# INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

Peer-reviewed, open-access, refereed journal

IJLAR

+91 70421 48991
editor@ijlar.com
www.ijlar.com

# DISCLAIMER

The views and opinions expressed in the articles published in the Indian Journal of Legal Affairs and Research are those of the respective authors and do not necessarily reflect the official policy or position of the IJLAR, its editorial board, or its affiliated institutions. The IJLAR assumes no responsibility for any errors or omissions in the content of the journal. The information provided in this journal is for general informational purposes only and should not be construed as legal advice. Readers are encouraged to seek professional legal counsel for specific legal issues. The IJLAR and its affiliates shall not be liable for any loss or damage arising from the use of the information contained in this journal.

IJLAR

# Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJLAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

IJLAR

# Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

IJLAR

## Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

IJLAR

# CROSSING BORDERS, SEEKING BELONGING: THE SOCIO-LEGAL STATUS OF PAKISTANI HINDU MIGRANTS IN INDIA

AUTHORED BY - SAURABH SOTWAL
Research Scholar, Jai Narain Vyas University, Rajasthan, India

## *Abstract*

Cross-border migration from Pakistan to India has a distinctive socio-legal character because many migrants, particularly Hindus and Sikhs, describe movement as a response to religious persecution, insecurity and the search for a durable home, while Indian law does not provide a comprehensive statutory refugee regime. This paper examines the resulting condition of legal precarity through the constitutional framework, citizenship law, the Citizenship (Amendment) Act, 2019 (CAA), long-term visa arrangements, international refugee and human-rights norms, and the social and economic conditions of Pakistani migrants in India. Drawing on the uploaded research material's doctrinal and empirical orientation, the paper focuses especially on Rajasthan and the experiences reported from settlements in and around Jodhpur and other parts of the state. It argues that the central problem is not simply the absence of citizenship but the gap between formal legal possibilities and their practical accessibility. The CAA creates a pathway for specified religious minorities from Pakistan, Afghanistan and Bangladesh who entered India by 31 December 2014, but eligibility, documentation, administrative delay and the absence of a general refugee-status mechanism continue to leave many people in prolonged uncertainty. The paper further identifies interconnected restrictions affecting employment, housing, education, healthcare, financial services and social security. A comparison with selected approaches in Canada, Germany and Sweden is used not to transplant foreign models, but to identify institutional principles such as legal certainty, transparent status determination, settlement support and access to essential services. The paper concludes that effective implementation of existing citizenship and migration measures, together with a clearer protection framework, is necessary to reduce prolonged legal precarity and to translate constitutional guarantees of equality, dignity and life into practical protection.

**Keywords:** Pakistani migrants; statelessness; citizenship; Citizenship (Amendment) Act, 2019; refugees; long-term visa; Article 14; Article 21; Rajasthan; socio-legal protection.

## 1. INTRODUCTION

Migration is both a demographic process and a legal relationship between the individual, the state of origin and the state of destination. People move for employment, family, education, security, livelihood and, in some circumstances, because remaining in the country of origin has become unsafe. The uploaded research material emphasizes that migration cannot be understood merely as physical movement: it produces economic, cultural, political and legal consequences for both migrants and receiving communities. The classical push-and-pull account remains useful, but migration is also shaped by macro-level rules, including border controls, citizenship law and international relations, and by micro-level factors such as education, income, family networks and access to information.1

These distinctions become especially important when examining Pakistani migrants in India. Not every Pakistani national in India is a refugee, asylum seeker or stateless person. The legal category depends upon the circumstances of movement, nationality, documentation, residence and the protection available from the state of origin. Nevertheless, the research material identifies a substantial population—particularly Pakistani Hindus and Sikhs—whose movement has been associated with religious persecution or discrimination and whose residence in India may continue for years without a secure legal status. Their position is consequently located between conventional categories: they may be physically present in India, culturally integrated into Indian communities and economically active, yet remain legally dependent upon visas or pending citizenship procedures.2

