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No.25022/28/2020-F.I (Part. III)
Government of India
Ministry of Home Affairs
(Foreigners Division)

Major Dhyan Chand National Stadium,
India Gate Circle, New Delhi - 110002,

Dated May 02, 2025

25022-03D
8/5/25

2524-03D
14/5/25
To

1. The Chief Secretaries of All States/UT Administrations
2. DGPs/ IGPs of all States/ UTs
3. DG, BSF
4. DG, Assam Rifles
5. DG, Coast Guards

Sub: Procedure for deportation of illegal Bangladeshi nationals / Rohingyas -
regarding

I am directed to refer to this Ministry's letters No. 14011/55/09-F.VI (Vol.II) dated 23 November 2009, 22 February 2011 and 1 February 2013 regarding the procedure for deportation of Bangladeshi nationals, and this Ministry's letter No. 25022/28/2020-F.I dated 30 March 2021 regarding issues of overstay and illegal migration of foreign nationals. In this context, the issue of deportation of Bangladeshis and Rohingyas has been further reviewed by the Government and it has been decided to issue revised instructions regarding deportation of illegally staying Bangladeshis / Rohingyas (Myanmar nationals) as detailed in the following paragraphs for strict compliance by all concerned.

2. India, as a matter of policy, does not support any kind of illegal migration or overstay either into its own territory or illegal migration of its citizens to foreign territories. To facilitate orderly migration and timely exit, India has a robust visa & immigration regime in place to enable lawful inward movement of persons including professionals and skilled work force, business persons, students and foreign tourists. However, illegal migration has security and socio-economic ramifications which are often well beyond law enforcement. These guidelines have been put in place to deal with this situation.

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Legal framework

3. The expression 'illegal migrant' has been defined in clause (b) of sub-section (1) of section 2 of the Citizenship Act, 1955 to mean a foreigner who has entered into India—

- (i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or
- (ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time.

4. The Central Government has laid down the aforementioned legal framework wherein all State Governments and Union Territory Administrations are fully empowered to take action regarding detection, imposing restrictions on the movement of illegally staying foreign nationals and their deportation/ removal/ expulsion as per the provisions in the Passport (Entry into India) Act, 1920, the Foreigners Act, 1946 and the Foreigners Order, 1948. Since the Central Government does not maintain a separate federal police force exclusively dedicated to the task of detection, imposing restrictions on movement and deportation of illegally staying foreigners, action in this regard has been entrusted to the State/ UT police. Therefore, State Governments/ UT Administrations are primarily responsible for identifying the illegally and overstaying foreign nationals, their restriction in identified places and their deportation.

5. Functions of the Central Government in making orders of the nature specified in sections 3(2) (e) and 3(2)(c) of the Foreigners Act, 1946 for detention and deportation of foreign nationals, section 5 of the Passport (Entry into India) Act, 1920 and under the Foreigners Order, 1948 have been entrusted under article 258(1) of the Constitution of India to the State Governments vide Notification S.O. No.590 [F.No.4/3/56-(I)F.I.] dated 19th April, 1958. Further, UT Administrations have been directed under article 239 of the Constitution of India to execute these powers of the Central Government vide Notification S.O.no. 591[F.No.4/3/56-(I)F.I.] dated 19th April, 1958. Similarly, the Joint Director, Bureau of Immigration has also been authorized to

exercise these powers and functions vide Notification G.S.R. 605(E) [F. No. 25022/96/99-F.I.] dated 13th July, 2000.

6. The Foreigners Regional Registration Officers (FRROs) and Foreigners Registration Officers (FROs) [who are generally the District SPs or DCPs] are the Civil Authorities under the Foreigners Order, 1948 and they also are Registering Authorities under the Registration of Foreigners Rules, 1992. As a Civil Authority District SPs or DCPs who are designated as FROs are responsible for implementing various provisions of the Foreigners Act, 1946 and the Foreigners Order, 1948. Where an FRO is not available, the FRRO concerned may undertake these functions. Thus, adequate powers are vested with the State Governments/UT Administrations/FRROs/District SPs or DCPs who are designated as FROs for taking appropriate action against foreign nationals who are found violating the visa conditions.

Guidelines for deportation of illegal Bangladesh nationals and Rohingyas

7. The guidelines given in following paras shall be used for deportation / sending back of illegal Bangladeshi nationals and Rohingyas:

Illegally entering Bangladeshis / Rohingyas (Myanmar nationals) intercepted at the border (land or maritime)

7.1 Bangladeshis / Rohingyas (Myanmar nationals) who are intercepted at the India's border, land border or maritime border, while crossing into India unauthorizedly shall immediately be sent back by the designated Border Guarding Forces / Coast Guards, then and there, after capturing their biometrics (fingerprints and facial photographs) and demographic details on the Foreigners Identification Portal (FIP) <https://identification.mha.gov.in> of the MHA. Where connectivity is not available, these shall be captured offline and then shall then be uploaded on the FIP as soon as possible from a place where connectivity is available. For capturing biometrics, scanners will be provided by the MHA.

