

No.24013/29/Misc./2017-CSR.III (i)
Government of India / Bharat Sarkar
Ministry of Home Affairs

N.D.C.C. II Building, Jai Singh Road, New Delhi,
Dated the 8th August 2017

To

The Chief Secretaries,
All State Governments / UT Administrations

Subject: Identification of illegal migrants and monitoring thereof – regarding.

Sir/Madam,

India is a large country having its border with many Countries. People in the sub-continent have a common history and share many similarities in physical looks. Due to variety of reasons including political and economic turmoil in neighboring countries and people from such countries, often enter India. There are cultural and ethnic similarities, on many occasions such migration goes unnoticed and they settle in the India territory. These illegal immigrants not only infringe on the rights of Indian citizens but some also pose grave security challenges.

2. The rise of terrorism in last few decades has become a serious concern for most nations. Illegal migrants are more vulnerable for getting recruited by terrorist organizations. Infiltration from Rakhine State of Myanmar into Indian Territory specially in the recent years besides being burden on the limited resources of the country also aggravates the security challenges posed to the country.

3. The powers to identify and deport the foreign nationals staying illegally in the country have also been delegated to the State Governments / Union Territory Administrations. Various legal provisions are:

- i. *The police authorities can exercise the power to arrest a foreign national living illegally in India in terms of Section 4 of passport (Entry into India) Act, 1920.*
- ii. *Any foreign national who remains in any area in India for a period exceeding the period for which the visa was issued to him / her can be proceeded against under section 14 of the Foreigners Act, 1946.*
- iii. *A foreigner who enters into or stays in any area in India without valid documents required for such entry or for such stay, as the case may be, can be proceeded against under Section 14 A(b) of the Foreigners Act, 1946.*

4. Detection and deportation of such illegal immigrants from Rakhine State, also known as Rohingyas is a continuous process. Therefore, it is essential to identify such illegal migrants / persons and also keep a watch on their activities for preventing any untoward incident that can take place. All States / UT Administrations are, therefore, advised to sensitize all the law enforcement and intelligence agencies for taking prompt steps in identifying the illegal migrants and initiate the deportation processes expeditiously and without delay.

Yours faithfully,



(Dilip Kumar)

Joint Secretary to the Govt. of India

Tel 23438100

Copy for information and necessary compliance to :-

1. The Principal Secretary / Secretary Home – All State Government / Administrations.
2. The Director General of Police – All State Governments / UT Administrations.