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Immigration and Foreigners Act, 2025 Reshapes India's Immigration Framework with Stronger Foreigners Tribunals and Border Management:

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Recent Developments:

- The **Ministry of Home Affairs** notified the **Immigration and Foreigners Rules, 2025**, the **Immigration and Foreigners Order, 2025**, and the **Immigration and Foreigners (Exemption) Order, 2025**, which came into force from **1 September 2025** along with the parent Act.
- The **Immigration and Foreigners Act, 2025** consolidates India's framework governing passports and travel documents, visas, registration, entry, stay, movement and exit of foreigners. It replaced four major earlier laws: the **Passport (Entry into India) Act, 1920**, **Registration of Foreigners Act, 1939**, **Foreigners Act, 1946**, and **Immigration (Carriers' Liability) Act, 2000**.
- The new framework also supersedes the **Foreigners Order, 1948**, **Foreigners (Protected Areas) Order, 1958**, **Foreigners (Restricted Areas) Order, 1963**, and **Foreigners (Tribunals) Order, 1964**, thereby bringing previously separate executive and regulatory arrangements under a consolidated framework.

Rationale and Significance of the New Framework:

Need for Consolidation:

- The earlier immigration regime developed through multiple laws enacted across different periods, creating **overlapping provisions** concerning passports, travel documents, registration, carriers, visas and foreigners.
- The 2025 framework seeks to create a **single legislative architecture** capable of addressing contemporary requirements relating to national security, border management, digital records, immigration fraud and the movement of foreign nationals.
- The Act defines a **foreigner** as a person who is not a citizen of India and covers entry, transit, stay, movement within India and exit from the country.

Institutional Reorganisation:

- The new framework gives clearer statutory responsibilities to the **Bureaof Immigration**, immigration officers, civil authorities, registration authorities, State Governments, Union Territory Administrations and designated border forces.
- The **Foreigners Division of the Ministry of Home Affairs** continues to deal with foreign nationals, visa and immigration matters, citizenship, illegal migration and deportation.

Key Provisions of the Immigration and Foreigners Rules, 2025:

Bureaof Immigration and Immigration Officers:

- The Rules formally specify additional functions of **Immigration Officers**, including examination of immigration fraud, coordination with law-enforcement agencies, maintenance of immigration-related

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databases and assistance to persons navigating immigration procedures.

- The **Bureau of Immigration**, functioning under the supervision of the Intelligence Bureau, is assigned responsibilities relating to registration and visa services, implementation of the Act and coordination with States and Union Territories regarding identification, movement restrictions and deportation of foreigners.

Biometric Identification:

- The Rules establish a wider framework for collection of **biometric information**, including photographs, fingerprints and iris scans or other specified biological attributes.
- A foreigner applying for a visa is required to permit biometric information to be captured before issuance of the visa, subject to the provisions of the Rules.
- Biometric information collected under the framework can remain valid for **10 years**, strengthening identity verification and immigration database management.

Foreign Students and Accommodation Reporting:

- Educational institutions are required to maintain and report prescribed information concerning foreign students, strengthening institutional monitoring of foreign nationals studying in India.
- Hotels, hostels, homestays, hospitals and other specified accommodation providers must record prescribed information concerning foreigners and electronically transmit arrival and departure details to the Registration Officer within the prescribed period.

Regulation of Premises:

- Civil authorities can direct the closure of **clubs, resorts, entertainment venues or other premises** frequented by undesirable foreigners or used for accommodating illegal migrants when statutory conditions are satisfied.
- This provision links immigration enforcement with local administrative oversight and seeks to prevent premises from becoming bases for unlawful activities or illegal migration.

Immigration and Foreigners Order, 2025:

Foreigners Tribunals:

- The **Foreigners Tribunals (FTs)**, historically associated with Assam, have been incorporated into the new national immigration framework through the Immigration and Foreigners Order, 2025.
- A Foreigners Tribunal can consist of a maximum of **3 members** with judicial experience, with one member designated as Chairperson when the Tribunal has two or more members.
- The Tribunal must provide the person concerned a reasonable opportunity to make a representation and produce evidence regarding the allegation that the person is a foreigner.
- The Order provides that where a person fails to establish that they are not a foreigner and cannot arrange bail in the relevant proceedings, the person may be **detained in a holding centre**.

