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News: Citizenship path to be eased for 6 minority groups from 3 nations

- The Union government is all set to ease grant of citizenship to members of six minority communities from Pakistan, Afghanistan and Bangladesh whose passports and visas have ceased to be valid during their stay in India.

Citizenship (Amendment) Act, 2019

- The Citizenship (Amendment) Act, 2019 **amends the Citizenship Act, 1955.**
- The Citizenship Act of 1955 provides for **citizenship by birth, descent, registration, naturalization and by incorporation of the territory into India.**
- In addition, it **regulates the registration of Overseas Citizen of India Cardholders (OCIs) and their rights.** An OCI is entitled to some benefits such as a multiple-entry, multipurpose lifelong visa to visit India.
- **An illegal migrant is prohibited from acquiring Indian citizenship.** An illegal immigrant is a foreigner who either enters India illegally, i.e., without valid travel documents, like a visa and passport, or enters India legally, but stays beyond the time period permitted in their travel documents. An illegal migrant can be prosecuted in India and deported or imprisoned.

- In September 2015 and July 2016, the government exempted certain groups of illegal migrants from being imprisoned or deported. These are illegal migrants who came into India from Afghanistan, Bangladesh, or Pakistan on or before December 31, 2014, and belong to the Hindu, Sikh, Buddhist, Jain, Parsi, or Christian religious communities.

Key Provisions of the Amendment Act

- The Bill amends the 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.
- In order to get this benefit, they must have also been exempted from the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920 by the central government.
- The 1920 Act mandates foreigners to carry passport, while the 1946 act regulates the entry and departure of foreigners in India.
- **Citizenship by registration or naturalisation:** The Act allows a person to apply for citizenship by registration or naturalisation if the person meets certain qualifications.
- For instance, if a person resides in India for a year and if one of his parents is a former Indian citizen, he may apply for citizenship by registration.

- To obtain citizenship by naturalisation, one of the qualifications is that the person must have resided in India or have been in the service of the central government for at least 11 years before applying for citizenship.
- The Bill creates an exception for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, with regard to this qualification. For these groups of persons, the 11 years' requirement will be reduced to five years.
- On acquiring citizenship: (i) such persons will be deemed to be citizens of India from the date of their entry into India, and (ii) all legal proceedings against them in respect of their illegal migration or citizenship will be closed.

Applicability of the Amended Act

- These provisions on citizenship for illegal migrants will not apply to the tribal areas of Assam, Meghalaya, Mizoram, and Tripura, included in the Sixth Schedule to the Constitution. These tribal areas include Karbi Anglong (in Assam), Garo Hills (in Meghalaya), Chakma District (in Mizoram), and Tripura Tribal Areas District.
- Further, it will not apply to the "Inner Line" areas notified under the Bengal Eastern Frontier Regulation, 1873. In these areas, visits by Indians are regulated through the Inner Line Permit.

- Currently, this permit system is applicable to Arunachal Pradesh, Mizoram, and Nagaland. Manipur has also been brought under the Inner Line Permit (ILP) regime through a Gazette Notification on the same day the bill was passed in the parliament.
- **Cancellation of registration of OCIs:** The Act provides that the central government may cancel the registration of OCIs on certain grounds. These include: (i) if the OCI has registered through fraud, or (ii) if, within five years of registration, the OCI has been sentenced to imprisonment for two years or more, or (iii) if it becomes necessary in the interest of sovereignty and security of India.
- The Bill adds one more ground for cancelling the registration that is if the OCI has violated the provisions of the Act or of any other law as notified by the central government. The orders for cancellation of OCI should not be passed till the OCI cardholder is given an opportunity to be heard.