PEAK Urban

Migration and Urban Futures: Understanding the challenges faced by African migrants in urban India

Author: Bani Gill

COMPAS, University of Oxford

This brief highlights challenges and obstacles faced by African migrants in India that are crucial to address in the planning of inclusive urban futures. It explains how a precarious legal status for migrants substantially impacts their access to urban infrastructure in cities such as Delhi. It also delineates the ways in which stereotypes of racial difference engender social and cultural barriers to the effective inclusion of migrants. Research suggests that racialised migrants in India, even those with an accepted legal status, experience insecurity, unstable access to housing and dependency on intermediaries, in addition to various forms of violence. Sustained and systemic interventions, built on an understanding of the links between legal and sociocultural forms of precarity impacting migrants, are vital to address existing challenges and to ensure inclusive and dignified futures for all the city's residents.

Migration is central to emerging urban forms, especially in countries of the Global South experiencing a rapid increase in urban populations. As a critical concern crosscutting the 17 Sustainable Development Goals (SDGs), migration presents both opportunities and challenges for building "inclusive, safe, resilient and sustainable" cities (SDG 11). Identifying the obstacles faced by migrant communities is crucial for planning inclusive, equitable and just futures for all.

Cities in the Global South host a wide range of domestic, regional and international migrants who enrich the urban landscape with sociocultural, religious, linguistic and ethnic diversity. At the same time, the arrival of new populations also presents challenges – for instance, in service provision. Migrants perceived as different by host populations may experience discrimination that further impacts their access to basic needs such as shelter and housing. In this way, cities are sites of both conflict and conviviality, where questions of social and legal identity – including gender, race, ethnicity and migrant or refugee status – affect migrants' access to services.

Based on research conducted with migrants from the African continent in the National Capital Region (NCR) of Delhi,[1] India, between 2015 and 2022, this brief highlights the legal and sociocultural obstacles impeding migrants' inclusion in cities. African migrants from countries as diverse as Nigeria, Uganda and Cameroon arrive in India in search of a better life. Yet, although India hosts immigrant populations among the largest in the world (Connor, 2017), its migration framework remains a legacy from the colonial era. Combined with bureaucratic hurdles and language barriers, this makes the framework difficult for migrants to navigate. In addition, the prevalence of anti-black racism has resulted in violence and discrimination against African migrants.

Following violent incidents in the Delhi NCR in 2016 and 2017 (The Wire, 2017a), the Indian government initiated measures to mitigate vulnerabilities faced by African migrants. These included the launch of sensitisation programmes in select neighbourhoods where they live, and an emergency helpline. Community organisations have also been instrumental in providing support networks. Yet research findings indicate that bureaucratic, legal and sociocultural factors continue to pose barriers to the effective inclusion of racialised migrants in the urban landscape.

A combination of legal and sociocultural factors exacerbates vulnerabilities faced by migrants:

- African migrants experience racial stereotyping that negatively impacts access to material needs such as housing, as well as psychosocial wellbeing. Research suggests that lived experiences of anti-black racism substantially affect migrants' notions of safety and security in the city.

- India's colonial-era migration laws criminalise migrants who are undocumented or who have an irregular legal status. The Foreigner's Act 1946 prescribes up to five years' imprisonment for migration-related offences. The criminalisation of such migrants has adverse impacts, ranging from limited access to housing to experiences of excessive violence and incarceration.

- Racist attitudes against African migrants expose them to various forms of violence, while the context of legal precarity heightens their vulnerability to predation, intimidation and extortion by state, market and citizen actors. The entwining of such social and legal factors shapes how migrants navigate the city, and risks fostering dependence on a range of intermediaries, including brokers and police officers.

- Sporadic interventions are insufficient to address the systemic, layered and complex challenges faced by African migrants in India. The prevalence of deeply held racist beliefs in combination with complex legal systems continues to impede migrant capacities while exacerbating urban conflicts and cohabitational tensions. An integrated policy approach to sociocultural marginalisation and legal precarity is key for ensuring cities that are inclusive and equitable for all.

