Russia, focusing on the recognition of refugee status, the legal protection available to refugees, their basic rights and the principle of non-refoulement. It further compares the approaches followed by the two countries and discusses the major similarities, differences and challenges present in their respective refugee protection systems.

¹ Convention Relating to the Status of Refugees art. 33, July 28, 1951, 189 U.N.T.S. 137.

² Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267.

³ Federal Law No. 4528-I of Feb. 19, 1993, On Refugees (Russ.).

⁴ U.N. High Comm’r for Refugees, India, (Sep. 18, 2026, 10:35 AM), The UN Refugee Agency | UNHCR India

2. Refugee Laws and Protection in India

2.1. Historical background of refugees in India

India has, over the years, received people from different parts of the world who were forced to leave their homes because of war, persecution, violence and other serious disturbances. The experience of dealing with displaced populations is not new for India. Soon after independence, the Partition of 1947 resulted in the movement of millions of people across the newly created borders of India and Pakistan. The large-scale displacement created serious social and economic difficulties, and the government introduced the Rehabilitation Finance Administration Act, 1948 to assist in dealing with the problems of displaced persons.⁵

India's role in providing shelter to displaced populations continued in the following decades. One of the most significant instances occurred during the 1971 Bangladesh Liberation War. The conflict forced a very large number of people from East Pakistan to leave their homes and seek safety in India. Estimates suggest that approximately 10 million people entered India as refugees during this period. India also received Tibetan refugees after the Dalai Lama entered the country in 1959 along with more than 100,000 followers. They were permitted to remain in India and establish settlements in different regions. Over the decades, the Tibetan refugee community has developed its own social and cultural institutions while becoming an established community within India.⁶

Apart from these major instances, India has received people belonging to several other displaced communities. The Chakmas came to India after being displaced from the Chittagong Hill Tracts during the 1960s. Their movement was connected with changes and disturbances in their traditional homeland, which is now part of Bangladesh. During the 1980s, India also witnessed the arrival of a large number of Sri Lankan Tamils who had fled the conflict and violence in Sri Lanka. Refugees and displaced persons have also arrived from Afghanistan, Bhutan, Nepal and other neighbouring regions, with several communities establishing themselves particularly in the north-eastern parts of India.

⁵ Pal, Y., & Pathak, P. (2026). The refugee question in India: Legal framework, constitutional jurisprudence and the principle of non-refoulement. *Research Communications*, 4(1), 273–281. <https://doi.org/10.65719/RC.4.1.2026.273>

⁶ Id.

The history of these movements shows that India has generally dealt with refugee situations through a combination of administrative measures, specific government policies and judicial intervention rather than through one comprehensive refugee statute. At present, India continues to host people seeking protection from different countries. However, the presence of Rohingya refugees from Myanmar has generated significant debate concerning humanitarian protection, immigration control, national security and the obligations of the State towards persons facing persecution. This situation has also brought renewed attention to the question of how India approaches the principle of non-refoulement in the absence of a dedicated refugee law.⁷

2.2 Legal Framework for refugees

India does not have a single law that specifically deals with refugees and their protection. In addition, India has not become a member of the 1951 Refugee Convention or its 1967 Protocol.⁸ As a result, there is no separate statutory framework in India for determining refugee status and regulating all aspects of refugee protection. Instead, matters concerning refugees are dealt with through different sources of law, including the Constitution, immigration and citizenship laws, government policies and judicial decisions.

An important change in India's immigration framework took place with the enactment of the Immigration and Foreigners Act, 2025, which came into effect on 1 September 2025.⁹ The Act brought together several important laws concerning foreigners and replaced the Foreigners Act, 1946, the Registration of Foreigners Act, 1939, and the Passport (Entry into India) Act, 1920, along with other related legislation.¹⁰ Despite this consolidation, the 2025 Act mainly deals with the regulation and control of foreigners in India. It does not establish a separate and detailed mechanism for recognising and protecting refugees in the manner found in countries having dedicated refugee legislation.

As a result, the legal position of refugees in India continues to be distinct from that in countries where refugee protection is governed by a specific and comprehensive refugee law. In India, the protection available to refugees depends on the interaction of constitutional safeguards,

⁷ Pooja Makhijani, "Protection of refugees in India: An analysis's", 6 International Journal of Law, Policy and Social Review 61, 61 (2024).

⁸ Convention Relating to the Status of Refugees, *supra* note. 1

⁹ Immigration and Foreigners Act, No. 13 of 2025, §§ 1-36 (India 2025)

¹⁰ The Immigration and Foreigners Act, 2025, § 36.

applicable laws, government measures and the approach adopted by the judiciary.

