New Foreigners Act

Mains: *GS II – Government policies and interventions for development in various sectors and issues arising out of their design and implementation.*

Why in News?

Recently, The Immigration and Foreigners Bill, 2025, was passed by Lok Sabha and Rajya Sabha and received the assent of the President.

What is the new Act?

- **Act** – **The Immigration and Foreigners Act, 2025**
- **Objective** – The new set of Rules and Orders give effect to a sweeping overhaul of India's system for regulating the entry, stay, and exit of foreign nationals, and identify exemptions available to certain classes of foreigners.
- **Consolidation**– The act consolidated India's regime for the entry, stay, movement, and exit of foreigners under a single statute.
- **Replacement** – The Act replaced the following acts
    - The Passport (Entry into India) Act, 1920
    - The Registration of Foreigners Act, 1939
    - The Foreigners Act, 1946
    - The Immigration (Carriers' Liability) Act, 2000

What is the Need for the new Act?

- **Issues with previous laws** – The previous legal framework was widely seen as being fragmented, complicated, and frequently subject to ambiguous interpretation.
- The four separate Acts of 1920, 1939, 1946, and 2000 had interlocking but sometimes confusing provisions.
- **No clear orders** – Exemptions for certain categories of entrants, such as Tibetan refugees, Sri Lankan Tamil refugees, citizens of Nepal and Bhutan, etc., were scattered across multiple orders, and were often not readily accessible or clear.
- **Delayed obligations** – Reporting obligations were often manual or delayed, resulting in data gaps for enforcement.
- **Ambiguity in enforcement** – The powers of local vs. central authorities, scope for compounding offences, and the rules for protected/ restricted areas were not uniform throughout the country.

What are the important provisions of the act?

- **Possession of valid documents** – All entrants must possess a valid passport or travel

document.

- Valid visa is mandatory for a foreigner, unless explicitly exempted by the Act or by special orders of the central government.
- **Entry and exit only via notified posts –** The Act lists designated immigration posts, including all major airports, seaports, land border posts, and rail posts, through which foreigners can legally enter and exit India.
- **Powers of the Immigration Officer –** Officers at notified immigration posts have the final authority on entry, exit, and admissibility, and the power to validate or refuse entry or exit on national security grounds.
- **Defined registration and control mechanism –** Foreign nationals must register with designated Registration Officers.
- The district superintendent of police (SP)/ deputy commissioner of police (DCP) has been designated as the local civil authority for immigration and foreigners' regulation.
- A network of Foreigners' Regional Registration Officers (FRROs) has been vested with powers for specific regions and functions.
- **Obligations of accommodation providers and institutions –** Hotels, hostels, paying guest homes, religious institutions, and similar establishments must collect particulars of foreigners, obtain their signatures or thumb impressions.
- They should transmit a duly filled form electronically to the authorities within 24 hours of both arrival and departure of every foreigner, including holders of Overseas Citizen of India (OCI) cards.
- **Educational and medical notifications –** Universities and hospitals must notify the Registration Officer about foreigners admitted or treated.
- Hospitals must electronically report every birth and death of a foreigner within seven days.
- **Authority to shut down resorts, clubs –** The civil authority has the power to control, restrict, or shut down places frequently visited by foreigners if there are security, legal, or public order concerns.
- Such orders may be issued if, in the authority's opinion, the foreigner is a criminal, linked to unlawful associations, or otherwise undesirable".
- Those responsible for such premises cannot shift operations elsewhere without permission.
- **Special permit for protected/ restricted areas –** Movement into protected, restricted, or prohibited places will require a special permit.
- This must be applied for through designated online portals or mobile apps, with clearly specified forms and procedures.

Who are the Exempted categories of people?

- **Military personnel and family** – Members of the Indian military entering/ exiting the country on duty, and their families if traveling on government transport.
- **Citizens of Nepal and Bhutan** – If they are entering India via designated land or air borders (except through China, Macau, Hong Kong, or Pakistan), or possessing valid passports for air entry to other destinations.
- **Tibetan refugees** – With special entry permits, especially those who entered between 1959 and May 30, 2003, or later under designated posts.
- They can enter only if registered with authorities and holding a registration

certificate.

- **Minority community refugees** – From Afghanistan, Bangladesh, Pakistan (Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians).
- Those who fled religious persecution and entered India on or before December 31, 2024, even if without valid travel documents or with documents that subsequently expired.
- **Registered Sri Lankan Tamil nationals** – Those who sheltered in India up to January 9, 2015.
- **Holders of diplomatic and official passports** – Those from certain countries where visa requirements are waived under intergovernmental agreements, or residents from nations eligible for visa on arrival at specific ports.
- **Foreign military personnel** – Those who are aboard warships visiting India for humanitarian exercises or events, unless excluded by a separate government notification.

What are the new initiatives the act?

- **Digital and electronic records –** The digital notification through portals and mobile apps that is required of accommodation providers, hospitals, and universities.
- It will create a robust database for enforcement and public health management, and making citizenship decisions.
- **Graduated fines/ compounding system –** The Rules prescribe graduated fines ranging from Rs.10,000 to Rs.5 lakh For violations such as
    - Overstaying and non-registration,
    - Violation of visa terms and
    - Unauthorized visit to protected areas
    - Failure to notify authorities
- Different rates apply to Tibetans, Mongolian Buddhist monks, and certain national groups from Pakistan, Bangladesh and Afghanistan, where fines are as low as Rs.50.
- **Protections and appeal mechanisms –** The Rules clarify appeals for fines and penalties, and exceptions for certain humanitarian cases.
- They provide limited protection for bona fide mistakes or compliance done in good faith.
- **Centralisation and delegation –** The Act empowers the central government to delegate functions to states and Union Territories, with power to modify, cancel, or issue special or general directions at any time.
- **No discretionary exemptions at local levels –** All exemptions for entry, visa, documentation, and protected or restricted area permits will be on the basis only of orders published by the central government.
- **Likely boost for enforcement –** With clearly designated officers and electronic records, the margin for error or ambiguity is expected to be reduced.
- Several offences can now be compounded quickly by paying the prescribed fines, reducing the burden on courts and making resolution more efficient.
- The listed exemptions for Tibetans, Sri Lankan Tamils, and the minority communities from Bangladesh, Afghanistan, and Pakistan have done away with the scope for discretion on a case-to-case basis.

Reference

[The Indian Express| New Foreigner’s Act]