

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.2323
TO BE ANSWERED ON 01.08.2018

INDIAN CITIZENS IN US AND CANADIAN JAILS

2323. SHRI ASHWINI KUMAR:

Will the Minister of EXTERNAL AFFAIRS be please to state:

- (a) the number of Indian citizens lodged at present in jails in the USA and Canada;
- (b) the number of persons arrested and jailed without having valid documents in the USA and Canada;
- (c) the action taken against unregistered agencies involved in sending such persons abroad; and
- (d) the steps taken by the Government to identify Indians in these jails and get them released?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS
[GEN. (DR) V. K. SINGH (RETD)]

(a) & (b) As per information available with the Ministry, as of 26.07.2018, 717 Indian citizens are lodged in various jails in USA and Canada for overstay, illegal entry. Due to the strict provisions of privacy laws, USA and Canadian authorities do not readily share information about Indian nationals in their jails.

(c) Complaints are received from time to time by the Ministry from Indian emigrants who have been sent for overseas employment by illegal agents, on tourist visas.

On receipt of details of such illegal agents involved in unauthorized recruitment for overseas employment, the same are forwarded to the concerned State/Union Territory Government and Police authorities urging them to apprehend illegal agents and prosecute them on the basis of complaints. This is necessary as 'Law & Order' is a State subject. On receiving requests from these Governments/Police authorities, the necessary Prosecution Sanctions are issued expeditiously by the Ministry enabling them to proceed for prosecuting the accused illegal agents.

As per the available records, number of cases forwarded to the State Governments against illegal agents, and number of Prosecution Sanctions issued during 2017-18 (upto 30th June, 2018) are as under:

Year	Total number of cases referred to State/ UT Governments for initiating investigation	Names of State/UT Governments where action has been initiated for investigation	Number of cases in which request received for issue of Prosecution Sanction	Number of prosecution Sanction issued
2017	446	Delhi	1	1

		Goa	1	1
		Kerala	5	5
		Punjab	3	3
		Rajasthan	5	5
		Tamil Nadu	5	5
		Telangana	10	10
		Total	30	30
2018	231 (upto 30 June)	Delhi	1	1
		Goa	1	1
		Telangana	1	1
		Total	3	3

In May 2016, Government had issued Standard Operating Procedure to be followed by States on receipt of complaints. Visual and print media campaigns are also launched from time to time for promoting legal and safe migration and encouraging emigrants to use the services of registered Recruiting Agents to avoid being trapped by Illegal/fake agents.

(d) As soon as the information about detention/arrest of an Indian national is received by an Indian Mission/Post, it gets in touch with the local Foreign Office and other concerned local authorities to get consular access to the detained/arrested Indian national to confirm his Indian nationality and ensure his welfare. In some countries where pro bono lawyers are available, the Mission arranges legal assistance to the Indian prisoners. Government of India also provides initial legal assistance to distressed Indian nationals in deserving cases.

In those cases where Indian nationals complete their sentences and are waiting for completion of deportation formalities, Indian Missions/Posts in those countries take up with the respective foreign governments for speeding up the process including issue of final Exit Visas, waiver of penalties imposed on Indian workers, etc. from the concerned authorities and for the early return of the Indian nationals to India. Where required, the Indian Missions and Posts abroad also provide airfare for facilitating the return of the Indian prisoners who have completed their sentence.