2.3 Constitutional Protection to Refugees

Although India does not have a separate law dealing comprehensively with refugees, persons seeking protection in India can receive protection under several provisions of the Constitution of India. Some fundamental rights are available to every person within India, regardless of whether that person is an Indian citizen. Among these, Article 21, which protects life and personal liberty, is particularly important for refugees and other foreign nationals. The Supreme Court has recognised that the protection of Article 21 is not limited to Indian citizens. Similarly, Article 14, which guarantees equality before the law and equal protection of the laws, is also available to non-citizens.¹¹

At the same time, it is important to distinguish between rights available to all persons and rights specifically reserved for Indian citizens. For example, the freedoms guaranteed under Article 19 are generally available only to citizens.¹² Therefore, a refugee cannot claim every fundamental right in the same manner as an Indian citizen. The constitutional position depends upon the particular right being claimed and the wording of the relevant constitutional provision.

For the purpose of understanding the protection available to refugees, their position may broadly be discussed under three categories. These are as follows;

2.3.1. Rights available to all persons

Certain constitutional protections extend to refugees because they are framed in terms of "persons" rather than citizens. Article 14 protects equality before law, while Article 21 protects life and personal liberty.¹³ These provisions are particularly significant because they require the State to respect the basic dignity and liberty of persons living within its territory. Other constitutional safeguards may also become relevant depending upon the circumstances of an individual refugee. The courts have played an important role in applying these constitutional protections to non-citizens.

¹¹ Pal, Y., & Pathak, P. (2026), *supra* note. 5

¹² INDIA CONST. art. 19.

¹³ INDIA CONST. art. 14, 21.

2.3.2. Rights subject to the legal position of foreigners

Refugees in India are also subject to the laws applicable to foreign nationals. Their entry, stay, movement and removal may therefore be regulated by immigration and foreigners legislation. At the same time, such regulation must operate within the limits imposed by applicable constitutional protections. The Supreme Court in *Louis De Raedt v. Union of India*¹⁴ made an important distinction in this regard. It held that foreigners are entitled to the protection of Article 21, but they do not possess the constitutional right to reside and settle in India under Article 19(1)(e), because that right is available only to citizens.¹⁵

This distinction is important in the case of refugees because the fact that a person is a foreign national does not mean that the person is outside the protection of the Constitution. At the same time, refugee status does not automatically confer upon a person all the rights enjoyed by an Indian citizen.

2.3.3. Protection through judicial interpretation and international principles

Indian courts have also used international human rights principles while interpreting constitutional rights. A notable example is *Vishaka v. State of Rajasthan*,¹⁶ where the Supreme Court relied upon international conventions and norms while dealing with the protection of women's rights in the absence of specific domestic legislation. The Court connected these international standards with the constitutional guarantees under Articles 14, 15, 19 and 21.¹⁷

This approach is relevant to refugee protection because it shows that international law and international human rights standards can assist Indian courts in understanding and developing the scope of constitutional rights. However, the application of international principles remains subject to the Constitution and domestic law.

Thus, the Indian constitutional framework provides an important source of protection for refugees, particularly through Articles 14 and 21. At the same time, refugees remain subject to immigration laws and do not enjoy every right available to Indian citizens. The protection of refugees in India consequently depends upon the combined effect of constitutional guarantees,

¹⁴ 1991 AIR 1886 (India)

¹⁵ Id.

¹⁶ AIR 1997 SC 3011 (India)

¹⁷ Id.

domestic legislation, executive policies and judicial interpretation.¹⁸

2.4 Judicial approach towards the protection of refugee in India

India has not ratified the 1951 Refugee Convention or the 1967 Protocol. Even so, Indian courts have provided protection to refugees through the constitutional guarantees available to persons living in India. Several important judgments have shaped this position.¹⁹

In *Hans Muller of Nuremburg v. Superintendent, Presidency Jail*, the Supreme Court recognised the power of the Government to remove foreigners from India under the Foreigners Act, 1946. The Court also made it clear that foreigners do not have a fundamental right to reside in India.²⁰

This position was reaffirmed in *Louis De Raedt v. Union of India*, the Supreme Court held that foreigners are protected by Article 21, including the right to life, but they do not have a fundamental right to reside in India.²¹

In *State of Arunachal Pradesh v. Khudiram Chakma*, the Court treated the Chakmas as foreigners and held that they could not claim a fundamental right to settle in India. However, their life and personal liberty remained protected under Article 21.²²