The problem is therefore better described as legal precarity than simply migration. Legal precarity refers here to a continuing condition in which a person's residence, access to services and future belonging remain uncertain because the person lacks a durable status that can be enforced as a matter of right. The absence of a comprehensive refugee statute in India, combined with the use of executive and administrative mechanisms such as long-term visas, makes this uncertainty particularly significant. At the same time, the Constitution protects important rights of all persons within India, including equality before law, life and personal

[1]D J Bogue, International Migration (Asia Publishing House 1961); Everett S Lee, 'A Theory of Migration' (1966) 3(1) Demography 47.
[2]Maja Janmyr, 'UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon' (2017) 22(3) International Journal of Human Rights 393; IOM, International Organization for Migration (2018).

liberty, and freedom of religion.3

The CAA has changed this legal landscape for a defined class of migrants. It provides a route to citizenship for specified Hindu, Sikh, Buddhist, Jain, Parsi and Christian persons from Pakistan, Afghanistan and Bangladesh who meet the statutory conditions, including the relevant date of entry. The amendment is therefore directly relevant to Pakistani minority migrants. Yet a statutory pathway is not identical to an accessible pathway. Documentary requirements, administrative procedures, costs, verification and delays can determine whether a legal entitlement or opportunity is practically usable.4

This paper converts the broader thesis material into a research-paper format. It focuses on five linked questions: first, what is the constitutional and statutory position of Pakistani migrants in India; second, how does the absence of a comprehensive refugee framework affect legal security; third, what socio-economic consequences follow from prolonged temporary status; fourth, how far does the CAA address these problems; and fifth, what institutional measures can reduce the gap between law and lived reality? The central proposition is that citizenship, refugee protection and social integration should be analysed together rather than as separate administrative questions.

## 2. RESEARCH OBJECTIVES AND METHODOLOGY

The underlying study adopts a socio-legal approach combining doctrinal and empirical research. The doctrinal component examines the Constitution of India, citizenship legislation, the CAA, international refugee and human-rights instruments and relevant judicial decisions. The empirical component, as described in the uploaded material, is designed around surveys, interviews and focus-group discussions with Pakistani migrants, particularly in Rajasthan, Gujarat and Delhi, together with perspectives from legal consultants, officials and civil-society organisations.5

For the purposes of this paper, the source material is synthesized rather than presented as a full dissertation. The analysis concentrates on the themes that recur most consistently across the chapters: legal status and citizenship; documentation and administrative delay; access to housing, employment, healthcare and education; social attitudes towards Pakistani-origin

[3]Constitution of India 1950, arts 14, 21 and 25.
[4]Citizenship (Amendment) Act 2019; Anupama Roy, Citizenship Regimes, Law, and Belonging (Oxford University Press 2022).
[5]TOTAL.docx, Chapter 1, methodology: the study describes doctrinal research together with surveys, interviews and focus groups in Rajasthan, Gujarat and Delhi.

migrants; and the intergenerational consequences of prolonged uncertainty. The paper also uses the comparative material on Canada, Germany and Sweden to identify institutional features that may be relevant to India.6

The principal hypothesis in the source material is that migration can produce positive socio-economic effects when governance is rights-based and effectively implemented. A second hypothesis is that the immediate improvement of conditions for Pakistani migrants may depend as much on implementation and administrative coordination of existing laws—including the CAA—as on the enactment of entirely new legislation.7 The analysis below treats these as propositions to be assessed against the documented legal and socio-economic problems, rather than as assumptions that automatically establish the result.

## 3. CONSTITUTIONAL AND LEGAL FRAMEWORK

Indian constitutional law does not make citizenship the precondition for every constitutional protection. Article 14 guarantees equality before law and equal protection of laws to 'any person', while Article 21 protects life and personal liberty. Article 25 protects freedom of conscience and the right freely to profess, practise and propagate religion, subject to constitutional limitations.8 The source material also refers to Supreme Court jurisprudence recognizing that non-citizens are within the protection of important constitutional guarantees, even though the legal position of citizens and foreign nationals is not identical in every field, particularly citizenship itself.9