An integrated approach to socio-legal obstacles is therefore critical for planning inclusive urban futures.

1. The NCR is a planning region comprising Delhi and surrounding urban districts from neighbouring states (Rajasthan, Uttar Pradesh and Haryana).

How does the prevalence of anti-black racism intensify urban tensions and insecurity for migrants?

Negative stereotypes against people from the African continent hamper equitable access to needs such as safe housing.

Recent years have witnessed a rising trend of migration from the African continent to India for reasons of trade, education, health and asylum. While actual numbers remain relatively inconspicuous– for example, Nigerian migrants constitute numbers of around 100,000 across India[2] – tense exchanges have accompanied their arrival in cities such as Delhi. African migrants are frequently stigmatised in public discourse as "criminals", drug dealers", sex workers"", visa overstayers"" or "scammers". Recent years have witnessed several violent incidents against African migrants, from raids by public officials (Negi and Taraporvala, 2018) to acts of mob violence prompted by unfounded rumours of cannibalism and legal or moral transgression (The Wire, 2017b).

Such manifestations of violence can be located within the context of anti-black racism that has a long and layered history. The entrenchment of racialised hierarchies during European colonialism, caste-based forms of exclusion, vernacular manifestations of colourism, and insensitive portrayals in international and local media and popular culture are key to how such racial notions of difference have been sedimented in contemporary India. The systemic effects of such "othering" as experienced by African migrants range from name-calling and hostile stares to violence and barriers in accessing basic facilities such as safe shelter.

The present research was conducted with more than 40 interlocutors, including African migrants (mostly from West Africa, and Nigeria in particular), Indian landlords and neighbours, and police actors in three residential areas of the Delhi NCR. It revealed that housing was a significant issue faced by African migrants. Landlords were either unwilling to rent accommodation or imposed higher deposits and rent, in addition to a range of informal restrictions, such as the monitoring of visitors, allegedly to safeguard moral propriety. Even where African tenants were extended a formal rental agreement on equitable terms, they experienced violence and micro-aggressions by Indian neighbours and residents. Despite being rent-paying tenants, African migrants report being subjected to a range of hostilities that create an environment of threat and insecurity, making them feel unsafe and vulnerable in their homes and neighbourhoods.

Sheela's story

Sheela, a Nigerian woman, lives in a gated community in Delhi NCR with her husband and two young children. Having moved between multiple apartments due to various difficulties with landlords and the police in the six years they lived in Delhi, the family chose to relocate to a locality on the outskirts of the city. They believed that a formal rental agreement, combined with residence in a gated locality, would provide them with greater security and stability to build a home. However, less than two months after their move, neighbours barged into their apartment, ostensibly looking for a young boy who had gone missing from his home in the same building. This explanation raised alarm bells for Sheela. Only a few years previously, the news of another boy's disappearance and rumours that he had been lured and possibly eaten by Nigerians had triggered mob violence against Africans across the Delhi NCR. The neighbours checked every nook and corner of their apartment, even opening the fridge to make sure there were no traces of human remains. Sheela was at home with her children at the time and tried to explain that the boy hadn't come through her door. But the anger of the mob that had gathered at the entrance to the building, insisting that the homes of all African residents be checked, warned her to acquiesce to their demands.

For Sheela, this incident reflects the tension and unease between African and Indian residents that permeates not only her building, but also the locality. The boy was eventually found hiding from his family in a different apartment building, but the fact that her neighbours had suspected only the African tenants causes her immense distress. That day, her husband had returned home immediately after she called him, and he was eventually able to calm the angry mob that had gathered outside. However, Sheela worries that the outcome might have been different had she been a single woman with only her children for support.

2. Quantitative data on African populations in India is largely unavailable. These estimates were provided by an official at the Nigerian High Commission in Delhi in 2016 (Gill 2020).

How does the criminalisation of "illegal" migrants exacerbate the precarity of socially marginalised and legally vulnerable migrants?

The criminalisation of "illegal" migrants produces legal insecurity and has adverse impacts for migrants, ranging from curtailed mobility to experiences of violence and imprisonment.

