

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:402
ANSWERED ON:26.02.2013
OVERSTAY OF FOREIGNERS
Pandey Shri Ravindra Kumar

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there are reports that many foreigners, who came on tourist visa, are overstaying for a long time;
- (b) if so, the details thereof; and
- (c) the reaction of the Government thereto?

Answer

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

(a) to (c): The specific data of foreign nationals who came on tourist visa and are overstaying is not maintained. However, as per information available, 71,035 foreign nationals who had entered into India on various types of visas were found to be overstaying as on 31.12.2011. Central Government is vested with powers to deport a foreign national under section 3(2)(c) of the Foreigners Act, 1946. These powers to identify and deport illegally staying foreign nationals have also been delegated to the State Governments/ Union Territory Administrations. Detection and deportation of such illegal immigrants is a continuous process. Government has also issued instructions to the State Governments/ Union Territory Administrations on 5th November, 2012 bringing to their notice the following legal provisions:-

- (i) Police authorities can exercise the power to arrest a foreign national living illegally in India in terms of section 4 of the Passport (Entry into India) Act, 1920.
- (ii) Any foreign national who remains in any area in India for a period exceeding the period for which the visa was issued to him can be proceeded against under section 14 of the Foreigners Act, 1946.
- (iii) A foreigner who enters into or stays in any area in India without the valid documents required for such entry or for such stay, as the case may be, can be proceeded against under section 14A(b) of the Foreigners Act, 1946.

State Governments/ Union Territory Administrations have been requested to take strict action in accordance with the above mentioned provisions against the foreign nationals found to be staying illegally.