This distinction is fundamental. A foreign national cannot ordinarily demand citizenship as a consequence of Article 14, but the state's treatment of a foreign national remains subject to constitutional and legal constraints. In Louis De Raedt v Union of India, the Supreme Court considered the position of foreign nationals and the state's power in relation to their stay. In National Human Rights Commission v State of Arunachal Pradesh, the Court addressed the protection of life and liberty of Chakma refugees. These decisions demonstrate that immigration control and human dignity are not mutually exclusive fields: the state retains authority over admission and residence, but persons within its territory are not outside the legal

[6]TOTAL.docx, comparative methodology and later comparative chapters concerning Canada, Germany and Sweden.
[7]TOTAL.docx, hypotheses concerning rights-based migration governance and implementation of existing migrant-friendly laws, including the CAA.
[8]Constitution of India 1950, arts 14, 21 and 25.
[9]Mr Louis De Raedt v Union of India, AIR 1991 SC 1886; National Human Rights Commission v State of Arunachal Pradesh, AIR 1996 SCC (1) 742.

order.10

The Citizenship Act, 1955 provides the principal statutory framework for acquisition and loss of Indian citizenship. Historically, citizenship law has been shaped by the consequences of Partition, subsequent amendments and changing approaches to illegal migration and national identity. The source material notes that the Act recognizes acquisition by birth, descent, registration, naturalization and incorporation of territory, while later amendments introduced more restrictive conditions in several contexts.11

The difficulty for Pakistani migrants is that citizenship law and refugee law answer different questions. Citizenship determines the legal bond between an individual and the state; refugee law determines protection for a person who cannot safely rely on the state of nationality. India has not enacted a comprehensive domestic refugee statute and has not acceded to the 1951 Refugee Convention and 1967 Protocol. As a result, persons seeking protection may be dealt with through administrative and executive mechanisms rather than through a uniform statutory asylum procedure.12

Long-term visas consequently assume practical importance. For some Pakistani migrants, an LTV may provide a lawful basis for remaining in India, but it does not necessarily create the full range of rights associated with citizenship or a formally recognized refugee status. The research material records restrictions or uncertainty relating to movement, employment, property, banking, social-security benefits, healthcare, education and other services. The problem is intensified when a migrant's legal status remains temporary for many years.13

## 4. THE CITIZENSHIP (AMENDMENT) ACT, 2019: SCOPE AND LIMITATIONS

The CAA occupies the centre of the contemporary legal debate concerning Pakistani minority migrants. The amendment created a special route to citizenship for members of six specified religious communities—Hindus, Sikhs, Buddhists, Jains, Parsis and Christians—from Pakistan, Afghanistan and Bangladesh who entered India on or before 31 December 2014 and satisfy the statutory conditions.14 For eligible persons, the amendment reduces the residence

[10]Louis De Raedt v Union of India, AIR 1991 SC 1886; National Human Rights Commission v State of Arunachal Pradesh, AIR 1996 SCC (1) 742.
[11]Citizenship Act 1955.
[12]Convention Relating to the Status of Refugees 1951; Protocol Relating to the Status of Refugees 1967.
[13]TOTAL.docx, discussion of long-term visas and restrictions affecting services, education and employment.
[14]Citizenship (Amendment) Act 2019.

requirement relevant to naturalization and creates a more accessible statutory route than the general regime.

The humanitarian significance of such a pathway is evident from the circumstances documented in the research material. Migrants who have left Pakistan because of religious insecurity may be unable to return safely, while remaining in India for long periods on temporary documentation. A citizenship pathway can potentially transform this temporary condition into a durable legal relationship with the receiving state. The source material, however, also emphasizes that the existence of the route does not resolve all problems of access.15

One difficulty is the cutoff date. Persons who arrived after 31 December 2014 do not fall within the special route merely because they belong to one of the specified communities or because they assert persecution. A second difficulty is documentation. Migrants who left under insecure conditions may not possess the records that an administrative process expects them to produce. A third difficulty is procedural: applications may involve verification, local inquiries, documentary scrutiny and interaction with several levels of administration. Thus, the practical value of the law depends on the accessibility, clarity and speed of its implementation.16