Most key laws regulating the status of foreigners in India today were enacted by the Central Legislative Assembly of British India.[3] Despite various amendments since, these laws remain a product of colonial legacies with substantial implications for the policing of populations inscribed as the "other" within dominant religious, racial and ethnic paradigms (Kapur, 2007). According to The Foreigners Act of 1946, a "foreigner" is "a person who is not a citizen of India", and an "illegal" migrant is defined as someone who has overstayed their visa, entered without proper authorisation or engages in activity not mandated by their visa category. The Act mandates up to five years' imprisonment for such visa-related offences, and has far-reaching consequences:

- Research suggests that most cases pertaining to the arrest of "foreigners" relate to such immigration laws (Ramachandran, 2019, 16).

- In 2019, almost half of the reported cases involving "foreigners" related to tThe Foreigners Act and the Registration of Foreigners Act (NCRB, 2020).

- As of 2019, 38.5 per cent of the undertrial foreign-national prisoner population was constituted of those charged under the Foreigners Act/Passport Act (CHRI, 2019).

Many African migrants arrive in Delhi aided by brokers and intermediaries who offer promises of a better life in India. Having paid substantial sums on brokerage, flight tickets and visas, many simply lack the monetary capacity to return, even when faced with the prospect of unemployment in India. Research indicates that language barriers, complex visa stipulations and intimidating bureaucratic procedures prove difficult for migrants to navigate (Gill, 2019). In addition, the socioeconomic pressures of providing remittance, and high expectations of the figure of the return migrant in home contexts, condition migrants' continued residence in India, despite the context of legal precarity. For such migrants, access to housing and employment proves difficult, due to their inability to furnish required documents. Fear of detection by state authorities further inhibits their navigation of the city, while fostering dependence on a range of intermediaries through relations of both risk and patronage (Gill, 2021).

Kate's story

Kate arrived in Delhi in 2015 on a short-term visa hoping to secure employment and so extend her stay. However, while she was able to forge deals for her informal transnational trading practice – buying goods such as electronics and human hair and sending them for export to Nigeria – she couldn't fulfil the requirements for extending her visa. Yet financial considerations inhibited her return to Nigeria. Kate spends a substantial amount of time indoors in her shared apartment and laments the lack of "freedom" in India. She feels that her Indian neighbours are hostile, subjecting her to aggressive stares and rude questioning over her attire and lifestyle that inhibits her mobility in the city. This also has significant implications for her capacity to leave India. Even as she would like to return home, she is afraid of being charged under The Foreigners Act, which threatens incarceration. She describes her condition as being "stuck" in India.

3. These include laws such as Passport (Entry into India) Act, 1920/Rules 1950, the Registration of Foreigners Act of 1939/Rules 1992, the Foreigners Act of 1946 and the Foreigners Order of 1948, among others.

Charles' story

Having grown up on Bollywood cinema, Charles decided to branch out his acting career in Nigeria by exploring possibilities in India. He came for a preliminary visit to Delhi in 2011 and secured admission to an acting school. An agent in Delhi offered him the possibility of a visa extension. Despite his having paid a substantial amount, this promise never materialised. Instead, as Charles was arranging his return tickets to Nigeria, he was arrested on charges of drug possession and sent to jail. Charles vehemently denied the charges and maintains that his arrest was racially motivated, with the police deliberately targeting him due to his racial identity. After a harrowing ordeal, including almost two years in police custody, he was finally granted bail and his trial began. In 2017, he was found not guilty of all drugs-related charges.

At the time of his arrest, Charles had overstayed his visa by nine days. In addition to the drugs charges, he was also booked under The Foreigners Act, 1946. At his acquittal hearing, the presiding judge took note of the minor visa transgression and the fact that Charles had already spent 22 months in custody. Charles is grateful for the judgement that allowed him his freedom, but he rues the time he lost and the strict punishment he endured for a crime he didn't commit.

How does the combination of social and legal vulnerability condition migrants' access to services and facilities in rapidly transforming urban contexts?

