

## ASSESSING THE VULNERABILITIES AND CHALLENGES OF MIGRANT AND REFUGEE MINORS IN INDIA: A SOCIO-LEGAL PERSPECTIVE

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### ABSTRACT

This socio-legal inquiry critically assesses the escalating legal and social vulnerabilities afflicting minor migrants and refugees within India, a nation whose status as a key host country is paradoxically undermined by its unstructured legal framework. The study's objective is to dissect the fundamental challenges these unprotected minors face, who are largely confined to a precarious legal limbo due to the absence of specialized national refugee legislation. Employing a rigorous qualitative and doctrinal methodology, which includes a critical comparative analysis of effective international frameworks in nations like Germany, the United States, and Sweden, the research reveals that protection is fragile. The core finding is that while India's judiciary upholds protection through international human rights principles (ICCPR and UDHR), the lack of institutional specialization renders domestic safeguards, such as the Juvenile Justice Act (2015), practically inaccessible and susceptible exclusion from essential services, confirming that the crisis stems not from the absence of rights, but from a profound failure of accountability. Ultimately, this paper concludes by stressing the imperative for India to swiftly enact a comprehensive, specialized policy, coupled with enhanced institutional coordination, to transform theoretical protection into a guaranteed practical reality for these vulnerable children.

Key words: Migrant, Refugee, Vulnerable teenagers, Deportation, Minor, Xenophobia, Unaccompanied minors, Displacement, Human trafficking, refugee camps.

### **I. INTRODUCTION: THE LEGAL AND SOCIAL IMPERATIVE FOR PROTECTING MINORS**

Child or a kid is are considered to be below the universal adult age '18' as is defined by the United Nations Convention on the rights of child and teenagers are considered to be of 13 to 18 years of age and in India a person below the age of 18 is called "juvenile" or "child" under the ***Juvenile Justice (Care and Protection of Children) Act, 2000***<sup>1725</sup>. Minors are of the range of age when an innocent heart knows nothing about the cruelty of outside world and then slowly the innocence fades away in its way to the growing needs of physical body and

battlefield of heart. The ***United Nations Convention on the rights of a child (CRC)***<sup>1726</sup> was also ratified by India in 1992. It comprises a wide framework which suits the best interests of a child inclusive of political, civil, economic, cultural rights. Unaccompanied migrant, accompanied migrant, refugee who all are almost part of refugee population face set of problems. Migrants means people who move from other countries as well as inter-state while Refugees only mean people from other countries. They move due to various reason and some due to conflict, war, etc. This study focuses on the vulnerable minors or teenagers

<sup>1725</sup> Juvenile Justice (Care and Protection of Children) Act, 2000, No. 56, Acts of Parliament, 2000 (India).

<sup>1726</sup> Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

who move from one country to another. In comparison to everybody else it is seen that unaccompanied minors without any legal guardian are at more vulnerable position. Their future also remains to be uncertain as they face challenges in availing legal protection and basic services. One of the major drawbacks is not having a formal protection framework along with having the disadvantage of India not being a signatory in 1951 Refugee Convention and its 1957 Protocol which clearly states the fact that India does not constitute a legal protection like those which are provided in other countries. India hosts refugees from countries such as Afghanistan, Sri Lanka, Myanmar, Bangladesh, etc., leaving them as only illegal immigrants.

The vulnerability may also lead to labour exploitation. They are also at times restricted by the local people due to social stigma which leads to them having Xenophobia. Other than all of these disadvantages, one Act was passed named **Citizenship Amendment Act (2019)**<sup>1727</sup> which provided a pathway for the refugees from a few selected communities from Pakistan, Afghanistan and Bangladesh before 2014 to be recognized as citizens but was highly criticized by others leaving a clear space of risk for those who apply. India is known to have 5 million foreigner residents from neighbouring countries. It is assumed that there are at least 200, 000 refugees though the number of foreigners has decreased continuously from 2010 to 2020.<sup>1728</sup> The **UNHCR operation 2024** state that there was total 292,440 number of refugees, asylum-seeker, stateless person which include 46 percent women, girls and 36 percent children.<sup>1729</sup> Since India's independence in 1947, it has welcomed refugees from Tibet, former British Indian territories like now constituting Pakistan and Bangladesh, other Bangladeshi refugees, Rohingyas, etc. Despite not having a national