The CAA has also generated constitutional and policy debate because its special route is defined by religion and by the three specified neighbouring countries. The source material records arguments concerning Article 14, secular constitutionalism and the exclusion of Muslim migrants, including groups that may experience sectarian persecution. These are contested constitutional and policy questions and should be distinguished from the empirical question of whether the Act is practically accessible to those who fall within its statutory class.17

A socio-legal assessment therefore requires two separate inquiries. The first is normative and constitutional: whether the classification adopted by Parliament satisfies applicable constitutional standards. The second is administrative and empirical: whether persons who are legally eligible can actually navigate the process and receive a determination within a reasonable period. Even if the first question remains subject to judicial determination, the second can be examined through documentation requirements, processing practices and the

[15]TOTAL.docx, analysis of the CAA's humanitarian rationale and the gap between statutory objectives and practical outcomes.

[16]TOTAL.docx, findings concerning documentary requirements, procedural complexity and administrative uncertainty in CAA implementation.

[17]Abhinav Chandrachud, 'Secularism and the Citizenship Amendment Act' (2020) 4 Indian Law Review 1–25; Anupama Roy, Citizenship Regimes, Law, and Belonging (Oxford University Press 2022).

experiences of applicants.

## 5. SOCIO-LEGAL CONDITION OF PAKISTANI MIGRANTS

### 5.1 Legal precarity and documentation

The recurring theme in the research material is the condition of legal uncertainty. Pakistani migrants may live in India for many years without citizenship and without recognition through a general refugee-status procedure. Their stay can therefore be lawful but temporary, producing what the study describes as a condition of 'permanent temporariness'. The distinction matters because the insecurity is not limited to the risk of removal. It also affects ordinary transactions that require proof of stable identity, residence or entitlement.18

The source material describes long-term visa holders facing difficulties with obtaining or using identity documents, opening bank accounts, securing loans, establishing businesses, obtaining certain utilities, purchasing insurance, obtaining driving licences and accessing welfare schemes. These barriers have a cumulative effect: the lack of one document can prevent access to another service, while the inability to access formal services reinforces dependence on informal arrangements.19

Rajasthan provides a particularly important context. The uploaded research records a concentration of Pakistani Hindu migrants in western Rajasthan, including Jodhpur, Jaisalmer and other districts. It also records observations from settlements in Jodhpur where residents had different combinations of visas and citizenship status, including people who had remained in India for many years without a stable legal resolution. These examples illustrate that the category 'Pakistani migrant' does not describe a single legal condition; status varies across individuals and settlements.20

### 5.2 Social exclusion and belonging

Legal uncertainty interacts with social perception. Pakistani origin may itself become a source of suspicion because of the continuing political and security tensions between India and Pakistan. The research material reports that migrants can experience a double burden: minority status or religious insecurity may have contributed to their departure from Pakistan, while their

[18]Anubhav Dutt Tiwari, Ali Juhar and Jessica Field, 'The Illegalisation of Rohingya Refugees in India: A (Non)Citizenship Crisis Promoted by Law and Policy' (2024) Journal of Ethnic and Migration Studies 1.
[19]TOTAL.docx, statement of problems concerning shelter, healthcare, utilities, banking, insurance, loans, business and social-security documents.
[20]TOTAL.docx, field observations concerning Pakistani Hindu settlements in Jodhpur and variation in visa/citizenship status.

Pakistani identity may generate suspicion in India.21

This dynamic has consequences beyond interpersonal prejudice. Where social attitudes combine with documentation barriers, migrants can be excluded from housing, education, employment and community institutions. Social integration therefore cannot be achieved merely through physical residence. It requires the practical ability to participate in local institutions and to establish stable relationships with the host society.

