

New Foreigners Act 2025: Key Provisions, Exemptions and Enforcement Reforms

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New Foreigners Act 2025 Latest News

- The **Immigration and Foreigners Act, 2025**, which came into effect on **September 1**, has introduced a **comprehensive revamp** of India's framework for managing foreign nationals.
- The newly notified **Rules and Orders** restructure regulations governing the **entry, stay, and exit** of foreigners, while also laying out **specific exemptions** for certain categories of individuals.
- This marks one of the most significant updates to India's immigration system in recent years, aimed at bringing clarity, efficiency, and uniformity to the way foreign nationals are regulated.

Consolidation of Immigration Laws under the 2025 Act

- The Immigration and Foreigners Act, 2025, passed by Parliament and received Presidential assent, replaces four older laws:
 - the Passport (Entry into India) Act, 1920;

- Registration of Foreigners Act, 1939;
- Foreigners Act, 1946; and
- Immigration (Carriers' Liability) Act, 2000.
- By consolidating these into a single unified statute, the Act streamlines India's framework for the entry, stay, movement, and exit of foreigners, ensuring greater clarity and efficiency.

Why an Overhaul Was Needed

- India's earlier immigration regime was fragmented and outdated, built on four separate Acts dating back to the pre-Independence era (1920-2000).
- Their overlapping and confusing provisions led to inconsistent enforcement and frequent ambiguity.
- Exemptions for groups such as Tibetan and Sri Lankan Tamil refugees, and citizens of Nepal and Bhutan were scattered across various notifications, making them hard to access or interpret.
- Administrative gaps also persisted — manual reporting, delayed data collection, unclear division of powers between central and local authorities, and non-uniform rules for restricted/protected areas.

Key Provisions of the Immigration and Foreigners Act, 2025

- The Immigration and Foreigners Act, 2025, along with its accompanying Rules and Orders, introduces clear, centralised rules for regulating foreign nationals in India.
- **Valid Documents and Entry Points** – All entrants must carry a valid passport or travel document and, in the case of foreigners, a valid visa, unless exempted by the Act or special government orders.
 - Entry and exit are permitted only through designated immigration posts, covering major airports, seaports, land border posts, and rail checkpoints.
- **Role and Powers of Immigration Officers** – Immigration Officers posted at these entry points hold final authority to validate or deny entry or exit. They can refuse admission on national security grounds.
- **Registration and Local Control Mechanism** – Foreigners must register with designated authorities, such as the SP/DCP or Foreigners' Regional Registration Officers (FRROs), who oversee regulation at district and regional levels.
- **Reporting Obligations of Accommodation Providers** – Hotels, hostels, paying guest facilities, and religious institutions must digitally record and report details of foreign guests — including OCI card holders — within 24 hours of arrival and departure.
- **Educational and Medical Institutions' Duties** – Universities must report admissions of foreign students, while hospitals must notify authorities of foreign patients, births, and deaths within seven days via electronic submission.
- **Authority Over Premises Frequented by Foreigners** – Civil authorities may restrict or shut down resorts, clubs, or similar venues if linked to criminal or unlawful activities, or if foreigners frequenting them are deemed undesirable.
 - Relocation of such operations requires prior approval.
- **Permits for Protected Areas** – Access to protected, restricted, or prohibited areas now requires a special online permit. Applications must be filed on designated portals or apps, with standardised procedures in place.

Exempted Categories under the Immigration and Foreigners Act, 2025

- The Immigration and Foreigners Act, 2025, exempts specific groups from standard entry and visa rules.
- These include Indian military personnel and families, citizens of Nepal and Bhutan, Tibetan refugees, minority refugees from Afghanistan, Bangladesh, and Pakistan, registered Sri Lankan Tamils, certain diplomatic passport holders, and foreign military personnel on humanitarian visits.
- All enjoy regulated, conditional entry benefits.

New Provisions in the Immigration and Foreigners Act, 2025

- The Act not only consolidates older laws but also introduces **modernised systems and clear rules** for enforcement and regulation.

Digital and Electronic Records

- Mandatory **online notification** through portals and apps by accommodation providers, hospitals, and universities.
- Creates a **comprehensive digital database** for enforcement, health monitoring, and citizenship-related decisions.

Graduated Fines and Compounding System

- Clear penalties for infractions like overstaying, visa violations, non-registration, and unauthorised visits to restricted areas.
- Fines range from **₹10,000 to ₹5 lakh**, with lower fines (as low as ₹50) for certain groups like **Tibetans, Mongolian monks, and refugees from Pakistan, Bangladesh, and Afghanistan**.

Protections and Appeals

- Limited safeguards for **humanitarian cases** and for errors made in good faith.
- **Appeal mechanisms** for those penalised under the Act.

Centralisation and Delegation of Powers

- Central government retains **primary authority**, but can delegate functions to states and Union Territories.
- Empowered to **modify, cancel, or issue directions** at any time.

Uniformity in Exemptions

- No discretionary powers at the local level.
- All exemptions for entry, visa, or protected area permits must come **only from central government orders**, ensuring consistency and clarity.

Source: **IE**