The protection of refugees was further strengthened in *National Human Rights Commission v. State of Arunachal Pradesh*, the Supreme Court directed the State authorities to protect the lives and liberty of Chakma refugees and not to forcibly remove them in violation of their legal protections.²³

The principle of non-refoulement was specifically considered in *Ktaer Abbas Habib Al Qutaifi v. Union of India*, the Gujarat High Court observed that the principle is connected with Article 21 and recognised protection against removal where return could place a person's life at risk.²⁴

¹⁸ Pal, Y., Pathak, P. (2026). Invisible Lives, Constitutional Mandate and Promises: Examining the Refugee Rights under the Indian Constitution. International Journal of Law Management & Humanities, 9(III), 2207-2218. <https://ijlmh.com/article/view/invisible-lives-constitutional-mandate-and-promises-examining-the-refugee-rights-under-the-indian-constitution>

¹⁹ Id.

²⁰ AIR 1955 SC 367 (India)

²¹ AIR 1991 SC1886 (India)

²² AIR 1994 SC 1461 (India)

²³ AIR 1996 1 SCC 742 (India)

²⁴ 1999 Cri. L.J. 919 (Guj.) (India)

Similarly, in *Dongh Lian Kham v. Union of India*, the Delhi High Court recognised the connection between non-refoulement and Article 21, while also noting the relevance of national security.²⁵

More recently, *Mohammad Salimullah v. Union of India* concerned the proposed deportation of Rohingya refugees. The Supreme Court reiterated that Articles 14 and 21 apply to foreigners as well as citizens, but the constitutional right to reside and settle in India under Article 19(1)(e) belongs only to citizens. The Court also noted India's non-party status to the Refugee Convention and stressed that any deportation must follow the procedure established by law, while considering both human rights and national security.²⁶

3. Legal Framework for Refugees in Russia

Generally, refugee laws of all nations are based on the UN Convention relating to the Status of Refugees, 1951, and its Protocol 1967. It is an international instrument on which refugee laws are based. The Russian Federation also has its refugee law, namely “The Russian Federation’s Law on Refugees”, which is based on the Refugee Convention 1951, as well as aligned with international standards, as Russia is a signatory to the 1951 Convention. Originally, the Soviet Union (USSR) had never ratified the 1951 Convention because it was their view that the standard of the concerned convention was dictated by Western countries. But in 1991, when the Soviet Union collapsed into parts, at that time a large no. of people migrated to Russia from newly formed countries and its neighbors. To deal with the situation, Russia in 1992 accepted the establishment of UNHCR and also introduced and established the Federal Migration Service (FMS).²⁷ The purpose of the Federal Migration Service, for which it was established, was to execute and manage the migration policy and services of the nation. It was the executive and law enforcement agency of Russia that worked in the sphere of migration matters. It was in enforce till 2016. Now it is dissolved.

After the establishment of UNHCR, and FMS just after next year in 1993, the Russian Federation acceded to the UN Convention relating to the Status of Refugees, 1951, and its protocol 1967 by enacting its domestic laws for refugees. In 1993, Russia enacted and adopted

²⁵ W.P (Crl.) No. 1884/2015 (Del.) (India).

²⁶ AIR 2021 SC 1789 (India).

²⁷ Adriano Silvestri, Olga Tchernishova, The Legal Framework Regulating Asylum in the Russian Federation, International Journal of Refugee Law, Volume 10, 184-198 (1998), <https://doi.org/10.1093/ijrl/10.1-2.184>

three specific laws for migrants and refugees.

The first law was incorporated under the Russian Constitution. It was based on the Russian Constitutional principle in the spirit of the 1951 Convention, which grants the right to an individual to ask or request political asylum in Russia. This law has given the constitutional authority to the Russian President to grant political asylum to a person by presidential decree. It is used in high-profile or exceptional cases. This law was incorporated under Art. 63 of the Russian Constitution. The law in this Art. can be divided into three parts. The first part gives a constitutional basis for seeking political asylum. It gives a constitutional guarantee. The second part prohibits, in Russia, the extradition of a person facing persecution for any political reason or convicted for any act that is not recognized as a crime in the Russian Federation. The third part says extradition of any criminal person is only allowed as per federal law or an international agreement of the Russian Federation.

