

IN THE HON'BLE HIGH COURT OF DELHI
WRIT PETITION (CRL) N O. 3221 to 3225 OF 2025

IN THE MATTER OF:

RITA MANCHANA

...PETITIONER

VERSUS

UNION OF INDIA

...RESPONDENTS

STATUS REPORT ON BEHALF OF RESPONDENT NO. 3
FOREIGNERS REGIONAL REGISTRATION OFFICE

MOST RESPECTFULLY SHOWETH:

1. That the Foreigners Regional Registration Office, Delhi is a Civil Authority for the Union Territory of Delhi and this office is headed by a Foreigners Regional Registration Officer (FRRO). Further, FRRO, Delhi discharges its functions as part of the Bureau of Immigration vide powers conferred under the Immigration and Foreigners Act 2025, The Immigration and Foreigners Order, 2025 and The Immigration and Foreigners Rules, 2025 which have superseded the erstwhile The Foreigners Act, 1946, The Foreigners Order 1948, The Registration of Foreigners Rules, 1992 and the Passport (Entry into India) Act, 1920.
2. That the brief facts of the instant case are that on the intervening night of 06.05.2025 - 07.05.2025, 40 illegal migrants of Myanmar (Rohingya Community) were produced by the different districts of Delhi Police with the request to repatriate them to their origin country Myanmar as they were illegal migrants in India. Accordingly, their movements were restricted at Sewa Sadan, Shahzada Bagh,

Sarai Rohilla, Delhi u/s 3(2)(e) Foreigners Act, 1946 read with 11(2) of the Foreigners Order, 1948 (Now u/s 7 sub section (2) clause (f) sub clause (ii) & (iii) of the Immigration and Foreigners Act 2025 read with Paragraph 8 of the Immigration and Foreigners Order, 2025) for repatriation/deportation purposes until travel arrangements for their repatriation/deportation are made. All these illegal migrants were provided with a copy of the restriction order under due acknowledgement.

3. That on the perusal of petition, it was found that the 05 Myanmar nationals mentioned therein, were produced by South-East District and are listed as below:-

S. N.	Name	G	Age	Address
1	Mohd. Sharif	M	50	Vill – Buthidaung, Distt – Satway, Myanmar
2	Laila Begum	F	43	
3	Kairul Ameen	M	26	
4	Saydul Kareem	M	22	
5	Sahida	F	19	Vill – Rammabill, Township Mando, District – Satway, Myanmar

4. That during the enquiry, all the above foreign nationals informed that they had entered India through porous border of Myanmar/Bangladesh and they were Myanmar nationals belonging to the Rohingya community which is also the admitted position in the Petition. Further, they also informed that their relatives were residing in Bangladesh and Myanmar. As per record of FRRO, their

arrival in India was not traceable. It is submitted that this clearly shows that they had entered in India illegally and are illegal migrants as per the Citizenship Act, 1955.

5. That the Ministry of Home Affairs vide Office Memorandum bearing No. 25022/28/2025-F.I (Part. III) Dated 02.05.2025 had issued procedure regarding deportation of illegal Bangladeshi nationals/Rohingyas. In the said Office Memorandum, it is mentioned that the powers for deportation/repatriation of a foreigner are vested in the Central Govt. as per Section 3(2)(c) of the Foreigners Act, 1946 (**Now u/s 7 sub section (2) clause (C) of the Immigration and Foreigners Act 2025**). Orders made under section 3(2)(c) [Now 7(2)(c)] may provide that the foreigner shall not remain in India or in any prescribed area therein. Further, in terms of section 3 (2)(e) of the Foreigners Act, 1946 read with para 11(2) of the Foreigners Order, 1948 (**Now u/s 7 sub section (2) clause (f) sub clause (ii) & (iii) of the Immigration and Foreigners Act 2025 read with Paragraph 8 of the Immigration and Foreigners Order, 2025**), Central Govt. has the powers to issue orders requiring the foreigner to reside in a particular place and imposing restrictions on his/her movements.
6. That in compliance of above notifications issued by Ministry of Home Affairs and enquiry report of the concerned District DCsP of Delhi Police, on 07.05.2025, Leave India Notices u/s 3(2)(c) Foreigners Act, 1946 (**Now u/s 7 sub section (2) clause (C) of the**

Immigration and Foreigners Act 2025) were issued against the 40 illegal migrants of Myanmar nationals including above mentioned 05 inmates (Rohingya Community) for their repatriation. All the above illegal migrants were informed of the content of the notice under proper acknowledgement. Copy of Repatriation order dated 07.05.2025 is attached at **Annexure R3-1**.

