

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
STARRED QUESTION NO. *332**

TO BE ANSWERED ON THE 17TH MARCH, 2020/PHALGUNA 27, 1941 (SAKA)

ILLEGAL INFILTRATORS

**†*332. SHRI ANURAG SHARMA:
SHRI RAJVEER DILER:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether reports regarding the presence of foreign illegal infiltrators at various religious places and their activities continue to be published in the print media;

(b) if so, whether the Government proposes to issue advisory to the State Governments to prevent such infiltrators from residing at those religious places by constructing jhuggis and to check their activities;

(c) whether the Government proposes to advise the State Governments to take action against those in possession of fake documents;

(d) whether action against the persons or employees who helped them in fabricating the said fake documents is also proposed to be advised; and

(e) if so, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI NITYANAND RAI)**

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN THE REPLY TO PARTS (a) TO (e) OF THE LOK SABHA STARRED QUESTION NO. 332 FOR 17TH MARCH , 2020 REGARDING ILLEGAL INFILTRATORS.

(a) to (e): There are reports regarding presence of illegal immigrants who have entered into the country without valid travel documents in clandestine and surreptitious manner. Some of them are also illegally staying in India after expiry of their authorised stay. Possibility of their staying in religious places may not be completely ruled out. Instances of violation of law and involvement in illegal activities by some illegal immigrants have also been reported.

All State Governments/UT Administrations have been advised to sensitize the law enforcement and intelligence agencies for taking appropriate prompt steps for identification of illegal migrants, their restriction to specified locations as per provisions of law, capturing their biographic and biometric particulars, and cancellation of fake Indian documents. They have been further advised to start legal proceedings including initiation of deportation proceedings as per provisions of law and to share with UIDAI the particulars of those illegal migrants who have wrongfully obtained Aadhar Cards for appropriate legal action.

Detection and deportation of illegal migrants after due process of nationality verification is a continuous process. Central Government has been vested with powers under Section 3(2)(e) and 3(2)(c) of the Foreigners Act,

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1946 to detain and deport foreign nationals staying illegally in the country. Under Section 5 of The Passport (Entry into India) Act, 1920, Central Government may also by an order direct removal of any person from India who enters India without a valid passport. These powers of the Central Government stand entrusted to all the State Governments since 1958 under Article 258(1) of the Constitution of India. Further, under Article 239(1) of the Constitution of India, the Administrators of all the Union Territories have also been directed to discharge the functions of the Central Government relating to the aforesaid powers since 1958. Consolidated instructions regarding deportation /repatriation of foreign nationals have been issued to all States & UTs on 24.04.2014 and 01.07.2019.

Action against erring officials who help illegal immigrants in issuance of fabricated/false documents comes within the jurisdiction of the State Governments/Union Territory Administrations.