refugee law, the Supreme Court of India has utilized **Article 13** of **International Covenant on Civil and Political Rights (1966)**<sup>1730</sup>, **Article 14** of **Universal Declaration of Human Rights (1948)**<sup>1731</sup> to uphold the duty of protection of refugee, together with following the footsteps of Jawaharlal Nehru. Whereas, migration can be because of reasons such as economic hardship, war, marriage, employment, business, etc., as it is interrelated with growth and development of an individual. The migration population as compared to the total population is seen mostly in more industrially developed states such as Kerala, Maharashtra, Punjab.<sup>1732</sup>

#### A. Is Minor and Refugee the same?

Migrants are considered as them who move from one place to another normally for better economic, education, work opportunities. Migrants moving from one state to another or one country to another is not usually forced and also not driven by fear but by own will whereas it is the opposite for refugees. Migrants and refugees both move from one place to another but the legal difference lies when migrants have their legal proof of their own national home country whereas refugees may not have the same while minor refugees who cross border and seek the help of asylum due to fear factor like race, nationality, religion, or sometimes because of being a member in a social group. Refugees usually move in search of protection from war, conflict, etc., and to gain freedom, liberty back again. An unaccompanied migrant minor means a kid under the age of 18 without any legal guardian or parent. The reason of their migration differs from refugees such as family reunification, economic opportunities to escape from poverty, educational opportunities, etc.

The unaccompanied minors may also not be entitled to get the same rights like refugees until being recognised by immigration or child protection laws. The **Juvenile Justice Act (2015)**,

<sup>1727</sup> Citizenship Amendment Act, 2019, No. 47, Acts of Parliament, 2019 (India).

<sup>1728</sup> Migrants & Refugees Section, Dicastery for Promoting Integral Human Development, Data on Foreigner Residents and Refugees in India (2010-2020), available at <https://migrants-refugees.va> (Assessed: 15<sup>th</sup> October 2025).

<sup>1729</sup> United Nations High Commissioner for Refugees [UNHCR], UNHCR Operation 2024 Data, Total Persons of Concern: 292,440 (2024), available at <https://reporting.unhcr.org>.

<sup>1730</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171

<sup>1731</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/810, at 71 (Dec.10, 1948).

<sup>1732</sup> Dr. Nanzy P.S, Pattern of Migration in India, PRC Report Series 2017-2, at 4 (Population Research Centre, Univ. of Kerala 2017).

governs such migrant minors, ensuring them shelter, care and protection. Whereas, refugees are protected through international refugee laws and **Foreigners Act (1946)**<sup>1733</sup>.

## II. LITERATURE REVIEW

- A. Legal lacunae and the inadequacy of the Status Quo- A strong consensus exists in the literature regarding the structural flaw arising from India's policy of "strategic ambiguity" and its non-signatory status to the 1951 Refugee Convention. This status critically undermines protection. The paper, **"Need for a National Legislation on Refugees in India at 75"** by Abhinav Mehrotra and Chhaya Bhardwaj<sup>1734</sup>, strongly emphasizes the imperative for a dedicated national law to replace the current reliance on ad hoc executive the imperative for a dedicated national law to replace the current reliance on ad hoc executive decisions. Furthermore, V. Vijayakumar's **"Protection of Refugee Children in India"**<sup>1735</sup> highlights that despite the judiciary's efforts to uphold the duty of protection using international principles like the ICCPR and UDHR, the absence of a clear domestic legal mechanism weakens the overall safeguard for children.
- B. Operational challenges and Socio-Economic exclusion- Literature focusing on the practical application of rights reveals critical operational failures, particularly concerning minor's access to essential services. The article **"From legal mandates to practical solutions: Education for migrant children in India"** by Dr. Dhaval Sheth, Pragma Sharma<sup>1736</sup> illustrates that despite the Constitutional