7.2 The designated Border Guarding Force / Coast Guard shall keep a record of all such Bangladeshis / Rohingyas (Myanmar nationals) sent back and a monthly report containing the details in this regard shall be furnished by them mandatorily to the

Ministry of Home Affairs (Foreigners Division) by 15th day of the following month through the Bureau of Immigration.

Inadvertent border crossers

8.1 In case of inadvertent border crossers who are apprehended near the land border within the country, the designated Border Guarding Force shall take them into custody and interrogate them. In case of such crossers of the maritime border, the Coast Guards shall take necessary action. After interrogation, if found innocent, they may be handed over to the Border guarding force of Bangladesh or Myanmar, as the case may be. However, before handing over the person, the designated Border Guarding Force shall mandatorily capture the biometrics and demographic details and upload the same on the FIP portal. Records of such Bangladeshis / Rohingyas (Myanmar nationals) handed over to the border guarding force of Bangladesh or Myanmar should be maintained by the designated Border Guarding Forces. A monthly report in this regard containing the details of such Bangladeshis / Rohingyas (Myanmar nationals) handed over to the border guarding force of Bangladesh or Myanmar shall be furnished by them mandatorily to the Bureau of Immigration and the Ministry of Home Affairs (Foreigners Division) by 15th day of the following month.

8.2 In case the person is not found innocent after interrogation, he/ she shall be handed over by the designated Border Guarding Force/ Coast Guards to the State/ UT Police concerned for further appropriate action.

Illegally staying Bangladeshis / Rohingyas (Myanmar nationals) apprehended in the country

9. The following protocols shall be followed in dealing with cases of illegally staying Bangladeshis / Rohingyas (Myanmar nationals) apprehended in the country.

- ✓(i) All State Governments/UT Administrations shall set up a Special Task Force in each District under the police of the State/UT to detect, identify and deport / send-back illegal immigrants from Bangladesh / Myanmar settled in the State/UT concerned.

- ✓ (ii) All State Governments/UT Administrations shall set up adequate Holding Centers in each District under the Police of the State/UT to detain illegal immigrants from Bangladesh / Myanmar.
- ✓ (iii) In respect of Bangladesh / Myanmar nationals identified to be staying unauthorizedly in any particular State/UT, an inquiry shall be conducted by the State Government/UT concerned.
- ✓ (iv) If the suspected Bangladesh / Myanmar national claims Indian citizenship and residence of a place in any other Indian State/UT, the concerned State Government/UT would send to the Home Secretary of the State/UT and District Collector/District Magistrate of the District from where the suspected person claims to hail, the details including name, parentage, residential address, details of near relatives etc. The State Government/ UT/Collector/District Magistrate concerned in turn will ensure that appropriate report is sent to the deporting State Government/UT after proper verification within a period of 30 days. All the States/UTs shall issue appropriate instructions to the District Collectors/District Magistrates for ensuring verification of claim of such suspected persons well in time. During the period of 30 days, the suspected person shall be kept in the Holding Center to ensure physical availability at the time of deportation/ send-back. If no report is received within the period of 30 days, the Foreigners Registration Officer may take necessary, action to deport/ send-back the suspected Bangladesh / Myanmar national.
- ✓ (v) If a person is identified as an illegal Bangladesh national / Rohingya after the enquiry, the State/ UT shall immediately capture their biometrics (fingerprints and facial photographs) and demographic details on the Foreigners Identification Portal (FIP) <https://identification.mha.gov.in> of the MHA. Where connectivity is not available, these shall be captured offline and then shall then be uploaded on the Foreigners Identification Portal (FIP) <https://identification.mha.gov.in> of the MHA as soon as possible. For this purpose, the State/ UT shall use the biometric equipment available at the Districts under the District Police Module for capturing the biometric data on FIP. In case biometric equipment is available at

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the Police Station in the State/UT, the same may be used to upload data on the FIP. The use of NAFIS to capture biometrics will stand to be discontinued.