Powers and Procedural Safeguards:

- Foreigners Tribunals possess specified **powers of a civil court** and powers of a **Judicial Magistrate of the First Class** for matters such as summoning persons, examining them on oath, requiring documents, issuing commissions, directing personal appearance and issuing arrest warrants for non-appearance.
- An **ex-parte order** may be set aside where sufficient cause for non-appearance is established and an application is filed within **30 days**.
- A person may also seek review of a Tribunal decision within **30 days** by claiming that they are not a foreigner, subject to the procedure prescribed in the Order.

Wider Application and Assam Context:

- Although the legal framework for Foreigners Tribunals is no longer confined to the earlier Assam-specific Order, their established operational significance remains particularly important in **Assam**, where questions concerning citizenship and illegal migration have historically been closely connected with the **NRC process** and the Assam Accord.
- The new framework therefore has implications for the relationship between **immigration control, citizenship determination, border management and constitutional safeguards**.

Border Management and Prevention of Illegal Migration:

Role of Border Forces:

- The Order authorises designated **border guarding forces and the Coast Guard** to collect available biometric and demographic information of persons attempting illegal entry and take measures for preventing such entry.
- Authorities can also inspect foreigners, vehicles, vessels and premises where there are reasonable grounds to suspect the presence of illegal migrants.
- The Bureau of Immigration acts as a **nodal agency** for coordination among stakeholders concerning identification, movement restrictions, deportation and pending nationality verification.

Grounds for Refusal of Entry:

- The Order expands and clarifies grounds for refusing entry or stay, including involvement in **terrorism, espionage, human trafficking, cybercrime, narcotics trafficking, hawala, crimes against humanity, child exploitation and other serious offences**.
- Entry may also be refused on grounds connected with unlawful organisations, United Nations mandates, previous deportation or directions issued by competent authorities.

Immigration and Foreigners (Exemption) Order, 2025:

Special Exemptions:

- The Exemption Order provides specified exemptions from passport, travel-document and visa requirements, including provisions concerning **citizens of Nepal and Bhutan** entering India through designated routes, subject to prescribed conditions.
- **Registered Sri Lankan Tamil nationals** who took shelter in India up to **9 January 2015** are exempted, to the specified extent, from certain requirements relating to their stay and exit from India.

Exemption for Specified Minorities:

- Members of specified minority communities in **Afghanistan, Bangladesh and Pakistan**, namely **Hindus, Sikhs, Buddhists, Jains, Parsis and Christians**, who entered India on or before **31 December 2024** because of religious persecution or fear of religious persecution are covered by specified exemptions where they entered without valid documents or their documents had expired.
- These exemptions operate within the immigration framework and should be distinguished from the separate legal process governing **citizenship acquisition**, including the Citizenship Act and the Citizenship (Amendment) Act.

Key Challenges and Way Forward:

Balancing Security and Rights:

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- Stronger immigration enforcement can improve **national security, border integrity and administrative coordination**, but implementation must remain consistent with **Article 14**, principles of natural justice and judicial review.
- Foreigners Tribunals should ensure adequate notice, meaningful opportunity to present evidence, reasoned orders and accessible legal remedies to reduce the risk of wrongful determination.

Institutional Capacity and Data Governance:

- Effective implementation requires interoperable immigration databases, trained personnel, reliable biometric infrastructure and coordination among the **Ministry of Home Affairs, Bureau of Immigration, State Governments, Union Territories, border forces and Ministry of External Affairs**.
- Biometric and immigration databases should be governed through appropriate safeguards relating to **data security, purpose limitation, accuracy and accountability**.

Cooperative Border Management:

- Illegal migration is also influenced by porous borders, trafficking networks, document fraud, economic vulnerabilities and regional instability; therefore, enforcement should be complemented by **border infrastructure, diplomatic coordination, intelligence-sharing and action against trafficking networks**.

Value Addition for UPSC:

Mains Enrichment:

- **Core dilemma:** India must balance **sovereign control over entry and stay** with constitutional fairness and humanitarian considerations.
- **Way forward:** strengthen institutional capacity, improve cross-border intelligence cooperation, ensure transparent Tribunal procedures and build secure, interoperable immigration databases.
- **Key takeaway:** The 2025 framework represents a shift from a fragmented, legacy-based immigration regime towards a **consolidated, technology-enabled and security-oriented immigration governance architecture**.