



Mains Practice Questions

 drishtiias.com/mains-practice-question/question-996/pnt



Q. How illegal migration in India is one of the major internal security challenges. Also discuss the existing legal framework to deal with the issue. (150 Words).

08 Sep, 2021 GS Paper 3 Internal Security

Approach

- Start with explaining about the menace of illegal migrants in India.
- Discuss how illegal migration is an internal security challenge.
- Discuss the existing legal framework to deal with the issues of illegal migration.
- Suggest a way forward.

Introduction

An illegal immigrant in India is a foreigner who has entered India either without valid documents or who initially had a valid document, but has overstayed beyond the permitted time, as per the general provisions of the Citizenship Act as amended in 2003.

Such persons are not eligible for citizenship by registration or naturalisation. They are also liable to be imprisoned for 2–8 years and fined.

Body

Illegal migration as an internal security challenge

- **Threat to National Security:** The continuance of the illegal immigration of Rohingyas into India and their continued stay in India is found to be having serious national security ramifications and poses serious security threats.
- **Clash of Interests:** It impacts the interests of local populations in the areas seeing large-scale influxes of illegal immigrants.
- **Political Instability:** It also increases the political instability when leaders start mobilising the perception of the citizens of the country against the migrants by the elites to grab political power.
- **Rise of Militancy:** The persistent attacks against the Muslims perceived as illegal migrants has given way to radicalisation.
- **Human trafficking:** In the recent decades, trafficking of women and human smuggling have become quite rampant across the borders.
- **Disturbance in Law and Order:** The rule of law and integrity of the country are undermined by the illegal migrants who are engaged in illegal and anti-national activities.

Existing Legal Framework

- **Foreigners Act, 1946:** The act empowered the government to take such steps as are necessary to prevent illegal migrants including the use of force.
 - The concept of '**burden of proof**' lies with the person, and not with the authorities given by this act is still applicable in all States and Union Territories.
 - The act empowered the government to establish tribunals which would have powers similar to those of a civil court.
 - Recent amendments (2019) to the Foreigners (Tribunals) Order, 1964 empowered even district magistrates in all States and Union Territories to set up tribunals to decide whether a person staying illegally in India is a foreigner or not.
- **The Registration of Foreigners Act, 1939:** Registration under Foreigners Regional Registration Officer is a mandatory requirement under which all foreign nationals (excluding overseas citizens of India) visiting India on a long term visa (more than 180 days) are required to register themselves with a Registration Officer within 14 days of arriving in India..
- **The Citizenship Act, 1955:** It provides for the acquisition and determination of Indian citizenship.

Citizenship amendment act 2019 amends the 1955 Act to provide that the Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who entered India on or before December 31, 2014, will not be treated as illegal migrants.

Conclusion

In spite of not being a party to the 1951 Refugee Convention and its 1967 Protocol, India has been one of the largest recipients of refugees in the world.

However, if India had domestic legislation regarding refugees, it could have deterred any oppressive government in the neighborhood to persecute their population and make them flee to India.