- (vi) After completion of the enquiry and capturing of biometric and demographic details as above, the illegal immigrants from Bangladesh / Myanmar detected in States/UTs other than the border States with Bangladesh/ Myanmar shall be taken by the concerned State/UT Police under proper escort, in groups as far as possible, and handed over to the designated Border Guarding Forces / Coast Guards at the places designated by the Central Government. The State/UT Police who is escorting the illegal immigrants from Bangladesh / Myanmar should carry the appropriate order issued by the competent authority of the State Government/UT Administration under section 3(2)(c) of the Foreigners Act, 1946 after proper enquiry. Thereafter, the designated Border Guarding Forces / Coast Guards shall facilitate their exit from India to Bangladesh or Myanmar as the case may be. Such illegal immigrants from Bangladesh / Myanmar shall also be Blacklisted.
- (vii) Those State Governments having borders contiguous with Bangladesh or Myanmar shall also hand over the illegal Bangladeshi or Rohingya migrants to the officer of designated Border Guarding Forces / Coast Guards at the designated place after completion of the enquiry and capturing of biometric and demographic details as above. Such illegal immigrants from Bangladesh / Myanmar shall also be Blacklisted.
- (viii) In emergent situations, after enquiry is complete, the designated Border Guarding Force/ Coast Guards can also pick up the illegal Bangladesh nationals/ Rohingyas from the Holding Centers in the State/ UT and take them directly to India's border for deportation/ send-back.
- (ix) Advance information about the movement of deportees under police escort would be given by the State/UT from which deportees are being sent to such State/UT through which the movement is done. Advance information about the movement of deportee would also be sent to the Home Secretary and Director General of Police of the border State through which deportation/ send-back is to be effected. The Nodal officer in designated Border Guarding Forces / Coast

Guards shall also be informed of the same by the State Government/UT Administration, from which deportees are being sent, in advance.

- (x) Designated Border Guarding Forces / Coast Guards shall furnish to the State/UT police authorities proper acknowledgment of the illegal Bangladeshi or Rohingya migrants handed over to them for deportation/ send-back by the State/UT Police authorities. The designated Border Guarding Forces / Coast Guards shall also furnish a report to the State Government/UT Administration concerned after the deportation of the illegal Bangladeshi or Rohingya migrant,
- (xi) The details, i.e. the name, designation, telephone numbers and e-mail address, of the nodal person in the designated Border Guarding Forces / Coast Guards to whom the illegal immigrants are to be handed over for deportation/ send-back shall be informed to all the State Governments/UTs.
- (xii) All State Governments/UT Administrations should maintain a record of illegal Bangladesh national or Rohingya handed over to designated Border Guarding Forces / Coast Guards for deportation and send a report in this regard to the Ministry of Home Affairs by the 15th day of every month through the FRRO. This report is mandatory.
- (xiii) The Bureau of Immigration shall publish a list of illegal Bangladesh nationals/ Rohingyas who have been deported / sent-back on a public portal so that the same can be used for verification. This data shall also be shared with the UIDAI, Election Commission of India, Ministry of External Affairs (Passports Division), and any other Government agencies who grant Government Identity cards/ offer social benefits under Government schemes to enable deactivation / suspension of Identity cards / social benefits connected with the illegal Bangladesh national/ Rohingya.

Designated Border Guarding Forces

10. For the purposes of these Guidelines, the designated Border Guarding Forces are as below:

- (a) Bangladesh border - BSF
- (b) Myanmar border - Assam Rifles

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Reimbursement of expenditure to State/ UTs

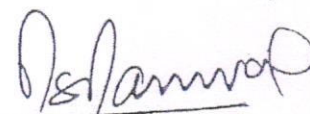
11. The State Government/UT Administration concerned would initially incur expenditure for transportation of the Bangladesh nationals/ Rohingyas till the designated points before being handed over to designated Border Guarding Forces / Coast Guards and subsequently get this amount reimbursed alongwith the amounts incurred by them for performing the agency functions on behalf of the Central Government. However, the entire expenditure involved in the setting up and running of detention centers shall be borne by the State Government/UT Administration concerned.

12. All State Governments/UT Administrations and the designated Border Guarding Forces / Coast Guards are requested to strictly follow the above instructions and take pro-active action according to the abovementioned revised instructions for deportation of illegal Bangladesh nationals/ Rohingyas staying unauthorizedly in the country. It is also requested that the State Governments/UT Administrations concerned should take measures to avoid unnecessary publicity on the issue of deportation of illegal Bangladesh nationals / Rohingyas.

13. Where an illegal Bangladesh national / Rohingya is arrested, his/ her complete details may be furnished by the State Governments/ UT Administrations to the Ministry of External Affairs (BM Division) so that the same can be taken up by the Ministry of External Affairs with the Bangladesh High Commission / Myanmar High Embassy, which would enable them to process the case for nationality verification immediately.

14. This issues with the approval of the competent authority.

Yours faithfully



(Pratap Singh Rawat)

Under Secretary to the Government of India

☎: 23077506

Copy to:

1. The Commissioner, Bureau of Immigration, New Delhi.