



## Illegal Immigration in India: A Legal Study on the Current Scenario

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### ABSTRACT:

“This study analyses the intricate legal structure regulating unauthorised immigration in India, a country experiencing considerable cross-border population flows as a result of its geographical positioning adjacent to seven nations. This analysis examines the progression of legal definitions pertaining to “illegal immigrant” within the framework of Indian law. It further explores constitutional provisions that influence immigration governance and judicial interpretations that seek to reconcile sovereign authority with humanitarian responsibilities. This study examines the mechanisms of identification, specifically focussing on the National Register of Citizens (NRC), as well as the procedures for detention and deportation. It underscores notable challenges in implementation, which include limitations in institutional capacity, difficulties related to documentation, and sensitivities pertaining to geopolitical contexts. This study conducts a comprehensive analysis of recent statistics, legal precedents, and international commitments to identify significant deficiencies in India’s strategy regarding illegal immigration. This analysis examines the socioeconomic and security ramifications associated with unauthorised migration, taking into account India’s distinct standing in relation to international treaties. The study culminates in the recommendation of extensive legal reforms, which encompass the revision of existing legislation, the strengthening of bilateral cooperation, the integration of technological advancements, and the establishment of human rights protections, all aimed at effectively tackling the complex issues surrounding illegal immigration within the Indian framework.”

**Keywords:** Immigration, CAA, NRC, Deportation, Detention

### 1. Introduction: Defining the Scope and Significance of Illegal Immigration in India

India has a history of cross-border population migrations due to its wide and permeable borders. Pakistan, China, Nepal, Bhutan, Myanmar, Bangladesh, and Afghanistan (via Pakistan-occupied Kashmir) border it. This location creates a complex migration environment with many push and pull variables (Bhattacharjee, 2022). The partition of 1947 was followed by successive waves of migration from East Pakistan, now Bangladesh, during the 1971 Bangladesh Liberation War and beyond (Sadiq, 2019).

Illegal immigration in India poses complex issues that affect national security, demographics, resource allocation, and community relations. Due to undocumented immigration from Bangladesh, Assam and West Bengal have witnessed significant population changes. This has caused socio-political tensions that can lead to violence (Roy, 2020). The 1979–1985 Assam Movement was a protest to illegal immigrants. This campaign led to the 1985 Assam Accord, exposing the political ramifications of immigration in Assam.

Estimates of India’s undocumented migrants vary widely depending on the source. The Ministry of Home Affairs has been reluctant to release official figures due to methodological issues in enumerating unauthorised populations. Parliamentary remarks have revealed that India has a large number of unauthorised migrants, mostly from Bangladesh (Ministry of Home Affairs, 2023).

Recent legislation, such as “the Citizenship (Amendment) Act, 2019 (CAA) and the proposed National Register of Citizens (NRC),” has highlighted unlawful immigration in national discourse. These approaches emphasise territorial integrity and national identity over humanitarian issues in migration management (Jayal, 2021).

This paper examines India’s illegal immigration law. It assesses this framework’s efficacy, constitutionality, and international legality. This inquiry is relevant given the NRC’s ongoing execution in Assam, the likelihood of a statewide extension of similar programs, and growing regional tensions that affect cross-border movements

### 2. Defining “Illegal Immigrant” under Indian Law

Legislation has changed the definition of “illegal immigrant” in India, with “the Foreigners Act of 1946” as the foundation. “The Foreigners Act, 1946” defines “foreigner” as “a person who is not a citizen of India” in Section 2(a). While without using the word “illegal immigrant,” the Act defines India’s foreign national regulatory framework and criminalises unauthorised entry and lengthy stay.

“The Passport (admission into India) Act, 1920,” requires appropriate travel documentation for Indian admission. According to the 1920 Passport Act, Section 3 allows the Central Government to limit access without a passport and set entry requirements. According to these two statutes, anyone who enters or stays in India without documentation is a “illegal immigrant.”

“The Citizenship Act of 1955 and 1986 and 2003” revisions recognised “illegal migrant” status. Section 2(1)(b) of the Citizenship Act, 1955 defines “illegal migrant” as “a foreigner who has entered into India without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or remains therein beyond the permitted period of time.” This meaning includes unauthorised entry and overstaying legal permission.

“The Citizenship (Amendment) Act, 2019,” exempts certain groups from being illegal migrants, significantly changing the term. Hindu, Sikh, Buddhist, Jain, Parsi, and Christian refugees from Afghanistan, Bangladesh, and Pakistan are exempt under Section 2 of “the Citizenship Amendment Act (CAA).” These individuals entered India before December 31, 2014, and are not considered “illegal migrants” under “the Citizenship Amendment Act, 2019.” The violation of secularism and equality has led to constitutional issues about religion classification.