Migrants' social and legal precarity risks fostering dependence on intermediaries for successful navigation of the city, including access to various services.

African migrants devise creative strategies and means of navigating everyday life in Delhi, a city undergoing massive urban transformation and frequently identified by migrants as hostile, due to their racial positioning. Community groups and collectives provide important avenues of support, as do informal local and transnational networks forged through family, friends and social media platforms such as WhatsApp and Facebook. Equally important are the strategies through which African migrants claim their place in the city, and the dynamic constellations of work, worship and leisure – such as African hair salons, Pentecostal churches, grocery stores, bars and restaurants – that contribute to income generation as well as Delhi's diversification. Yet the informal status of these establishments, combined with the context of anti-black racism and legal precarity, continues to temper migrants' experiences of the city. The present research suggests that a combination of such factors may foster migrants' dependence on a range of intermediaries.

The specificities of emerging urbanisms (Keith et al, 2020) are important to consider in this context, especially for gauging migrant interactions with locally embedded state actors

– such as the police – and market actors, such as brokers. Delhi's path to urban expansion has been accompanied by the large-scale transformation and segmentation of former agricultural land into small residential plots. Such 'unplanned' settlements (Sheikh and Banda, 2015) host a large number of diverse people, including African migrants, who often have to pay higher rents than Indian tenants. Intermediaries such as property brokers become integral to housing arrangements – for instance, becoming crucial for locating appropriate apartments that can double up as both residential homes and commercial leisure venues, such as informal restaurants and bars. Equally important are negotiations with state actors such as local constables, whose tactics of predatory policing – involving petty bribes in exchange for the regular functioning of such establishments, are a source of both risk and safety for migrants.

The research suggests that social and legal marginalisation of racialised migrants engenders their dependence on various market and state actors, including brokers and agents extending services such as housing or visa renewals, or police actors extracting bribes and informal payments. Such intermediaries defy easy categorisation, as they straddle roles of both benefactors and exploiters.

Tom's story

Tom is an undocumented migrant who has lived in Delhi for the past seven years. His legal status means that he remains careful in his everyday movements across the city, to evade threats of detection. His housing arrangements become especially tense, due to the stipulation of police verification for a tenancy agreement. Having lived in shared apartments for most of his time in Delhi, Tom recently moved into a one-bedroom apartment of his own – a move facilitated by a property agent who brokered an informal agreement with the landlord on his behalf. Less than two weeks after he moved in, local constables barged into his apartment. After checking his documents, they threatened to charge him under the Foreigner's Act unless he paid them a bribe. Tom had to hand over a substantial portion of his savings. He wonders if it was the property agent who had informed on him and worries that the constables may return.

Danny's story

Danny, who arrived as a student in Delhi, has overstayed his visa and wants to return to Nigeria. However, he must seek permission to leave India by applying for an exit visa at the Foreigner's Regional Registration Office, the main agency responsible for foreigners. He has tried to apply for this visa, but alleges that he is being asked to pay a sizeable bribe. If he cannot fulfil the official requirement for an exit visa, Danny faces criminal charges and a possible jail sentence for having overstayed. He is now seeking the help of a trusted property broker to liaise informally with the authorities, so he can leave the country.

While official guidelines specify that foreigners who have overstayed their visa must apply for an exit visa before they are allowed to leave, procuring such a visa is riddled with bureaucratic, administrative and financial obstacles. This makes the services of entrepreneurial market actors, such as brokers, desirable for informal liaisons with state actors (Gill, 2021).

Conclusion

African migrants in India face a plethora of challenges that are crucial to address in the planning of safe, equitable and diverse cities. Legal precarity combined with racial stereotyping creates an atmosphere of insecurity that exposes migrants to various forms of violence, limited social and physical mobility, unstable access to housing, and dependence on state and market intermediaries for everyday navigation of the city. An integrated approach to social and legal marginalisation as experienced by migrants is vital to ensure inclusive and dignified future for all the city's residents.