Women and children require particular attention. The source material records vulnerabilities faced by migrant women, including exposure to exploitative work and barriers to gender-sensitive services. It also identifies an intergenerational dimension: children who are born or raised in India, speak Indian languages and attend Indian institutions may nevertheless inherit uncertainty from their parents' legal status. Where legal identity remains unresolved across generations, the problem ceases to be a short-term migration issue and becomes a question of belonging, documentation and access to opportunities.22

**5.3 Economic exclusion**

Economic insecurity is closely connected with legal status. Restrictions or uncertainty concerning formal employment, property, banking and credit can push migrants towards informal and low-paid work. Such work may provide immediate survival but offers little employment security, social protection or upward mobility. The research material further records the impact of the COVID-19 pandemic, when migrants without stable legal or documentary access were particularly vulnerable to loss of income and exclusion from relief mechanisms.23

The economic consequences also affect integration. A migrant who cannot open a bank account, obtain a loan, establish a formal business or access housing finance cannot easily accumulate assets or plan for the future. Children growing up in such households may face reduced educational and professional opportunities. Economic exclusion is therefore not merely an income problem; it can reproduce legal and social marginalization across generations.

[21]Muthulakshmi A, G B and Ahmed S, 'Critical Analysis of CAA (2019) as a Refugee Framework in India' (2025) SSRN Electronic Journal.
[22]NG Jayal, 'Reinventing the Republic: Faith and Citizenship in India' (2022) 10 Studies in Indian Politics 5.
[23]Joshy Jesline et al, 'The Plight of Migrants during COVID-19 and the Impact of Circular Migration in India: A Systematic Review' (2021) 8 Humanities and Social Sciences Communications 1–12.

## 6. INTERNATIONAL FRAMEWORK AND COMPARATIVE PERSPECTIVES

International refugee law distinguishes refugees from ordinary migrants. Article 1A(2) of the 1951 Refugee Convention defines a refugee by reference to a well-founded fear of persecution on specified grounds and the inability or unwillingness to seek protection from the country of nationality. Internally displaced persons, by contrast, have not crossed an international border. Asylum seekers are persons seeking international protection whose refugee status has not yet been determined.24 These distinctions are important because the legal remedy appropriate to each category may differ.

The broader human-rights framework also applies to migrants and non-citizens. The Universal Declaration of Human Rights recognizes human dignity, equality and freedom of movement, while the ICCPR protects rights including life, liberty and freedom from torture. The source material also discusses the International Organization for Migration, the UNHCR and the Global Migration Group as institutions contributing to international migration governance.25

India's position has historically relied upon a combination of domestic law, executive policy, bilateral arrangements and case-specific responses rather than a single refugee statute. This approach offers administrative flexibility but can also produce inconsistency because protection depends heavily upon category, nationality, executive policy and individual documentation.26

Comparative experience is useful when treated as a source of institutional principles rather than as a model to be copied wholesale. The research material discusses Canada, Germany and Sweden. Canada's approach is described in terms of settlement services, language training, employment support, permanent-residence pathways and multicultural integration. Germany provides a more structured asylum process combined with language and vocational integration measures. Sweden is discussed as a welfare-oriented model in which access to health, education and housing supports social inclusion.27

The relevant lesson for India is not that one foreign system should be transplanted. India's constitutional structure, federal arrangements, security environment, relationship with Pakistan

[24]Convention Relating to the Status of Refugees 1951, art 1A(2).
[25]Universal Declaration of Human Rights 1948; International Covenant on Civil and Political Rights 1966; International Organization for Migration, World Migration Report 2024.
[26]Anupama Roy, Citizenship Regimes, Law, and Belonging (Oxford University Press 2022); Abhinav Chandrachud, 'Secularism and the Citizenship Amendment Act' (2020) 4 Indian Law Review 1–25.
[27]TOTAL.docx, comparative analysis of Canada, Germany and Sweden.

and historical experience of Partition are distinctive. Rather, the comparison highlights four recurring institutional principles: clear legal status, transparent procedures, access to essential services and investment in integration. These principles can coexist with security screening and immigration control. The legal question is therefore not whether India must choose between sovereignty and protection, but how immigration authority can be exercised through predictable and reviewable procedures.

## 7. FINDINGS AND DISCUSSION

The first finding is that the principal difficulty is the interaction between legal status and administrative implementation. The research does not show a complete absence of law; rather, it shows a fragmented framework in which citizenship legislation, visa administration, executive policy and constitutional rights operate simultaneously. The resulting uncertainty is most severe for people who remain in India for long periods without either citizenship or a formal refugee determination.28

The second finding is that the CAA addresses only one segment of the problem. For eligible persons who entered India by the statutory cutoff date and can establish the required facts, the amendment provides an important route to citizenship. It does not, however, function as a general refugee statute, and it does not automatically resolve the status of people outside its religious, nationality or temporal categories. Nor does the existence of an eligibility pathway automatically remove administrative barriers.