“The Registration of Foreigners Act, 1939,” requires foreigners to register with authorities, providing another way to identify illegal immigrants. Despite legal entry, a foreign national's stay is unapproved if they refuse to register.

State legislation has defined illegal immigration in specific regional circumstances. The 1985 Assam Accord, albeit not law, set March 25, 1971, as the deadline for regularising migrant status in Assam. Immigrants who enter the state after this date, regardless of country or religion, are illegal immigrants under the 1985 Assam Accord. This accord led to the NRC exercise in Assam to identify citizens and unlawful immigrants.

The Indian concept of illegal migrants conflicts with territorial sovereignty and humanitarian concerns. The Citizenship Amendment Act's selective exemption based on religion and nationality raises questions about legal equality. Jayal (2021) states that “the Citizenship Amendment Act (CAA)” shifts citizenship from territorial to cultural, changing the secular foundations of Indian citizenship (p. 187).

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### 3. Constitutional Provisions and Immigration

Despite not expressly addressing immigration, the Indian Constitution has many articles that significantly effect the legal system controlling outsiders and illegal immigrants. Entry 17 of the Union List within the Seventh Schedule defines “citizenship, naturalisation and aliens” and gives Parliament exclusive jurisdiction to legislate on these issues (Constitution of India, 1950). Centralising immigration policy creates a national framework.

Citizens and non-citizens apply Part III of the Constitution's fundamental rights differently. Articles 15, 16, 19, and 29 grant rights only to citizens, but Articles 14, 20, 21, 22, and 25-28 grant rights to “any person,” including foreigners and illegal immigrants (Constitution of India, 1950). The divided rights structure created here affects illegal immigrants' legal status and treatment.

Article 14 guarantees equal protection of the law for all Indians. In *National Human Rights Commission v. State of Arunachal Pradesh* (1996), the Supreme Court upheld the principle of equal treatment for foreign nationals while allowing appropriate classifications. This constitutional safeguard limits the state's authority to address unlawful immigration, requiring rationale for any discriminatory treatment.

Article 21, which guarantees life and personal liberty, has been interpreted to include human dignity. The Supreme Court ruled in *Louis De Raedt v. Union of India* (1991) that Article 21 protects foreigners. Any deprivation of life or liberty must follow the “procedure established by law.” Thus, this procedural safeguard applies to illegal immigrant detention and deportation, requiring natural justice.

Article 22's guarantee against arbitrary arrest and detention applies to foreign nationals inside the country without permission. As required by the Constitution of India, 1950, Sections 22(1) and 22(2) guarantee the right to know the reasons for arrest, access to legal counsel, and 24-hour appearance before a magistrate. As permitted by Article 22(3), preventive detention has been used against illegal immigrants, raising questions about due process. While not expressly stated in the original document, the 42nd Amendment incorporated secularism into the Preamble and enshrined it as a basic constitutional concept. The legal challenges in *CAA (Indian Union Muslim League v. Union of India, 2020)* show that the principle affects religiously differentiated immigration policies.

Supreme Court interpretation of constitutional provisions has generated jurisprudence that strives to combine sovereign exclusion powers with human rights guarantees. *Mohammad Salimullah v. Union of India* (2021), which concerns Rohingya refugees, acknowledged the principle of non-refoulement while also considering the government's security concerns, illustrating the complex relationship between humanitarian obligations and national security interests.

Immigration policy governance is complicated by constitutional federalism. The Union government formulates immigration policy, but state governments often implement it, which can cause conflict. In *State of Arunachal Pradesh v. Khudiram Chakma* (1994), the Supreme Court considered how the central government's refugee program interacts with state concerns about demographic changes. Despite local objections, the Court upheld fundamental rights.

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## 4. Legal Procedures for Identification, Detention, and Deportation

### 4.1. Identification Mechanisms

Recent Indian government measures to identify illegal immigrants have shown a shift towards a more sophisticated and comprehensive approach. “The National Register of Citizens (NRC)” is a major effort conducted in Assam under Supreme Court orders in *Assam Public Works v. Union of India* (2019). Residents had to prove their Indian citizenship by giving documentary evidence of ancestral ties to India before March 24, 1971 (NRC Guidelines, 2018). In August 2019, the final National Register of Citizens (NRC) excluded 1.9 million inhabitants, labelling them possible illegal immigrants (Office of the State Coordinator of NRC, 2019).