The second law was the Law on Forced Migrants. It was signed on 19 Feb. 1993, and the same came into force on 20th March 1993. Due to the collapse of the Soviet Union (USSR), a large no. of Russians were displaced and settled in foreign countries. That displacement included forced migration, and therefore, to address this migration and to settle the issue of citizenship, this law was passed. The purpose of this law was to address those asylum seekers who already had Russian citizenship or those who were eligible to obtain it, and they were generally those who were displaced within the former Soviet Union. These migrants were forced to go to Russia for economic and other reasons from the former Soviet Union Republics. This law permitted these migrants to move freely in Russia. Few rights were granted to migrants under this law, such as the issuance of a forced migrant ID, the freedom to choose a place of residence, and state assistance for housing, education, health, legal protection, social, and political benefits. Apart from all these rights and privileges, one limitation was also there; this law applied only to those who were displaced after 1992.

The third law was the Law on Refugees, 1993.²⁸ This law is the main law that was passed by the Russian Federation in 1993 for refugees. This law was mainly for those asylum seekers who came from states other than the former Soviet Union territory or far-abroad countries. The purpose of the law passed in 1993 was to give protection primarily to those who came from the former Soviet Union Republics and, secondly, to those who came from other foreign countries.

²⁸ Federal Law on Refugees, 1993, No. 4528-1 (Russian Federation)

It also defined the term “Refugee” in a similar way as it was defined in the 1951 convention by stating any individual fleeing from his or her country because of persecution based on race, religion, nationality, membership of a particular social group, or political opinion.²⁹ The initial purpose of the “Law on Refugees” was to give refugee status only to those who were from the former Soviet Union territory. In the late 1990’s when Russia started to develop, at the same time a large no. of people came to Russia from Africa and Asia under the fear of persecution for several reasons. To fill the gap in the law and to address the problem of migrants in a better manner, Russia amended and replaced the Law on Refugees of 1993 in 1997.³⁰

These three laws, which were made by the Russian Federation, have created three types of protection systems for refugees. These are as follows;

- A. The constitutional asylum to an individual by the Presidential decree under Art. 63 of the Russian Constitution.
- B. Support system of the Federal Government of Russia to displaced ex-Soviet citizens and to those who were qualified for Russian citizenship.
- C. Grant of refugee status to foreign nationals, including faraway foreigners.

Under these three laws of the Russian Federation, almost all types of immigrants were covered.

3.1 Federal Refugee Law, 1993 and 1951 Convention on Refugees

The Russian Federation is a signatory to the 1951 Refugee Convention and its 1967 Protocol, as the same was ratified in 1993. In compliance with the 1951 Convention, Russia adopted its national law on refugees in 1993. The purpose of Refugee Law 1993 was to establish and recognize the procedure, grounds for the grant of refugee status, rights, interests, and protection of the refugees. These rights include social, political, and economic rights. Federal Refugee Law, 1993, consists of 19 Articles and has been amended various times. The latest amendment was made on 13 June 2023.³¹

²⁹ Article 1, Federal Law on Refugees, 1993, No. 4528-1 (Russian Federation)

³⁰ Wikipedia Contributors (2025), Refugees and Asylum in Russia, Wikipedia, (Sep. 20, 2026, 12:45 PM), https://en.wikipedia.org/wiki/Refugees_and_asylum_in_Russia#cite_note-4,

³¹ Federal Law of February 19, 1993 N 528-1 “On Refugees”, refworld, (Sep. 20, 2026, 01:25 PM), <https://www.refworld.org/legal/legislation/natlegbod/1993/ru/147699>,

3.1.1 Features of the Federal Refugee Law

A. Definition of Refugee – Article 1 provides the definition of refugee which says Refugee means any person who is not the citizen of Russia or any stateless person, under the well founded threat of being persecuted based on race, religion, citizenship, nationality, membership of any particular social group, or political opinion is unable to stay in their country and seeks refuge in Russia.

B. Scope of the law – this law shall not apply to person: against whom serious reason exist that he has committed war crime, crime against humanity and peace as defined by international acts; Committed any non-political crime outside the jurisdiction of Russian territory; Committed any act which is against the principle and purpose of United Nations; On whom any right or obligation is recognized by the residing state; Who is receiving protection or assistance of any UN organ or UNHCR; who left their country for economic reasons as a result of famine, epidemic, natural or manmade disaster. Therefore, these people shall not get the status of a refugee under this law.

C. Procedure and determination of Refugee Status

The very basic requirement for the refugee status is the filing of an application in writing, either personally or by representation, within 24 hours from the day of crossing of state border of the Russian Federation, which may extend for 1 day where circumstances are beyond the control of the applicant.³² Once the application is submitted to the appropriate authority, the authority will decide to issue a certificate of consideration of the application on merit or refuse to consider the application. Once the certificate is issued for consideration, a decision will be taken to recognize or refuse to recognize a person as a refugee. The applicant will be required to complete the questionnaire by delivering all the essential information, like personal information and data, reason for fleeing, and reason for seeking asylum. There will be an inquiry by the authority where the relevant documents have to be furnished by the applicant. Family details, including adult and child, have to be given. Each adult needs to apply separately, and the status of children shall be based on parents or guardians.

