

Detention Centres for Illegal Immigrants

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Around three hundred foreigners have been released from Assam detention centres

What are detention centres?

Detention centres are meant to house illegal immigrants after they are declared 'foreigners' by Tribunals/courts or foreigners who have served their sentence for an offence in India and are awaiting deportation to their home country. Detention centres are also set up to accommodate foreign convicts in criminal cases who have completed their jail terms and await deportation.

Detention centres and rules pertaining to them:

- Under Section 3(2)(c) of The Foreigners Act, 1946, the Central Government has the powers to deport foreign nationals staying illegally in the country.
- These powers have also been entrusted to State governments under Article 258(1) of the Constitution and under Article 239(1) for administrators of UTs.
- In 1998, the Ministry of Home Affairs (MHA) asked all the states and UTs to restrict the movement of convicted foreign nationals who had completed their jail sentence.
- States were asked by the MHA in 2009 to set up a sufficient number of detention centres where the "suspected illegal immigrants from Bangladesh would be detained pending their deportation".
- On January 9, 2019, a detailed manual on "model detention centres" was circulated to make a distinction between "jails and detention centres".

Rules in the manual:

- **States require “no specific approval” from the Home Ministry to set up “detention centres /holding centres/ camps”.**
- **Centres should be set up outside the jail premises** and their numbers and size should be decided by the States.
- On completion of the sentence of the foreigner, the jail authorities concerned may hand over the foreign national to the authority in charge of the detention centre.
- There should also be a **provision to facilitate the stay of such foreigners in “metro” cities during the waiting period between their interview with the embassy concerned** and issuance of travel documents.
- The detention centres should be designed for inmates to maintain standards of living in consonance with **“human dignity”**.
- Well-lit, airy rooms **adhering to basic hygiene standards** and equipped with electricity, water and communication facilities are to be provided at the centre.
- Detention centres should also have open spaces for detainees to move around and **segregated accommodation for men and women**.
- It should be ensured that **members of the same family are not separated** and all family members are housed in the same detention centre.
- It also asks states to **pay special attention to the needs of women, nursing mothers, transgender** and open a **crèche in the camp**.
- **Children lodged in detention centres may be provided educational facilities by admitting them in local schools.**

Note: Assam has six detention centres, the highest among the States. Nearly 41 lakh people were excluded from the final draft of NRC in Assam. Of these, 36 lakh have filed claims against the exclusion.