The third finding concerns documentation. The source material repeatedly identifies documentation as a practical obstacle. This is particularly significant because forced or hurried migration often occurs in circumstances in which migrants may not preserve passports, birth records, school records, property documents or other evidence. A rigid documentary system can therefore exclude precisely those applicants whose circumstances make documentary completeness least likely.29

The fourth finding is that social and economic problems are mutually reinforcing. Legal uncertainty limits access to formal employment and services; economic insecurity makes it harder to obtain documents, housing and professional opportunities; and social exclusion can reduce access to networks through which migrants learn about procedures or obtain assistance.

[28]TOTAL.docx, conclusion and findings describing legal precarity as a structural condition produced by citizenship administration and the absence of a nationwide refugee framework.
[29]TOTAL.docx, analysis of the CAA identifying documentary requirements and procedural complexity as significant implementation barriers.

The problem is therefore systemic rather than reducible to a single administrative form.

The fifth finding is intergenerational. The research material describes children and young adults whose social and cultural lives are rooted in India but whose legal position remains dependent upon their parents' unresolved status. This creates a distinction between social belonging and formal legal belonging. Unless status determination is timely, temporary migration can become a condition reproduced across generations.30

The sixth finding concerns the relationship between security and rights. Security considerations are a legitimate component of migration governance, particularly in the context of India-Pakistan relations. At the same time, the source material argues that security screening should distinguish genuine security risks from migrants who themselves may have fled insecurity. A predictable status-determination system can serve both objectives by allowing individualized screening rather than relying upon broad assumptions based on nationality alone.

## 8. POLICY AND LEGAL RECOMMENDATIONS

First, India could strengthen the institutional clarity of refugee and asylum procedures. The research material proposes a comprehensive national refugee law establishing definitions, status-determination procedures, appeal mechanisms and protection against return to situations of serious persecution. Such a framework would not eliminate immigration control; it would place protection decisions within transparent legal procedures.31

Second, implementation of existing citizenship routes should be simplified. A time-bound application process, clear checklists, standardized documentary requirements, multilingual assistance and transparent communication of reasons for delay or rejection would reduce uncertainty. Where an applicant lacks a conventional document because of the circumstances of displacement, alternative forms of corroborating evidence could be considered under clearly published rules.

Third, legal status should be separated from access to essential humanitarian services. Pending citizenship or refugee-status applications should not automatically result in exclusion from emergency healthcare, basic education for children, shelter, sanitation or other essential services. Such measures would address immediate vulnerability without prejudging the ultimate citizenship question.

[30]TOTAL.docx, conclusion concerning intergenerational consequences for children and young adults whose social and cultural lives are rooted in India while legal status remains uncertain.

[31]TOTAL.docx, proposed refugee-law framework including status determination, review/appeal and non-refoulement protections.

Fourth, the administration should consider a secure interim identity document for long-term visa holders and applicants whose status is under consideration. Such a document could facilitate lawful access to basic services, banking, education and employment subject to applicable security and labour rules. It would reduce the practical consequences of having to prove status repeatedly to different departments.

Fifth, movement restrictions attached to particular visa arrangements should be reviewed where they are no longer necessary for an individualized security purpose. The source material reports situations in which migrants' visas were tied to particular cities, creating additional barriers to employment and family mobility. A transparent review mechanism would permit restrictions to be maintained where justified while avoiding unnecessary economic dependence.

Sixth, local integration programmes should involve municipal authorities, civil society organizations and migrant communities. Legal aid clinics, documentation camps, language and skills programmes, school-enrolment assistance and awareness programmes could address practical obstacles without waiting for a final citizenship decision.

Seventh, special attention should be given to women and children. Gender-sensitive legal assistance, protection from trafficking and exploitative employment, reproductive healthcare, school access and pathways to higher education can prevent temporary legal uncertainty from producing permanent social disadvantage.