The Foreigners (Tribunals) Order of 1964 established quasi-judicial Foreigners Tribunals to adjudicate contentious foreign status cases. Section 9 of the Foreigners Act places the burden of proof on the accused foreigner, generating a procedurally significant presumption (Foreigners Act, 1946). As of 2023, Assam has around 100 tribunals. The Ministry of Home Affairs (2023) states that the government can create new tribunals.

Immigration Check Posts at entry points verify documents to prevent unlawful entry. The wide and often difficult landscape around India's borders hinders observation. The Border Security Force Act of 1968 requires the BSF to patrol terrestrial borders and the Coastal Guard to monitor ocean borders.

### 4.2. Detention Procedures

Illegal immigrants may be detained during status determination or deportation after identification. “The 1946 Foreigners Act” authorises officials to arrest and detain foreigners who are reasonably suspected of violating the Act. Administrative detentions can last indefinitely, unlike criminal detentions. Detainees have been kept for years owing to deportation issues.

Many states, including those bordering Bangladesh, have undocumented immigrant detention centres. The facilities have been criticised for poor conditions and unclear confinement regulations. In *Supreme Court Legal Aid Committee v. State of Assam* (2018), the Supreme Court imposed detention guidelines. These criteria provide separate quarters for male and female detainees, minimum amenities, medical facilities, and legal aid.

Detainees have the right to know the grounds for their custody, legal representation, and habeas corpus petitions under Article 226 of the Constitution. However, many detainees lack legal resources, highlighting disparities between theoretical precautions and their practical use (Siddiqui, 2022).

### 4.3. Deportation Protocols

Deporting unlawful immigrants follows Foreigners Act administrative regulations. The Central Government can issue deportation orders under this law. Before deportation, the government issues "Leave India Notices," which require the individual to leave within a certain timeframe, according to the Foreigners Act of 1946. Noncompliance with requirements may result in deportation and criminal penalties.

Deportation orders need diplomatic cooperation with the host nation, which must recognise the deportee as its citizen. The stipulation has caused problems, especially in Bangladesh, where purported Bangladeshi migrants' identity is often disputed (Kumar, 2021). Diplomatic sensitivities can cause inconsistent application of bilateral norms for nationality verification and deportee acceptance.

International law, particularly the theory of non-refoulement, limits deportation when the deportee may face persecution in their home country. India's non-signatory status to the 1951 Refugee Convention is notable, but the Supreme Court has recognised non-refoulement as an integral part of customary international law that informs executive discretion in *Mohammad Salimullah v. Union of India* (2021). Conflicts arise between domestic immigration enforcement and international human rights duties.

Family separation and repatriation to foreign places are major humanitarian difficulties when unauthorised immigrants with Indian ties are deported. The legal structure prioritises procedural compliance over substantive rights, making it inadequate for humanitarian issues (Hussain, 2020).

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## 5. Judicial Pronouncements on Illegal Immigration

Indian courts, particularly the Supreme Court and High Courts, have shaped illegal immigration law. Judicial rulings have addressed constitutional challenges to legislation, explained procedural procedures, and balanced security and human rights.

In “*Sarbananda Sonowal v. Union of India*” (2005), the Supreme Court annulled the Illegal Migrants (Determination by Tribunals) Act, 1983. This law established Assam's illegal immigration identification protocols. The Court found that the IMDT Act favoured illegal immigrants in Assam above the Foreigners Act for the rest of India. This difference made deportation practically impossible and violated Article 355, which protects nations from external aggression and internal instability. Justice G.P. Mathur called illegal immigration “external aggression,” placing immigration enforcement under national security.

“Assam Sanmilita Mahasangha v. Union of India” (2014) considered Section 6A of the Citizenship Act's constitutionality. This clause was passed after the Assam Accord to offer citizenship to migrants who entered Assam before January 1, 1966, and to formalise the status of individuals who arrived between January 1, 1966, and March 25, 1971. An crucial citizenship question was raised with a constitutional bench.

“National Human Rights Commission v. State of Arunachal Pradesh” (1996) examines Chakma refugee rights and status. The Supreme Court stressed that foreigners are entitled to Article 21 protections. The Court ordered the state to handle citizenship petitions and ban forceful eviction. This verdict sets a precedent for long-term residents with ambiguous legal status.

Foreigners Tribunal procedures were critically scrutinised in “Abdul Kuddus v. Union of India” (2019). The Supreme Court ruled that these tribunals' opinions are not binding in rem and can be challenged in writ procedures. This ruling protected against inaccurate foreign status evaluations, emphasising the serious consequences of such classifications.