guarantee of the Right to Education (RTE), many migrant children are systematically excluded from formal schooling due to missing documentation, language barriers, and general lack of awareness. This exclusion perpetuates the poverty trap, a phenomenon also highlighted by Chetan Kumar Sharma and Dharam Pal in "Migrant Labourers and their Challenges in India: A Systematic Review"<sup>1737</sup>, who analyse the several difficulties faced by migrant labourers that consequently transfer socio-economic hardship onto their children. This confirms that vulnerability arises not just from the lack of specific law but from failures in implementing general welfare laws.

### C. The Research Gap:

- Adolescent and data specificity- The current discourse shows a lack of an estimated data specifically on vulnerable teenagers, hindering the ability to formulate targeted solutions for their age-specific problems. Moreover, the necessity for research on social integration and cohesion for this age group, given their absence of legal documentation, remains critical.
- Neglect of documented minors- There is also an insufficient mention of the problems of documented migrant teenagers who come all the way from other country in search of a better life.
- Comparative policy deficit- Finally, the existing analyses, while diagnostic, often fail to systematically provide critical comparative insight into solutions. This study fills this essential gap by comparing

<sup>1733</sup> Foreigners Act, 1946, No. 31, Acts of Parliament, 1946 (India).

<sup>1734</sup> Need for a National Legislation on Refugees in India at 75 by Abhinav Mehrotra and Chhaya Bhardwaj  
<https://journals.sagepub.com/doi/abs/10.1177/09749284221089531>

<sup>1735</sup> Protection of Refugee Children in India by V. Vijayakumar  
<https://refugee.journals.yorku.ca/index.php/refuge/article/view/21254>

<sup>1736</sup> From legal mandates to practical solutions: Education for migrant children in India by Dr. Dhaval Sheth, Pragma Sharma  
<https://www.granthornton.in/insights/blogs/from-legal-mandates-to-practical-solutions-education-for-migrant-children-in-india/>

<sup>1737</sup> Chetan Kumar Sharma & Dharam Pal, Migrant Labourers and their Challenges in India: A Systematic Review, 3 INT'L Rsch. J. Econ. & Mgmt. Stud. 175 (2024).

India's ambiguous position against the structured frameworks of the United States, Germany, and Sweden, thereby generating efficient and specific provisions for policy change.

### III. **STATUS UNDER LAW: LEGAL AMBIGUITY AND THE PARADOX OF PROTECTION**

The legal status of minor migrants and refugees in India is defined by a fundamental paradox: while guaranteed basic human rights, they are simultaneously trapped in legal ambiguity. As India is not a signatory to the **1951 Refugee Convention**<sup>1738</sup> or its **1967 protocol**, it lacks a formal, specialized national law dedicated to displaced populations. This absence means there is no official mechanism for granting refugee status, often leaving these individuals who move due to conflict or war to be treated merely as illegal immigrants. This precarious categorization is the source of significant vulnerability, as arbitrary decisions regarding their future, including potential deportation, become possible.

In this legal vacuum, the Indian judiciary has stepped in to affirm protection. The Supreme Court of India utilizes principles from international agreements, such as **Article 13** of the **International Covenant on Civil and Political Rights (ICCPR)**<sup>1739</sup> and **Article 14** of the **Universal Declaration of Human Rights (UDHR)**<sup>1740</sup>, to uphold the duty of refugee protection. The burden of status determination often falls to the United Nations High Commissioner for Refugees (UNHCR), which operates within India to carry out the Refugee Status Determination (RSD) process and collaborations with NGOs and the government to provide both physical and legal assistance.