Eighth, implementation data should be publicly reported. Statistics on applications received, applications pending, processing time, reasons for rejection and citizenship granted—disaggregated where legally appropriate—would make it possible to assess whether statutory pathways are functioning. This is particularly important for evaluating the practical effect of the CAA rather than relying solely on legislative text.

Finally, the principle emerging from the source material is that immediate reform need not depend entirely upon a new statute. Administrative coordination, accessible documentation procedures and effective use of existing legal provisions can produce significant improvements. A comprehensive refugee law may address structural gaps, but implementation reform can begin within the existing constitutional and statutory framework.

## 9. CONCLUSION

The socio-legal position of Pakistani migrants in India demonstrates the difference between physical presence and secure belonging. For many migrants, particularly those who have fled religious persecution or prolonged insecurity, India becomes the place where family life, work

and social identity are reconstructed. Yet the absence of a comprehensive refugee framework and the persistence of temporary or uncertain documentation can prevent this reconstruction from becoming legally secure.

The research material indicates that the problem is multidimensional. Legal uncertainty affects access to citizenship and residence; documentation affects services and economic activity; social perceptions affect integration; and economic exclusion can reproduce vulnerability across generations. These dimensions cannot be addressed effectively in isolation.

The CAA is an important component of the contemporary legal framework because it creates a statutory citizenship pathway for a defined class of religious minorities from Pakistan, Afghanistan and Bangladesh who meet the prescribed conditions. Its practical significance, however, depends on implementation. Eligibility must be capable of being established through workable procedures, and applicants must be able to navigate the administrative process without disproportionate barriers. At the same time, the CAA cannot substitute for a comprehensive refugee-protection framework because its scope is limited by religion, nationality and date of entry.

The comparative analysis suggests that effective migration governance generally depends on legal certainty, transparent decision-making, access to essential services and integration support. These principles can be adapted to India's constitutional and security context without mechanically reproducing foreign systems.

The most immediate policy objective should therefore be to reduce the distance between law on paper and law in practice. A predictable status-determination system, simpler documentation, time-bound citizenship processing, interim identity mechanisms, access to essential services and community-based integration can reduce legal precarity. In the longer term, a comprehensive refugee framework would provide a clearer basis for protection and adjudication.

Ultimately, the question is not only how migrants become citizens. It is how a constitutional democracy manages the period before citizenship is granted. A system that provides lawful, reviewable and humane procedures can protect sovereignty while also recognizing that persons within the territory remain bearers of human dignity. For Pakistani migrants who have spent years or decades in India, reducing legal uncertainty is therefore not merely an administrative objective; it is central to equality, dignity, social integration and the rule of law.

## REFERENCES

Bogue DJ, International Migration (Asia Publishing House 1961).

Chandrachud A, 'Secularism and the Citizenship Amendment Act' (2020) 4 Indian Law Review 1–25.

Constitution of India 1950.

Citizenship Act 1955.

Citizenship (Amendment) Act 2019.

Convention Relating to the Status of Refugees 1951 and Protocol Relating to the Status of Refugees 1967.

International Covenant on Civil and Political Rights 1966.

International Organization for Migration, World Migration Report 2024.

Janmyr M, 'UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon' (2017) 22(3) International Journal of Human Rights 393–419.

Jayal NG, 'Reinventing the Republic: Faith and Citizenship in India' (2022) 10 Studies in Indian Politics 5.

Jesline J et al, 'The Plight of Migrants during COVID-19 and the Impact of Circular Migration in India: A Systematic Review' (2021) 8 Humanities and Social Sciences Communications 1–12.

Lee ES, 'A Theory of Migration' (1966) 3(1) Demography 47–57.

Roy A, Citizenship Regimes, Law, and Belonging (Oxford University Press 2022).

Tiwari AD, Juhar A and Field J, 'The Illegalisation of Rohingya Refugees in India: A (Non)Citizenship Crisis Promoted by Law and Policy' (2024) Journal of Ethnic and Migration Studies 1.