

SURAJ GOVINDARAJ

04/06/2025

1. Learned Deputy Solicitor General of India (DSGI) submits that, with respect to the petitioners herein, some of them have been duly interviewed by the Foreigners Regional Registration Office (FRRO), and their individual applications are under process in accordance with the applicable legal framework, including the provisions of the Foreigners Act, 1946 and allied rules. Learned counsel appearing for the petitioners submits that two of the petitioners have completed their interviews, while the remaining petitioners are yet to be interviewed by the appropriate authorities. The above submissions of both learned counsel are taken on record, and it is directed that the process of interviewing the remaining petitioners be completed expeditiously, preferably within a period of two weeks from the date of this order.

2. As noted in the detailed order dated 05.03.2025, the phenomenon of overstaying by foreign nationals—i.e., remaining in India beyond the period permitted by their visa—has emerged as a significant concern. It is evident that such overstays have cascading implications, including but not limited to:

- 2.1. Threats to national security,
- 2.2. Strain on local administration and law enforcement,
- 2.3. Challenges in public health tracking, and
- 2.4. Exploitation in informal employment sectors.

These developments underscore the urgent need for a comprehensive, coordinated, and transparent mechanism involving multiple authorities to monitor, regulate, and enforce compliance by foreign nationals residing in India.

3. The Learned DSGI is directed to coordinate with the Bureau of Immigration (BoI) and file an Affidavit of the concerned placing on record the following details:

- 3.1. A country-wise segregated list of foreign nationals who have entered India during the last five years,
- 3.2. Classification of these individuals based on type of visa issued—tourist, medical, educational, business, employment, diplomatic, etc.—and the purpose stated in their visa application,
- 3.3. Names and identification particulars of those foreign nationals who have not exited India despite the expiry of their visa validity, including details of the entry date, expiry date of visa, and port of entry.
- 3.4. The regulatory requirements for registration, including the time limits, documents required, and format of compliance for various categories of visas,
- 3.5. The identity of the Authority (including FRRO or any other designated officer) with whom such registration is to be undertaken,
- 3.6. Clarification on whether registration is mandatory at the time of arrival at any airport, Seaport, land border, or any other immigration checkpoint and whether a digital verification trail is maintained for the same.

The above information shall be filed with the Registry by furnishing an advance copy to the learned Additional Government Advocate (AGA) on or before 25.06.2025.

4. The learned AGA shall on that basis file an Affidavit sworn by the Additional Chief Secretary, Department of Home Affairs, Government of Karnataka, setting out:

4.1. Whether the foreign nationals who have overstayed in the State are registered with the appropriate local or central Authority under the applicable law,

4.2. Whether the following current details are available for each overstaying individual:

4.2.1. Present residential address,

4.2.2. Place of employment or engagement,

4.2.3. Mobile number(s),

4.2.4. E-mail ID(s),

4.2.5. Any dependent or family details, if applicable,

4.3. The manner in which such data is stored, monitored, and updated by the State Government and whether it is linked to national immigration databases.

5. In case such details are not available for one or more individuals who have overstayed, the Affidavit shall specify:

5.1. The reasons for such failure or data gap,

5.2. Whether any lapses by FRRO, Police, Intelligence, or other local authorities have occurred if so by whom,

5.3. What immediate and long-term actions are proposed by the State Government or Union of India to identify and trace such individuals,

5.4. Whether steps such as issuance of Look-Out Circulars (LOCs), cancellation of visas or the like have been taken or are under consideration.

6. Criminal Offences – Involvement of Foreign Nationals

The State Government shall also place on record:

6.1. A list of overstaying foreign nationals who are accused of, or have been victims in, any criminal proceedings under the Indian Penal Code now Bharatiya Nyaya Sanhita, Foreigners Act, NDPS Act, or any other penal legislation,

6.2. Nature of offences involved, current status of investigation or trial, and whether such persons are on bail, in custody, or absconding,

6.3. Whether any attempts were made to deport such persons or initiate proceedings if so details thereof.

7. The submission of the DSGI and Learned AGA are that a large number of foreign nationals enter India under the pretext of:

7.1. Studying at recognized Educational Institutions,

7.2. Obtaining treatment at designated Medical Institutions,

7.3. Employment in companies or research establishments.

8. Accordingly, the following information shall also be placed on record:

8.1. A list of such Institutions which are registered with the FRRO or Bureau of Immigration, (As part of the Affidavit to be filed by the DSGI)

8.2. The nature of their obligation to report

the arrival, engagement, and departure of such foreign nationals, (As part of the Affidavit to be filed by the DSGI)

8.3. Whether such Institutions maintain internal registers or digital logs of foreign national details and regularly update the same with the FRRO, (Both as part of the Affidavit to be filed by the DSGI and the learned AGA)

8.4. Specific cases where Institutions failed to report or allowed continued engagement with foreigners post-expiry of their visa, (Both as part of the Affidavit to be filed by the DSGI and the learned AGA)

8.5. Actions taken against such Institutions under the law including imposition of fines, suspension of registration, or initiation of criminal action. (Both as part of the Affidavit to be filed by the DSGI and the learned AGA)

9. The Additional Chief Secretary, Home Department, is directed to within 2 weeks from today i.e., on or before 18.06.2025 issue a Government Circular/Notification addressed to:

9.1. All Educational Institutions (including universities, private colleges, language schools),

9.2. All Medical Institutions (including hospitals, diagnostic centers, wellness centers),

9.3. Employers including business entities, NGOs, research organizations, and cultural bodies,

9.4. State Police, Local Authorities, Intelligence Bureaus, District Collectors, and Commissioners of Police.

10. The said Circular shall among others mandate that:

10.1. Any engagement with foreign nationals must be immediately reported to the FRRO in a prescribed format,

10.2. All existing foreign nationals currently associated with such Institutions must be audited and verified,

10.3. Periodic status reports must be filed with FRRO and State Police,

10.4. Failure to comply will attract civil, criminal, or administrative penalties under applicable laws.

11. All reports, affidavits, and supporting documentation, as directed above, shall be filed by the AGA in the Registry on or before 16.07.2025, without fail.

12. List the matter for "Further Hearing" on 21.07.2025. On that date, the respective counsels are to address their arguments on compliance with this order, systemic deficiencies, if any, and aspects that would have to be considered in formulating a standard operating procedure (SOP) or model guidelines for implementation, if found necessary