7. That, on 07.05.2025, above mentioned 40 illegal migrants alongwith Leave India Notice were handed over to the officials of Delhi Police who escorted the illegal immigrants from Restriction Centre, Sewa Sadan, Shahzada Bagh, Sarai Rohilla, Delhi to the designated destination for their repatriation as per procedure.
8. That it is further submitted that India is not a signatory to the United Nations Convention on Refugees of 1951 and the UN Refugee Convention Protocol of 1967 and therefore it does not recognize refugee status granted by United Nations High Commissioner for Refugees (UNHCR). Further, the obligation concerning the prohibition of return/non-refoulement which is a codified provision under the provisions of 1951 Convention is binding only in respect of the States which are parties to the Convention. Since India is not a party to the said Convention, or of the said Protocol, the obligations constrained therein, are not applicable to India
9. That in view of the above, conferment of "Refugee status" by UNHCR to a foreign national who is not having valid

travel documents, is of no consequence in India meaning thereby the UNHCR refugee card does not become an alternative to a valid Indian visa and the foreign national would still be treated as an "illegal migrant". The said illegal migrant is liable to be deported to his/her native country.

10. That all issues related to entry, stay and exit of foreign nationals are dealt under the provisions of The Immigration and Foreigners Act 2025 and The Citizenship Act, 1955.

11. That 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.

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

(i) *Without a valid passport or other travel documents and such other documents 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 documents and such other documents or authority as may be prescribed by*

or under any law in that behalf, but remains therein beyond the permitted period of time.

13. That the Division Bench of this Hon'ble Court in LPA No. 219/2019 titled as *UOI vs Savitha Kumar* has held that it is the sovereign power of the government to ban, refuse or obstruct the foreigner from entering India in the interest of national security, peace and harmony.

14. That further, the Hon'ble Supreme Court in *Md. Samimullah and Anr. vs. UOI and Ors.* (Writ Petition (Civil) 793 of 2017) has already directed that the Rohingyas may be deported after following due procedure prescribed for such deportation. In the instant matter as well, this office has followed the procedure laid out for deportation of illegal migrants of Bangladesh/Rohingya (Myanmar Nationals).

15. That Writ Petition No. 793/2017 was filed praying for, *inter-alia*, not to deport illegal rohingya migrants from India. It is submitted that the matter is pending before the Hon'ble Supreme Court. It is submitted that an Interlocutory Application bearing IA No. 38048/2021 was filed in the WP(C) No. 793/2017 with the prayer to release the detained illegal Rohingya migrants and not to deport such Rohingyas detained in sub-jail in Jammu. The matter was heard by the Hon'ble Supreme Court on 26.03.2021. The Hon'ble Supreme Court, vide its order dated 08.04.2021 had, *inter-alia*, observed as under:-

“.....Regarding the contention raised on behalf of the petitioners about the present state of affairs in Myanmar, we have to state that we cannot comment upon something happening in another country.....
.....Therefore, it is not possible to grant the interim relief prayed for. However, it is made clear that the Rohingyas in Jammu, on whose behalf the present application is filed, shall not be deported unless the procedure prescribed for such deportation is followed. Interlocutory Application is disposed accordingly.”

16. That moreover, a Writ Petition Criminal bearing WP (CRL.). No. 204 of 2025, titled as *Mohd. Ismail & Anr v. Union of India & Others* has been preferred before the Hon'ble Supreme Court regarding similar cause of action whereby the repatriation of 40 Rohingya, including 05 inmates mentioned in the instant petition, has been challenged. It is submitted that the petition was admitted by the Hon'ble Supreme Court and listed along with WP(C) No. 793/2017 and related batch matters on 31-07-2025. The next date of hearing is 15-10-2025.

17. That in view of the above-mentioned facts and circumstances, it is respectfully submitted that the action taken by FRRO is *bona-fide* and as per procedure. It is submitted that the Petitioner is not entitled to any relief. Additionally, the Hon'ble Supreme Court has also not put any stay on repatriation/deportation of illegal Rohingya migrants. Therefore, the foreign national concerned can be

deported to their origin country as per the procedure issued
by Ministry of Home Affairs.