Domestically, protection is segmented by status: Migrant minors are subject to the protective oversight of the **JJ Act (2015)**, which

theoretically ensures shelter, care, and protection regardless of their legal documents. Conversely, all foreign nationals, including refugees, are generally governed by the Foreigners Act, 1946. While the JJ Act, 2015, helps partially in recognizing unaccompanied minors as children, the lack of official refugee recognition means they are treated equally like any other foreigner. Recent legislative efforts, such as the **Citizenship Amendment Act (CAA) of 2019**, attempted to grant a path to citizenship for specific communities from certain neighbouring countries, but this process was highly criticized and left a clear space of risk for applicants. Consequently, despite various legal avenues, the status of these minors remains challenging, ambiguous, and subject to slow but steady developments.

### IV. **SOCIO-LEGAL VULNERABILITIES: THE GAP BETWEEN PROTECTIVE FRAMEWORKS AND PRACTICAL REALITY**

The primary vulnerability faced by migrant and refugee minors in India stems from their precarious legal status, which creates a substantial gap between general protective frameworks and their lived reality. While domestic legislation like the **Juvenile Justice (Care and Protection of Children) Act, 2015** is intended to provide care and protection to all children, including unaccompanied minors, the fact that India is not a signatory to the 1951 Refugee Convention means there is no formal mechanism for granting refugee status. Consequently, these minors are often treated as 'illegal immigrants', placing them in a legal limbo where they are subject to arbitrary deportation and detention, as highlighted in cases like the Rohingya situation. The lack of proper legal documents and residency records critically impedes their ability to access justice, report crimes, or even be recognized by child welfare agencies, rendering the protection offered by the **JJ Act (2015)**, **Foreigners Act (1946)**, and the **National Human Rights**

<sup>1738</sup> Covenant Relating to the Status of Refugees, July 18, 1951, 189 U.N.T.S. 137.

<sup>1739</sup> International Covenant on Civil and Political Rights art. 13, Dec. 16, 1966, S. Exec. Doc. E, 95-2 (1978). 999 U.N.T.S. 171.

<sup>1740</sup> Universal Declaration of Human Rights, G.A. Res. 217A (II), U.N. Doc. A/810, at 71, art. 14 (Dec. 10, 1948).

**Commission Act (1993)**<sup>1741</sup>, practically inaccessible.

This lack of formal status systematically curtails access to essential services despite the existence of rights-based laws. For instance, the **Right to Education Act (2009)**<sup>1742</sup>, mandates free and compulsory education for all children, yet migrant and refugee minors frequently face exclusion and discrimination from formal schooling due to missing documentation, language barriers, and local social stigma. This deprivation often forces children into labour, contravening the **Child Labour (Prohibition and Regulation) Act (1986)**<sup>1743</sup>. Similarly, access to basic healthcare, though universally regarded as a basic right, remains challenging, contributing to severe health issues like malnutrition, diarrhea, and psychological trauma stemming from the violence they may have witnessed. The inability to access supportive services and the resultant mental health issues are particularly acute for this vulnerable population.

Furthermore, the vulnerability of these minors, especially unaccompanied teenagers, makes them prime targets for severe exploitation and abuse. The lack of systematic accountability and isolation exposes them to human traffickers and sexual exploitation, with inadequate legal protection leaving them highly susceptible to coercion and manipulation. While the **Protection of Children from Sexual Offences Act (POCSO), 2012**<sup>1744</sup> provides safeguards, the issue remains critical due to failures in implementation and lack of awareness. The child care institutions and legal agencies, though mandated by the **JJ Act (2015)**, are frequently over-burdened, underfunded, and lack the specialized training needed to effectively deal with the complex needs of lost refugee and migrant minors, leaving the most

vulnerable to fall through the cracks of legal system.

#### V. **INTERNATIONAL PERSPECTIVES: LESSONS FROM JURISPRUDENCE AND POLICY**

Few of the protective measures in some countries are famously known for their approaches to migrant and refugee minors.

