

Flygtningenævnets baggrundsmateriale

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Bangladesh – Researched and compiled by the Refugee Documentation Centre of Ireland on 15 January 2018

- 1. Are there criminal sanctions from Myanmar Rohingya refugees leaving designated refugee camps?**
- 2. Can Rohingyas granted refugee status in Bangladesh legally re-enter Bangladesh after leaving that jurisdiction and do they retain their refugee status?**

The 2016 US Department of State country report for Bangladesh, in a section titled “Protection of Refugees”, states:

“As of August, the government and UNHCR provided temporary protection and basic assistance to 32,967 registered Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara). The government and UNHCR estimated that an additional 200,000 to 500,000 undocumented Rohingya lived in various villages and towns outside the two official refugee camps. Most of these undocumented Rohingya lived at unofficial sites among the local population in Teknaf and Ukhyia subdistricts of Cox’s Bazar District. These sites included approximately 35,000 at the Kutupalong Makeshift site adjacent to the official Kutupalong refugee camp, 15,000 at a site called Leda, and 10,000 at the Shamlapur site.” (US Department of State (3 March 2017) *2016 Country Reports on Human Rights Practices – Bangladesh*, p.25)

A paragraph within this section headed “Access to Asylum” states:

“The law does not provide for granting asylum or refugee status, nor has the government established a formal system for providing protection to refugees. The government provided some protection to Rohingya refugees from Burma already resident in the country, but it continued to deny asylum to the undocumented Rohingya, whom it categorized as illegal economic migrants.” (ibid, pp.25-26)

See also paragraph headed “Freedom of movement” which states:

“There were restrictions on refugees’ freedom of movement. By law, refugees are not permitted to move outside of the two camps. Police can punish with detention any movement without valid documentation, including illegal entry and departure from the country.” (ibid, p.26)

A BBC News report states:

“Bangladesh is limiting the movement of more than 400,000 Rohingya migrants who have fled from neighbouring Myanmar. They must stay in fixed places allocated to them by the government and not travel elsewhere, police say.” (BBC News (16 September 2017) *Rohingya crisis: Bangladesh to restrict movement of migrants*)

In a paragraph headed “What are the new restrictions?” this report states:

“In a statement, Bangladeshi police said Rohingyas would not be allowed to travel anywhere outside of their allocated homes, not even to live with family or friends. Transport operators and drivers have also been urged not to carry refugees, with landlords told not to rent out any property to them. Analysts say the government wants to stop the Rohingya from disappearing into the general population and to keep them visible, in the hope of returning them to Myanmar - or even a third country.” (ibid)

An article from Bangladeshi newspaper the Dhaka Tribune states:

“In addition to the rules the Rohingya are required to follow if they want to go outside their camps, the code of conduct sets out what they can do and what they cannot as long as they stay in Bangladesh, said the officials concerned. According to the code of conduct, the Rohingya will stay in Kutupalong Refugee Camp. Armed forces will take actions against those who will go east of the camp.” (Dhaka Tribune (8 October 2017) *Army looking to complete registration of Rohingya by November 1*)

A country report published by the Department of Foreign Affairs and Trade (DFAT) of Australia, in a section titled “Rohingyas (paragraph 3.14), states:

“The Government conducted a census of undocumented Rohingyas in June 2016 as part of its ‘National Strategy on Myanmar Refugees and Undocumented Nationals in Bangladesh – the Rohingya’. Those who choose to register will receive identity cards that will facilitate access to health and education services, and allow them to move freely throughout Bangladesh. It is unclear whether the Government will grant citizenship or residence status to these individuals or seek to settle them in another country.” (Department of Foreign Affairs and Trade (DFAT) of Australia (5 July 2016) *DFAT Country Information Report: Bangladesh*)

An article from the Dhaka Tribune states:

“The government of Bangladesh is reluctant to grant refugee status to the Rohingya people who have fled Myanmar since the brutal military crackdown began on August 25. The United Nations High Commissioner for Refugees (UNHCR) has asked Bangladesh to grant refugee status to the Rohingya on several occasions, but senior officials believe this will only make it more difficult to return the Rohingya to Myanmar. ‘On several occasions, the UNHCR requested Bangladesh to grant refugee status to Rohingya but Bangladesh has decided against the move for now,’ a government official told Bangla Tribune on condition of anonymity.” (Dhaka Tribune (26 September 2017) *Bangladesh govt reluctant to grant refugee status to Rohingya*)

The 2017 Freedom House report for Bangladesh states:

“Roughly 270,000 ethnic Rohingyas who fled to Bangladesh from Myanmar beginning in the 1990s are subject to substantial harassment. The vast majority do not have official refugee status and suffer from a complete lack of access to health care, employment, and education.” (Freedom House (2 June 2017) *Freedom in the World 2017 – Bangladesh*)

A report from the International Organization for Migration states:

“The estimated total of 794,658 Rohingya population in Cox’s Bazar consists of 33,542 (4%) of Registered Rohingya in Refugee Camps (source: UNHCR) and an estimated number of 761,116 (96%) total Rohingya population outside Refugee Camps. Out of which, 582,140 (76%) are new arrivals since 25 August 2017.” (International Organization for Migration (October 2017) *Needs and Population Monitoring R6 Report: Cox’s Bazar, Bangladesh*, p.3)

A report from Refugees International, in a section titled “Background”, states:

“Ahead of the latest inflows last year, an estimated 200,000 to 500,000 Rohingya were living in Bangladesh (an estimate made difficult by their unofficial status). Only 33,000 Rohingya are officially recognized as refugees, those living in one of two official camps set up in the 1990’s (Kutupalong and Nayapara). The Government of Bangladesh officially refers to the remainder of Rohingya in the country as Undocumented Myanmar Nationals (UMN), considered illegal foreigners under Bangladeshi law.” (Refugees International (31 July 2017) *Reluctant Refuge: Rohingya Safe But Not Secure In Bangladesh*, p.4)

See also section of report titled “Precarious Existence for Rohingya in Bangladesh” which states:

“The reluctance of the Government of Bangladesh to recognize Rohingya as refugees, despite their fleeing violence and persecution, stems largely from a fear of creating ‘pull factors’ that would bring more Rohingya into an already densely populated country.” (ibid, p.5)

A report from Amnesty International States:

“The desire to see the refugees return to Myanmar appears to dominate the current Bangladeshi government’s thinking. It has refused to grant the Rohingya refugee status, leaving them without any legal status on either side of the border.” (Amnesty International (7 November 2017) *One of the world's poorest countries confronts ethnic cleansing on its doorstep*)

Information as to whether Rohingya who have been granted refugee status can re-enter Bangladesh after leaving the country was not found among sources available to the Refugee Documentation Centre.

A report from Al Jazeera comments on Rohingya with refuge status as follows:

“Many of the undocumented Rohingya in Bangladesh arrived during the 2012 violence. The 30,000 Rohingya with refugee status are mostly among those who arrived amid violence against Rohingya in the late 1970s and early 1990s.” (Al Jazeera (26 November 2014) *Bangladesh proposes interning, repatriating up to 270K Rohingya to Myanmar*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to

the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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