

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:850
ANSWERED ON:02.03.2010
DEPORTATION OF FOREIGNERS
Thomas Shri P. T.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Union Government has taken note of the difficulties being faced by the various State Governments in the deportation of foreigners after their release from prison in the cases of violation of Visa provisions;
- (b) if so, the details thereof;
- (c) the number of such violations reported during each of the last three years and the current year;
- (d) whether the Union Government has received requests from various State Governments including Kerala seeking assistance for the establishment of detention centre for foreigners till their deportation;
- (e) if so, the details thereof;
- (f) whether the Union Government is considering to allow consular assistance to such detainees and reimburse deportation expenses incurred by the State Governments; and
- (g) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) & (b): Central Government is vested with the powers to deport a foreign national under section 3(2)(c) of the Foreigners Act, 1946. Further in terms of section 3(2)(e) of the Foreigners Act, 1946 read with para 11(2) of the Foreigners Order, 1948, the Central Government has the powers to issue orders requiring the foreigner to reside in a particular place and imposing restrictions on his movements. These powers of the Central Government have been delegated to the State Governments and UT Administrations. In all cases where a foreign national is arrested and action is taken under the relevant Acts, the foreign national (except Pakistani nationals) is repatriated immediately on completion of the sentence if there is nothing adverse against him and he has a valid passport. In the absence of a valid passport, repatriation is done only after issuance of valid travel documents by the Embassy/high Commission concerned. However, in respect of Pakistani nationals, the process of release and repatriation is governed by the provisions of the Agreement on consular Access signed by both the countries.

(c): Details of such violations of visa provisions are not centrally maintained.

(d) to (g): State Governments/UT Administrations had been advised to restrict the movement of foreign nationals awaiting repatriation under the powers delegated to them under section 3(2)(e) of the Foreigners Act, 1946 in detention centres/camps to ensure their physical availability at all times for expeditious repatriation as soon as the travel documents are ready. Action with regard to establishment of detention centres is to be taken by the State Government/UT Administration concerned. Further, the expenditure involved in the setting up and running of detention centres is to be borne by the State Government/UT Administration concerned.

In case a foreigner, who is to be deported, has no money or property, arrangements are made through the Ministry of External Affairs/Foreign Mission concerned to deport him. If the foreign Mission concerned does not take up this responsibility, State Government/UT Administration concerned is required to deport the foreigner and the expenses incurred by the State Government/UT Administration concerned on this account is reimbursed by the Central Government.