**United States** laws define a refugee as someone who is unwilling or unable to return to their home, situated outside United States because of the fear of persecution based on grounds such as religion, race, nationality, membership in a particular group with having nowhere else to go was settled as a citizen in only one country. They are also considered as people with special humanitarian concern and admissible to the State.<sup>1745</sup> People who are forcefully asked to leave their home are given two options mainly, either to become a refugee in any other country or to get settled in any locality other than their own in their own home country are called “refugees for resettlement”. The protection of migrant and refugee minors are governed by laws such as **William Wilberforce Trafficking Victims Protection Reauthorization Act (2008)**<sup>1746</sup>, **Trafficking Victims Protection Reauthorization Act (2000)**<sup>1747</sup>, **Fostering Connections to Success and Increasing Adoptions Act (2008)**<sup>1748</sup>. These protection laws are mainly dedicated to the unaccompanied minors who are part of the refugee and migrant population. The Office of Refugee Resettlement (ORR) has also taken initiative by holding two programs namely, **Unaccompanied Children (UC) program** and **Unaccompanied Refugee Minors Program (URM)**. URM works for the vulnerable minors who have fled without any guardian or custodian. Reports state that until now, the program

<sup>1741</sup> The Protection of Human Rights Act, 1993, No. 10, Acts of Parliament, 1994 (India).

<sup>1742</sup> The Right of Children to Free and Compulsory Education Act, 2009, No. 35, Acts of Parliament, 2009 (India).

<sup>1743</sup> The Child Labour (Prohibition and Regulation) Act, 1986, No. 61, Acts of Parliament, 1986 (India).

<sup>1744</sup> The Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012 (India).

<sup>1745</sup> Refugees, U.S. Citizenship & Immigr. Servs. (Sept. 17, 2025), available at <https://www.uscis.gov>.

<sup>1746</sup> William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044 (codified as amended in scattered sections of 22 U.S.C.).

<sup>1747</sup> Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (codified as amended in scattered sections of 8 and 22 U.S.C.).

<sup>1748</sup> Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, 122 Stat. 3949 (codified as amended in scattered sections of 42 U.S.C.).

represents of 50 nationalities approximately. As time have passed, Congress has extended their eligibility criteria for the program which now include refugees, Cuban and Haitian candidates, asylees, minors with special immigrant juvenile status, Unaccompanied parole Afghan minor, sufferer of human trafficking, U status receiver, Unaccompanied parole Ukrainian minor.<sup>1749</sup> Several unaccompanied children were also released to the well agreed sponsors on the terms and conditions placed. Unaccompanied minors are granted right to legal representation in immigration court and are given to the ORR for their betterment. The minors are not only taken care by providing right to representation but also by providing foster care, licensed shelter or group homes according to their age and specific needs.

**Germany** especially after the 2015 refugee crisis, has established a broad legal framework known as the Youth Welfare Office (Judgendamt) and **Asylum Seekers' Benefit Act (1993)**<sup>1750</sup>. The State considers minors under the age of 18 and refugee and migrant minors as children or juvenile. Social workers manage the minor's access to education, give psychological support, legal aid, healthcare after they are being placed in some group homes or foster care. The person taking care of can either be foster families or a relative. One of the main tasks of these suitable persons include 'clearing houses' so that the children can grow in a satisfactory and comfortable situation. The age of the minors is being estimated to be true through X-ray tests. It is also tried by the Youth Welfare Office to find any close relation tries to arrange them in one accommodation for them to feel comfortable around. Tests are also held to clear out their residence status with the distribution process implemented under 14 days. Guardians are also appointed in compliance with the Section 1774 of the **German**

**Civil Code (BGB)**<sup>1751</sup>. An additional guardian can be appointed too if there is already a voluntary guardian for the child. Initiatives have also been taken in making them feel inclusive of the culture, country with introduction of language courses. As Germany, being a part of **United Nations Convention on the Rights of the child (CRC)**<sup>1752</sup>, it carries out activities that suits the best interests of the child. One of the advantageous features include its reunification initiative to try level best to reunite the minor with their loved ones that they long for the most.<sup>1753</sup>

