

Immigration and Foreigners Bill 2025: Key Provisions, Entry & Stay Rules, Deportation, and Tracking

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Immigration and Foreigners Bill 2025 Latest News

- The Union Ministry of Home Affairs is set to introduce the Immigration and Foreigners Bill, 2025, in the second half of the Budget session beginning March 10.

- This comprehensive legislation aims to consolidate and modernize India's immigration framework by repealing four existing laws.

Need for a New Law

- **Existing Laws and Their Historical Context**

- Matters related to foreigners and immigration are currently governed by four laws:
 - Foreigners Act, 1946
 - Passport (Entry into India) Act, 1920
 - Registration of Foreigners Act, 1939
 - Immigration (Carriers' Liability) Act, 2000
- Three of these Acts were enacted during **pre-Constitution times**, specifically during **World Wars I and II**, under extraordinary circumstances.
- While these laws share **common objectives**, they contain **overlapping provisions**, leading to redundancy and inefficiencies.
- A new, **comprehensive legislation** is required to address modern immigration challenges.

- **Objectives of the Immigration and Foreigners Bill, 2025**

- **Avoid Multiplicity of Laws:** Streamline regulations governing passports, visas, and foreigner registration.
- **Ensure Efficient Immigration Management:** Establish clear legal provisions for entry, exit, and movement of foreigners.
- **Strengthen National Security:** Improve regulatory control over visa issuance, registration, and enforcement measures.

Significant Provisions of the Immigration and Foreigners Bill, 2025

- This Bill aims to streamline, modernize, and strengthen immigration regulations while enhancing national security and compliance mechanisms.

Comprehensive Consolidation of Immigration Laws

- The Bill merges multiple existing laws into a single framework.
- Clearly defines the **roles and functions** of the **Immigration Officer** and the **Bureau of Immigration (BoI)**.
- Provides **legal backing** for immigration functions, which were previously handled without a dedicated statutory basis.

Clear Guidelines on Passport, Visa, and Foreigner Registration

- Establishes legal provisions for **passport and visa requirements**.
- Strengthens regulations for **registration and monitoring of foreigners** entering or residing in India.

Responsibilities of Educational and Medical Institutions

- Defines **obligations** for **universities, hospitals, nursing homes, and medical institutions** admitting foreign nationals.
- Previously, foreigners had to register with the **Foreigners Regional Registration Office (FRRO)**, but no formal rules governed institutions accepting them.
- Existing rule requiring hotels and guest houses to report foreigners' passport details to the police remains in place.

Carrier Liability and Enforcement Provisions

- Strengthens provisions related to the **liability of carriers**, such as airlines and transport operators, in ensuring compliance with immigration laws.

Retention of the 'Burden of Proof' Clause

- Maintains the existing legal provision where the **burden of proof** lies on the individual to establish that they are **not a foreigner** if questioned by authorities.

Provisions for Entry and Stay of Foreigners in India

- **Expanded Grounds for Denial of Entry and Stay**
 - The Bill introduces new grounds to **refuse entry or stay** of a foreigner in India, including:
 - Threat to national security, sovereignty, and integrity of India.
 - Impact on relations with a foreign state.
 - Public health concerns.
- **Other grounds specified by the Central Government.**
 - The **Immigration Officer's decision** on entry or stay will be **final and binding**.
 - Previously, foreigners were denied entry based on executive orders, without specific legal mention.
- **Government's Power to Remove Foreigners**
 - The Bill grants the **Central Government authority** to:
 - Issue removal orders for foreigners.
 - Delegate powers to relevant authorities.
 - Grant exemptions in specific cases.
 - Existing laws like **Section 3 of the Foreigners Act, 1946**, and **Section 5 of the Passport Act, 1920**, already provide for such removals, but the Bill consolidates and strengthens these provisions.

Provisions for Detection, Deportation, and Detention of Foreigners

- **States Empowered to Detect and Deport Undocumented Migrants**
 - The Central Government does not have a dedicated federal police force for detecting and deporting illegal foreigners.
 - The responsibility for identifying and deporting undocumented migrants is entrusted to State police.
- **Provisions for 'Supervised Residence' Instead of Detention Centres**

- The Bill does not use the term 'detention centres'.
- **Clause 13** mandates that foreigners **reside in designated areas under supervision**, subject to rules on:
 - Maintenance and discipline.
 - Punishment for breaches of discipline.
 - Restricted access to such areas as per government regulations.

Mechanisms to Track the Movement of Foreigners

• Identification of Overstaying Foreigners

- The MHA has directed States to form two committees to identify foreigners who:
 - Entered before and after January 1, 2011.
 - Overstayed beyond their visa period.

• Tracking Through the e-FRRO Portal

- Details of foreigners violating visa rules are uploaded on the **e-FRRO portal**, accessible to the **local police**.
- Their information is also shared with:
 - Government departments handling welfare schemes.
 - Driving licence and PAN databases to prevent fraudulent document procurement.
 - The UIDAI has been asked to create a negative list of Aadhaar cards obtained fraudulently based on police investigations.

• Foreigners Identification Portal

- The MHA has operationalized a dedicated portal for the State police to:
 - Upload biometrics and other details of illegal foreigners.
 - Track and identify migrants for deportation.
 - Prevent them from acquiring Indian identity documents like Aadhaar.

Immigration and Foreigners Bill 2025 FAQs

Q1. What is the Foreigners Act of India 1946?

Ans. It governs the entry, stay, and deportation of foreigners in India, granting the government broad powers over immigration control.

Q2. Who is a foreigner in India?

Ans. A foreigner is any person who is not a citizen of India, as defined under the Foreigners Act, 1946.

Q3. What is the full form of FRRO?

Ans. FRRO stands for Foreigners Regional Registration Office, responsible for registering and monitoring foreign nationals in India.

Q4. What is the Indian Passport Act 1920?

Ans. The Passport (Entry into India) Act, 1920, regulates the entry of foreigners into India through passport and visa requirements.

Q5. Who has a red passport in India?

Ans. Indian diplomatic passport holders, including diplomats and top government officials, are issued red-colored passports for official international travel.

Source: TH | Mint

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