³² Article 4 para (1) sub-para (3), Federal Law on Refugees, 1993 N 528-1.

D. Grounds for refusal to consider application on merits

There are some grounds on which the application will not be considered on the merits, such as if any crime is committed by person in the Federation of Russia, if such a person was previously refused for recognition as a refugee and no circumstances have changed, the person has citizenship of any third state, if a person was refused to get recognition by any of the signatory state of 1951 convention in justified manner, if a person left his country without any listed ground under Art. 1 of the Federal Law on Refugee, 1993 etc. The person can appeal against the order of refusal.

E. Rights and Obligations of refugees (when application is under consideration)

Once a certificate of consideration of the application on merits is given, the person shall receive the services of an interpreter and also receive the information about the procedure of recognition as a refugee with all the rights and obligations. Travel assistance will also be given for the place of stay. Further, the monetary allowances fixed by the government, not less than 100 rubles, will be given. Referral to a temporary accommodation center will also be given. Moreover, food, health services, vocational training, and public utilities will also be available for them.³³ There are also certain obligations for recognized refugees, like complying with the Russian Constitution, this Federal Law, and other federal laws. Furthermore, they should undergo compulsory medical tests and comply with the sanitary and hygienic norms of the country.

F. Rights and Duties of recognized refugees.

Once a person is registered as a refugee, several rights will be given to them. The facility of interpreter, travel assistance, meals and use of public utilities in temporary accommodation, security in temporary accommodation, medical assistance, assistance in vocational training and employment on an equal basis with citizens of Russia, employment, social protection, schooling facilities to children, apply for the right of permanent residence in Russia, participate in public activities on an equal basis, voluntary return to original country etc is given to them.

Apart from all these rights, a few duties are also there, such as complying with the Constitution of Russia, this federal law, and other laws and also to arrive in temporary accommodation

³³ Article 6, Federal Law on Refugees, 1993 N 528-1.

promptly and follow the sanitary and hygienic norms, to report any changes in surname, marital status, or acquisition of Russian or any other nation's citizenship within 7 days.³⁴

G. Principle of Non-Refoulement

The principle of Non-Refoulement is the backbone of the 1951 Convention, and without this, the whole convention will be in vain. It provides safety and a sense of security to the refugees. Article 33 of the Refugee Convention, 1951, contains the principle of non-refoulement, which says no contracting state of this convention shall expel or send back the refugees to their country where a threat to life, risk of persecution, or any other harm exists. It prohibits the contracting state and also imposing an obligation not to take any coercive action of sending back against the refugee. Federal Law on Refugees also contains this principle, as during the process of recognition of refugee status, asylum and various rights are given to asylum seekers. Temporary residency, Medical facilities, monetary allowances, and food, etc., are provided to asylum seekers. Once the refugee status is recognized by the officials, no one can compel the person to return to their home state, although voluntary return is allowed³⁵.

Article 10 of the Federal Law on Refugees explicitly contains the principle of non-refoulement. It says any person applied for refugee recognition, whose status is recognized, or whose refugee status is lost may not be returned to their home country if fear of persecution based on religion, race, etc. mentioned under Art. 1 is present. The provision of an appeal is also given against the decision of the authorities. One-month to three-month time period for an appeal is given as prescribed under the provisions.³⁶

H. Miscellaneous Provisions

Art. 12 of the Federal Law on Refugees provides temporary asylum of two types. The first one is for those individuals who would be eligible for refugee status but only ask for temporary asylum. Another one is to those who have no grounds to be recognized as refugees, but can't be deported on humanitarian grounds. Forceful return is not allowed for those who have received temporary asylum, principle of non-refoulement is also available to these people. Moreover, Art. 15 to 18 deal with the Financing and provisions related to International Corporation. A fund for this federal law and a specific refugee support fund shall be constituted,

³⁴ Article 8, Federal Law on Refugees, 1993 N 528-1.

³⁵ Article 8 para (1) sub-para (16), Federal Law on Refugees, 1993 N 528-1.

³⁶ Article 10, Federal Law on Refugees, 1993 N 528-1.

and there will be cooperation with UNHCR and other international treaties and agreements. Further Art. 17 to 19 deals with the enforcement and accountability provisions. Any misconduct or failure to comply with any provisions of this law by any official or authority will make them subject to legal liability.