For FOREIGNERS REGIONAL REGISTRATION OFFICER,
DELHI

ACP/HQ

12/10/15
BALLAGAN
AF/HQ

ORDER

4
6/10

In exercise of the powers conferred by sub-Section (2) (c) of Section 3 of the Foreigners Act, 1946 (XXXI of 1946), I, **Deepak Yadav**, Foreigners Regional Registration Officer/Civil Authority, Union Territory of Delhi in pursuance of MHA's/Govt. of India's Notification No. 381 issued from File No.25022/96/99F-1 dated 13.07.2000 r/w Joint Director/Immigration, New Delhi order No.1/Imm./99 (32)-3388/IB/MHA dated 18.07.2000 order and MHA's/Govt. of India's Notification No. 2983 issued from MHA Ref. No. 25022/92/2015 F.I dated 25.06.2018, MHA Circular No. 513 (ref. No. 25022/46/2018-F.I) dated 10.08.2018, MHA Ref. NO. 25022/64/2018-F.I dated 10.08.2018, MHA Ref. No. 25022/92/2015-F.I dated 27.08.2018, MHA Ref. No. 25022/64/2018-F.I dated 30.08.2018 r/w Joint Director/Immigration, New Delhi order No. 02/IT/2019(01)-III-790 dated 29.07.2019 order that the following foreigner(s): -

1. KAFIYET ULLAH S/O ABDUL HUSSAIN
2. HASSAN JOHAR S/O ABU TAYAAB
3. MOHAMMAD REDAUN S/O NEZAMUDDIN
4. HAMID ULLAH S/O ALI MANSOOR
5. MOHAMMAD ANOWAR S/O MOHD ULLAH
6. AHMED RASHID S/O NABI HUSSAIN
7. NOOR BAHAR W/O AHMED RASHID
8. SALIMULLAH S/O AHMED RASHID
9. KARIM ULLAH S/O AHMED RASHID
10. MOHAMMAD IBRAHIM S/O HAIBADUL
11. MOHAMMAD ALI S/O SAYED KARIM
12. MOHAMMAD RAFIQ S/O RAHAMATULLAH
13. ABDUL JALIL S/O LAL MIA
14. MD SAJJAD S/O ZAWKARIYA MOHAMMAD



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15. HALIMA KHATUN

16. JAMAL HUSSAIN S/O SEBAL HUSSAIN

17. NAJUMA W/O JAMAL HUSSAIN

18. NOOR JAHAN D/O MUSA ALI

19. MOHAMMAD KOFIL S/O IBRAHIM

20. IMAM HUSSAIN S/O ABDUL HASHIM

21. SUFAIRA BEGUM W/O IMAN HUSSAIN

22. NAZIR AHMED S/O ABDUL KASIM

23. HAZARA KHATOON W/O NAZIR AHMED

24. SAYED NOOR S/O ABU BAKKAR SIDDIQUE

25. LAL MOTI W/O SAYED NOOR

26. ANWAR S/O SHONA MIA

27. GUL BAHAR W/O ANWAR

28. MOHAMMAD SHARIF S/O KABIR SAYED

29. LAILA BEGUM D/O AHMED ZAKIR

30. KAIRUL AMEEN S/O MOHAMMAD SHARIF

31. SAYEDUL KAREEM S/O MOHAMMAD SHARIF

32. SAHIDA D/O MOHAMMED ISLAM

33. ANUWARA BEGUM D/O ULLAH OLI

34. ASMA AKHTAR D/O ILIYAS MOHAMMED

35. HUSNA BEGUM D/O SHAKOOR ABDUL



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36. ABDL HUSSAIN S/O MIA LAL 50325

37. HIDAYATULLAH S/O ABUKALAM 1-11-8

38. FOYEZ ULLAH S/O ABDUL RAHMAN

39. AZIMULLAH S/O SHARIF MOHAMMAD

40. RASHID ULLAH S/O SAYED AKBAR

All Myanmar nationals,

- (i) Shall not remain in India and
- (ii) Shall depart from India as soon as possible.



(DEEPAK YADAV)
FOREIGNERS' REGIONAL REGN. OFFICER/
CIVIL AUTHORITY : DELHI.

Foreigners Regional Registration Officer
DELHI