Note: Names of all resesarch participants and interlocutors have been anonymised

References

Connor, P. 2017. India is a top source and destination for world's migrants. Pew Research Centre. **https://www.pewresearch. org/fact-tank/2017/03/03/india-is-a-top-source-and-destination-for-worlds-migrants/**.

Commonwealth Human Rights Initiative (CHRI). 2019. Strangers to Justice. A Report on Foreigners in Indian Prisons.

Negi, R., and Persis, T. Window to a South-South World: Ordinary Gentrification and African Migrants in Delhi. Migration and Agency in a Globalizing World, eds. Cornelissen and Mine. 2018. 209-230. London: Palgrave Macmillan.

Gill, B. Dead papers: migrant "illegality", city brokers, and the dilemma of exit for unauthorised African migrants in Delhi. Journal of Ethnic and Migration Studies, 2021.

Gill, B. In the Shadow of Illegality: The Everyday Life of African Migrants in Delhi. 2019. Unpublished Ph.D Diss., University of Copenhagen.

Kapur, R. The Citizen and the Migrant: Postcolonial Anxieties, Law, and the Politics of Exclusion/Inclusion. Theoretical Inquiries in Law. 2007. 8 (2).

Keith, M., O'Clery, N., Parnell, S. and Revi, A. The Future of the Future City? The New Urban Sciences and a PEAK Urban Interdisciplinary Disposition. Cities, 105. 2020.

National Crime Records Bureau (NCRB). Crime in India 2019. Ministry of Home Affairs, Government of India. 2020.

Ramachandran, S. The Contours of Crimmigration Control in India. 2019. Global Detention Project Working Paper No. 25.

Sheikh, S. and Subhadra B. Categorisation of Settlement in Delhi. 2015. Cities of Delhi, Centre for Policy Research. http://www. cprindia.org/sites/default/files/policy-briefs/ Categorisation-of-Settlement-in-Delhi.pdf.

The Wire. "African Envoys Slam GOI Inaction, Want UN To Probe Racial Violence in India". 2017a. **https://thewire.in/external-affairs/ african-envoys-india-racism-un**

The Wire. "After Multiple Incidents of Racial Attacks in Noida, Africans Live in Fear and Uncertainty". 2017b. **https://thewire.in/ rights/racial-attack-africans-noida**

UN Department of Economic and Social Affairs, Sustainable Development Goal 11, "Make cities and human settlements inclusive, safe, resilient and sustainable". **https://sdgs. un.org/goals/goal11**

About us

The PEAK Urban programme aims to aid decision-making on urban futures by:

1. Generating new research grounded in the logic of urban complexity;

2. Fostering the next generation of leaders that draw on different perspectives and backgrounds to address the greatest urban challenges of the 21st century;

3. Growing the capacity of cities to understand and plan their own futures.

In PEAK Urban, cities are recognised as complex, evolving systems that are characterised by their propensity for innovation and change. Big data and mathematical models will be combined with insights from the social sciences and humanities to analyse three key arenas of metropolitan intervention: city morphologies (built forms and infrastructures) and resilience; city flux (mobility and dynamics) and technological change; as well as health and wellbeing.

Our framework

P	**E**	**A**	**K**
Prediction	**Emergence**	**Adoption**	**Knowledge Exchange**
What can we now predict and project about cities?	What types of urban structures and systems are emerging?		How can we maximize this knowledge globally?

The PEAK Urban programme uses a framework with four inter-related components to guide its work.

First, the sciences of **Prediction** are employed to understand how cities evolve using data from often unconventional sources.

Second, **Emergence** captures the essence of the outcome from the confluence of dynamics, peoples, interests and tools that characterise cities, which lead to change.

Third, **Adoption** signals to the choices made by states, citizens and companies, given the specificities of their places, their resources and the interplay of urban dynamics, resulting in changing local power and influencing dynamics.

Finally, the **Knowledge** component accounts for the way in which knowledge is exchanged or shared and how it shapes the future of the city.

Contact

Bani Gill
bani.gill@compas.ox.ac.uk

In PEAK Urban:
peakurban.director@compas.ox.ac.uk

Published by PEAK Urban

May 2022