3.2 Other Domestic Laws on Refugees in Russia

Apart from the Federal Refugee Law, 1993, there is a bundle of laws that apply to, as well as are relevant for, refugees in Russia. These are as follows;

3.2.1. Federal Law on the Voluntary Resettlement of Nationals, 1996

The purpose of this law was to encourage voluntary repatriation to those persons who left the country before the collapse of the USSR and settled in foreign countries. The call under this law was for Russian ethnic groups and their descendants. The object of repatriation was to boost Russian demography and regional development. Under this, an expedited procedure of immigration was established, a few exemptions related to customs were given, and a free vehicle for a family, assistance in housing and relocating, etc., were given.

3.2.2 Federal Law on Entry and Exit Procedures for Foreign Citizens and Stateless Persons in the Russian Federation, 1996

This law applies to citizens, foreigners, and stateless persons. This law makes it mandatory to hold a valid passport, a visa (where it is required), and a migration card for entering and staying in the Russian territory even the same documents are also required at the time of exit.³⁷ Recently from 5 February 2025, new entry rules are applying, now foreigners will not be allowed to enter in Russian territory if biometric details is not given at border, risk on nation's security is detected, false information is given, forged and incomplete documents are used, and entry documents are not present with the person.³⁸

3.2.3 Federal Law on Citizenship, 2002

This is the primary law of the Russian Federation that deals with citizenship. A few provisions of this law deal with refugees, like Art. 13³⁹ talks about the acquisition of citizenship by

³⁷ Article 6, Federal Law dated 15 Aug., 1996 No. 114-FZ (Russia)

³⁸ Entry Procedures for Foreign Citizens and Stateless Persons to the Russian Federation, VISIT RF, (Sep. 20, 2026, 07:35 PM), <https://visitrfr.com/en/rules/russia-entry-foreign-citizens/>,

³⁹ Federal Law on Citizenship of the Russian Federation, 2002, No. 62-FZ.(Russia)

Naturalization. It provides a minimum of five years of uninterrupted residence period, but it exceptionally reduces the time limit by one year in case of refugees and political asylum seekers. Therefore, for the acquisition of citizenship of the Russian Federation under the Naturalization process, only a four-year residence period is required for political asylum seekers and refugees.

3.2.4 Federal Law on the Legal Status of Foreign Nationals in the Russian Federation, 2002

As the name indicates, it covers everything related to the status of foreign citizens and stateless persons, such as their work, their relations with the government and local bodies, their business activities, including entrepreneurial activities etc., it provides the provisions related to temporary stay where duration of stay will be determined by the term of validity of the visa issued. The residence's provision is also made under this law, which provides two types of residence permits such as a temporary residence permit and a residence permit. Temporary residence permit is valid for 3 years under Article 6(1), and during this period person is allowed to get employed and to have residence, whereas, a residence permit under Art 8 of the law can be issued for five years to foreign citizens, which can be extended by another five years. This can be extended for any number of times.⁴⁰ Therefore, it can be considered a permanent residence permit.

3.2.5. Federal Law on the Registration of Foreign Nationals and Stateless Persons, 2006

It makes migration registration mandatory. It refers to the recording and consolidation of data of foreign citizens and stateless persons. In other words, official tracking of the residence and place of stay of foreigners and stateless persons by the official authorities. Whether residing temporarily or permanently in Russia, in both cases, registration is mandatory under this act. Such a registration record consists of identification details of the person, arrival and departure dates, visa details, etc. Penalties for non-registration, like a fine, an entry ban, and deportation, are also given in the act.⁴¹

3.3 Refugee Data of the Russian Federation

Given below is the data of UNHCR from 2019-2024, with respect to the Russian Federation,

⁴⁰ Article 8, Federal Law No. 115-FZ (July 25, 2002), (Russia)

⁴¹ Federal Law No. 109-FZ of July 18, 2006 (Russia)

which consists no. of refugees under UNHCR mandate, Asylum Seekers, and Stateless persons (see Table 2 below).⁴²

Table 2: The data of refugees in Russia by UNHCR from 2019-2024.

Year	Refugees under UNHCR Mandate	Asylum Seekers	Stateless
2019	42,413	1,445	68,251
2020	20,260	813	60,185
2021	10,901	524	54,061
2022	12,77,672	1066	95,195
2023	12,30,131	891	92,209
2024	10,077	1,363	90,185

Four-year comparative statistics of refugees in Russia as per the data available on Macrotrends⁴³ are as follows;

- i. Refugee statistics in Russia for 2020 were 20,260, a decline of 52.23% from 2019.
- ii. Refugee statistics in Russia for 2021 were 10,901, which was a 46.19% decline from 2020.