It is very famously known that **Sweden** year after year has welcomed refugees warmly along with taking responsibility of them.<sup>1754</sup> The municipalities of Sweden's localities take care of the child and its accommodation. The country is very renowned for its processes and progressive thoughts. Unaccompanied refugee minors are taken special care not only by giving special protection but also by permitting them to stay in the country till the age 18. They receive education, social support, accommodation, healthcare, etc. As being a signatory of the UN convention on the rights of the child, it ensures that no one be deprived of the facilities provided. Though considered as immature and minors, they have the right to put forward their opinion and be heard. The reasons for them seeking asylum are also examined thoroughly according to their age, maturity, health by the Migration Agency with their guardian or a public counsel. The local municipalities are of the responsibility of the children that live in their locality of their preschool, compulsory school and secondary school. The migration Agency also does not disclose any detail of the asylum-seeking children without their parent's

<sup>1749</sup> Eligible Populations, Off. Of Refugee Resettlement, Admin. For child. & Families (July 29, 2025), available at <https://www.acf.hhs.gov>.

<sup>1750</sup> Asylbewerberleistungsgesetz [AsylbLG] (Asylum Seekers' Benefit Act) of July 27, 1993, Bundesgesetzblatt [BGBl.] I at 1361 (Ger.).

<sup>1751</sup> Bürgerliches Gesetzbuch [BGB], as last amended by Gesetz vom 10.8.2021, BGBl. IS. 3515 (Ger.).

<sup>1752</sup> Convention on the Rights of the Child, G.A. Res. 44/25, 44 U.N. GAOR Supp. No. 49, at 166, U.N. Doc. A/44/49 (Nov. 20, 1989), 1577 U.N.T.S. 3.

<sup>1753</sup> Unaccompanied minors, Bundesamt für Migration and Flüchtlinge [BAMF] (June 7, 2023), available at <https://www.bamf.de>.

<sup>1754</sup> Overwhelmed by Refugee Flows, Scandinavia Tempers its Warm Welcome, Norwegian Refugee Council (Feb. 10, 2016), available at <https://www.nrc.no>.

consent.<sup>1755</sup> Swedish policies also provide psychological support by giving counselling and therapy to the children in need. By doing a collaboration with the child welfare services and immigration authorities, they also ensure a holistic suitable approach for the children. Close monitoring is also done to make sure that they are not falling into any kind of trap or in any criminal network. To help the unaccompanied minors better it was also permitted that in a few particular cases, permanent residency will be allowed only to the family members of the unaccompanied minors.<sup>1756</sup>

## VI. RESEARCH METHODOLOGY

The methodology employed in this study is predominantly doctrinal and qualitative, relying exclusively on a rigorous analysis of secondary sources. This approach is fundamentally suited to assessing the complex socio-legal vulnerabilities and challenges faced by minor migrants and refugees in India. Given that India lacks specialized laws and consistent, centralized data focused exclusively on this specific demographic, a qualitative examination of existing legal statutes, policy gaps, and authoritative reports is the most effective means to analyse the underlying issues. This method involves synthesizing reported cases, academic critiques, and international standards to evaluate the efficacy of domestic protection frameworks and propose an accurate policy shift.

The study's profound relevance lies in documenting the severe consequences of this prevailing legal vacuum, which traps vulnerable minors in a state of legal limbo. The research attempts to bridge the knowledge gap by connecting the observed failures in legal and institutional accountability to real-world detriment. It proceeds by clearly defining the distinct legal statutes of migrants and refugees and comparing India's response to international best practices, demonstrating how the lack of a

comprehensive national policy (unlike that in the US, Germany, and Sweden) exacerbates exploitation and denial of basic rights for these unaccompanied and displaced children.