⁴² Refugee Data Finder, UNHCR The UN Refugee Agency, https://www.unhcr.org/refugee-statistics/download?data_finder%5BdataGroup%5D=displacement&data_finder%5Bdataset%5D=population&data_finder%5BdisplayType%5D=totals&data_finder%5BpopulationType%5D%5B%5D=REF&data_finder%5BpopulationType%5D%5B%5D=ASY&data_finder%5BpopulationType%5D%5B%5D=IDP&data_finder%5BpopulationType%5D%5B%5D=OIP&data_finder%5BpopulationType%5D%5B%5D=STA&data_finder%5BpopulationType%5D%5B%5D=HST&data_finder%5BpopulationType%5D%5B%5D=OOC&data_finder%5BpopulationType%5D%5B%5D=range&data_finder%5Byear__rangeFrom%5D=2019&data_finder%5Byear__rangeTo%5D=2024&data_finder%5Bcoo__displayType%5D=doNotDisplay&data_finder=on&data_finder%5Bcoa__displayType%5D=custom&data_finder%5Bcoa__country%5D%5B%5D=160&data_finder%5Byear__%5D=&data_finder%5Bcoo__%5D=&data_finder%5Bcoa__%5D=&data_finder%5Badvanced__%5D=&data_finder%5Bsubmit%5D=

⁴³ Russia Refugee Statistics, Macrotrends, (Sep. 20, 2026, 11:35 PM), <https://www.macrotrends.net/global-metrics/countries/rus/russia/refugee-statistics>

iii. Refugee statistics in Russia for 2022 were 1,277,672, an increase of 11620.69% from 2021.

iv. Refugee statistics in Russia for 2023 were 1,230,131, a decline of 3.72% from 2022.

As per another data, the total no. of refugees living in the Russian Federation by 2024 is 7,605,774. It represents the total 5.3% population of the Russian Federation. These are the persons to whom refugee status has been granted. It doesn't include asylum seekers. These persons are the permanent residents of the Russian Federation. They were born in different countries, but they are living in Russia.⁴⁴

4. Combined Study of Legal Framework for Refugees in India and Russia

India as well as the Federation of Russia both have their legal framework for the protection of refugees. Both are the founding members of BRICS, as well as large countries in Asia. Both countries share their borders with various countries, like India shares its border with Pakistan, China, Myanmar, Nepal, Bhutan, and Bangladesh. Similarly, Russia shares its border with North Korea, China, Norway, Finland, Ukraine, Kazakhstan, Poland, Estonia, Latvia, Mongolia, Georgia, Azerbaijan, Belarus, and Lithuania. The possibility of refugee influx is high when a country shares its borders with many countries; therefore, a legal framework for refugees becomes necessary.

The legal framework for the protection and status of refugees in India is different from the Federation of Russia. India doesn't have any specific law for refugees, and refugees are covered under other immigration laws such as the Foreigners Act, 1946, Passport Act, the Passport (Entry into India) Act, 1920, the Citizenship Act, 1955, Registration of Foreigners Act, 1939, etc. India is neither a signatory to the Refugee Convention, 1951, nor its 1967 Protocol. India follows the Bangkok principles (2001), but it is non-binding, even Art. II of this says "The State has the sovereign to grant asylum or not as per their international obligation and national legislation",⁴⁵ which gives the scope to India, as India has no international obligation as it is not a signatory to the 1951 Convention, and also has no specific domestic law for refugees. However, refugees can claim their rights under the Indian Constitution. There are various provisions which give the right to refugees, such as Art. 14, 20, 21, 22, 23, 25-28, 32, and 226.

⁴⁴ National Migrant Stock from 1990 to 2024, WorldData.info., (Sep. 21, 2026, 11:49 AM), <https://www.worlddata.info/europe/russia/asylum.php>

⁴⁵ Article II, Bangkok Principles on Status and Treatment of Refugees (2001)

These articles give the right to equality, protection against conviction in some cases, life and liberty, protection against unlawful arrest and detention, religious rights, and the right to approach the Supreme Court and the High Court. Apart from this, the Indian Judiciary also protects the rights of refugees by way of pronouncing its judgments. Recently CAA, 2019 was passed by the Indian government, which is giving citizenship to the refugees. This act is a positive step by the government towards the international principles of refugees. Thousands of refugees will get citizenship under this act.

On the other hand, the Russian Federation is a signatory to the 1951 Refugee Convention and its Protocol, 1967. In the direction of fulfilling international obligations, the Russian Federation passed domestic laws on refugees in 1993. These laws were the Law on Forced Migrants, the Law on Refugees, and Art. 63 of the Russian Constitution. Apart from this, there are some other ancillary laws on refugees. The primary legislation that deals with the refugees is the Federal Law on Refugees, 1993. It protects refugees as well as recognizes the status of refugees. It provides temporary as well as permanent residence to the refugees. During the pendency of the proceeding of status recognition, a temporary stay is granted, and once the refugee status is recognized, permanent residence is given, and after that person can apply for Russian citizenship. Art. 6 of the Federal Law on Refugees gives various rights to refugees during the pendency of the application. These are monetary allowances, temporary stay, travel assistance, food, health services, vocational training, and public utilities will also be available for them. Once the refugee status is recognized, then under Art. 8, various rights are also given, such as facility of interpreter, travel assistance, meals and use of public utilities in temporary accommodation, security in temporary accommodation, medical assistance, assistance in vocational training and employment on an equal basis with citizens of Russia, employment, social protection, schooling facilities to children, apply for the right of permanent residence in Russia, participate in public activities on an equal basis, voluntary return to original country etc is given to them. The principle of Non-Refoulement is also recognized by federal law on refugees. The provision of an appeal against the official's decision is also there. Basically, Russia has a specific law for refugees and that deals with refugees in all manner. The courts of the Russian Federation follow codified statutes of Russia, as there is a proper law; therefore, the court's role is limited, whereas in India, there is no such law; therefore, Indian Courts actively participate in the issue.

5. Conclusion

The comparative examination of India and Russia shows that refugee protection can develop through different legal and institutional approaches. Both countries have experienced significant movements of displaced persons and have developed mechanisms to deal with people seeking protection within their territories. However, the nature of their legal frameworks is substantially different. Russia has adopted a specific statutory framework through the Federal Law on Refugees, 1993, which provides a formal mechanism for recognition of refugee status and sets out rights and obligations of recognised refugees. The Russian framework also addresses temporary asylum, protection during the determination process and safeguards against forced return.

India follows a different model. It does not have one comprehensive legislation exclusively governing refugees. Instead, refugee protection has developed through constitutional provisions, immigration and citizenship laws, government policies and judicial decisions. The Constitution has played a particularly important role because Articles 14 and 21 extend significant protections to persons irrespective of their citizenship. At the same time, the courts have recognised that these protections do not give foreigners an unrestricted right to remain or settle in India.

The Indian judiciary has consequently assumed a more visible role in refugee-related matters. Decisions concerning the Chakmas, Iraqi nationals and Rohingya refugees demonstrate the continuing interaction between constitutional rights, immigration control, national security and international refugee principles. The principle of non-refoulement has also appeared in this judicial discussion, particularly in cases where removal may expose a person to a serious threat to life or liberty.

The comparison also reveals an important difference in the institutional structure of the two systems. Russia has a codified refugee framework in which the process of recognition and the rights attached to refugee status are primarily addressed by legislation. India, in the absence of a dedicated refugee statute, relies considerably more upon constitutional interpretation, executive decisions and judicial intervention. This difference affects the manner in which refugees obtain recognition and understand the rights and protections available to them.

At the same time, the existence of a specific refugee statute does not by itself resolve every

problem relating to refugee protection. Effective protection also depends upon the actual implementation of legal safeguards, access to procedures, administrative functioning and respect for basic human rights. Similarly, India's constitutional framework demonstrates that meaningful protection can exist even without a dedicated refugee statute, but the absence of a uniform statutory mechanism can create uncertainty and differences in the treatment of refugee groups.

The study therefore indicates that the central issue is not merely whether a country has refugee legislation, but whether its legal system provides accessible, predictable and effective protection to persons seeking refuge. Recognition procedures, basic rights, protection during the determination process and safeguards against refoulement are all important components of such protection. The experiences of India and Russia demonstrate two different models through which these objectives may be pursued.

Ultimately, refugee protection remains closely connected with both human rights and State sovereignty. A State has the authority to regulate the entry and stay of foreign nationals, but the exercise of that authority must also be considered in light of the protection owed to persons facing persecution or serious harm. A balanced refugee framework should therefore provide clarity to the State as well as security and dignity to the refugee. The comparative study of India and Russia highlights the continuing need to develop refugee protection systems that are legally clear, practically accessible and consistent with the fundamental principle that a person should not be returned to a situation where his or her life or freedom is seriously threatened.