The following statistics, derived from secondary data, demonstrate the scale and nature of the vulnerabilities addressed:

- **Martial vulnerability-** Child marriage remains a high-risk for minors, especially girls. While the national prevalence of child marriage (women aged 20-24 married before 18) declined to 23.3% in the latest NFHS data, states with high migratory flows, such as West Bengal (42%) and Bihar (41%), still alarming high rates, disproportionately affecting girls from poor and low-educated backgrounds common among migrants<sup>1757</sup>.
- **Household exposure to migration-** The high likelihood of children being part of migratory movements is confirmed by data showing that 62.7% of all migrant households in India include at least one child aged 0-18 years<sup>1758</sup>.
- **Inequality in Health by Wealth Quintile (NFHS-5, 2019-21)-** The NFHS-5 data confirms that the most marginalized sections, in which migrant and refugee children often fall, face exponentially higher health vulnerabilities. For children belonging to the 'poorest' wealth quintile, the prevalence of stunting is 46.1%, compared to only 22.9% for children in the 'richest' quintile. This acute wealth inequality directly translates to the vulnerability of poor, displaced minors<sup>1759</sup>.

<sup>1755</sup> Rights of Children in the asylum process, Swedish Migration Agency, available at <https://www.migrationsverket.se>.

<sup>1756</sup> Vulnerability of unaccompanied and separated child migrants, Eur. Parliament (Mar. 2024), available at <https://migrant-integration.ec.europa.eu>.

<sup>1757</sup> Ending Child Marriage: A Profile of Progress in India, UNICEF, at 10, 12 (May 2023), available at <https://data.unicef.org/resources/ending-child-marriage-a-profile-of-progress-in-india-2023/>.

<sup>1758</sup> Understanding Child Migration in India: Research Brief, UNICEF (Mar. 2020), available at <https://www.unicef.org/india/media/3416/file/child-migration-india2020-policy-brief.pdf>.

<sup>1759</sup> Kirti Rnjan, The Burden of Undernutrition in India: A Wealth Index-Based Analysis, IMPRI Impact & Policy Res. Inst. (Jan. 24, 2025), available at <https://www.impriindia.com/insights/undernutrition-in-india/>.

## VII. THE IMPERATIVE FOR SYSTEMATIC CHANGE: TOWARDS AN ACCOUNTABLE AND INCLUSIVE FRAMEWORK

The vulnerabilities and challenges faced by migrant and refugee minors in India do not merely constitute a localized policy deficiency, but rather represent a profound testament to systematic fragility and a failure of accountability. Operating under generalized protection acts, the current legal environment effectively confines these disciplined children and teenagers to a perilous legal limbo, where the absence of clear, specialized legislation leaves them critically exposed to arbitrary actions, exploitation, and abuse. The first and most critical pivot must therefore be the establishment of a robust, comprehensive migration and refugee policy, filling thus institutional void and granting these children explicit protection from arbitrary deportation and detention. This is an essential step towards replacing legal uncertainty with the structured, consistent guidelines that safeguard fundamental rights.

To bridge the chasm between protective rhetoric and practical denial, systematic reforms centred on unwavering institutional accountability are urgently required. As demonstrated by the structured, rights-based models in countries like Germany, the United States, and Sweden, true protection hinges on specialization and coordination. India must prioritize the exhaustive training and empowerment of its Child Protection Authorities and legal agencies at every jurisdictional level, ensuring they possess the necessary expertise to address the complex psychological trauma and multi-layered protection needs unique to this demographic. Moreover, the notorious lack of operational coordination among overburdened institutions must be rectified through policy mandates and collaborations with NGOs and international organizations, establishing a cohesive front against exploitation and neglect.

True commitment to the welfare of these minors requires decisively dismantling the

administrative and social barriers that obstruct access to essential social infrastructure. Healthcare, a fundamental right universally acknowledged, must be unconditionally guaranteed irrespective of a minor's tenuous immigration status. This necessitates the establishment of dedicated health units capable of addressing both endemic physical ailments and the profound psychological trauma and mental health issues stemming from displacement and violence. Concurrently, the denial of education must be terminated; policy must be recalibrated to ensure automatic enrolment regardless of documentation status, recognizing that access to learning is the single most effective pathway for long-term social integration, value building, and breaking the cycle of integrational disadvantage. By building an accountable framework informed by global best practices, India can transform the vulnerability of these minors into a genuine opportunity for successful integration, fulfilling its role not just as a host country, but as a genuine guardian of every child's potential.

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