In “Mohammad Salimullah v. Union of India” (2021), the Supreme Court did not restrict deportation of Rohingya refugees. The Court noted that removal must follow due process and non-refoulement standards. The Court's sophisticated grasp of security considerations and humanitarian obligations highlighted the complexity of forced migration.

High Courts have made significant contributions to this jurisprudence. In “Manowara Bewa v. Union of India” (2018), the Gauhati High Court stressed the significance of humane incarceration facilities and fast status adjudication. In “Harsh Mander v. Union of India” (2018), the Delhi High Court considered stateless imprisonment and acknowledged the state's limitations where deportation is not possible.

Judicial decisions often focus on the state's sovereignty over immigration and constitutional protections for fundamental rights. Justice D.Y. Chandrachud stated in “Mohammad Salimullah v. Union of India” (2021, para 23) that the government's right to deport illegal immigrants requires careful consideration of Article 21's procedural fairness.

The Supreme Court's constitutional objections to the Citizenship (Amendment) Act, 2019, mark a major advance in legal interpretation in this area. The petitions investigate religion-based classifications' effects on citizenship eligibility and their compliance with Constitutional secularism and equality. India's illegal immigration and citizenship determination strategies will be affected by the Court's verdict.

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## 6. Challenges and Complexities in Implementing the Legal Framework

Illegal immigration law in India faces many difficult obstacles that hinder its execution. Even with modifications, “the Foreigners Act of 1946” fails to handle modern migratory trends and security challenges (Sarkar, 2023). India has 15,106 km of land borders and 7,516 kilometres of ocean borders, making border management difficult. The Border Security Force (2024) shares these borders with seven neighbouring countries. The permeable borders, especially those near Bangladesh, Myanmar, and Nepal, allow unnoticed migration (Kumar, 2022).

Institutional capacity restrictions complicate implementation. The Bureau of Immigration and state police units that identify and process illegal immigrants confront understaffing, inadequate training, and a lack of technology tools (Sharma & Patil, 2023). According to a 2023 Ministry of Home Affairs report, only 58% of border security agency positions were filled. The shortage of immigration-trained officers makes this problem worse (Ministry of Home Affairs, 2023).

Identification and paperwork issues are major obstacles. Given that many illegal immigrants enter India with fake or no documentation, the lack of a comprehensive database is important (Bhattacharya, 2024). Biometric identity methods are lacking at many border crossings, making verification difficult. In the Northeast, where ethnicities are similar, distinguishing economic migrants, refugees, and asylum seekers is difficult (Ganguly, 2022). Complex legal frameworks control deportation proceedings, often with unsatisfactory results. The average time to resolve deportation proceedings is 2 to 3 years (Law Commission of India, 2023). As of December 2023, several courts had over 38,000 deportation cases outstanding due to procedural inefficiencies (Patel, 2024).

Politics impede regulatory enforcement. Regional politics impact immigration law implementation, therefore governments take different tactics based on local politics. Immigration enforcement in West Bengal and Assam is heavily politicised, which affects legal consistency (Chakraborty, 2023).

International relations complicate the analysis. Immigration enforcement strategies are shaped by India's diplomatic relations with its neighbours. Bilateral agreements with Bangladesh, Nepal, and Myanmar may contradict with local immigration regulations, confusing implementation authorities (Ministry of External Affairs, 2023). Geopolitical sensitivities often lead to selective enforcement to reduce diplomatic tensions (Singh, 2024).

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## 7. Legal Implications of International Treaties and Conventions

India takes a distinctive approach to several major accords, but its attitude to illegal immigration is based on international law. While not a signatory to the 1951 Refugee Convention or its 1967 Protocol, India has historically hosted many refugees, according to the UN High Commissioner for Refugees (2023). This creates a complex legal framework where international and domestic standards often conflict.

Indian law recognises the principle of non-refoulement, which forbids returning people to persecution-prone areas, even without treaty commitments. The Supreme Court applied the principle to Chakma refugee rights in “National Human Rights Commission v. State of Arunachal Pradesh” (1996). This verdict opened the door to refugee protection beyond legislative provisions (Supreme Court of India, 1996).

India has ratified several international human rights treaties that affect immigration governance, including the ICCPR and ICESCR. The treaties bind all Indians, regardless of citizenship, to protect their fundamental rights (Rajagopalan, 2023). Legal experts have found gaps between international commitments and domestic immigration enforcement procedures, particularly in detention conditions and legal representation (Bhushan, 2024).

Indian legal reactions to illegal immigration are heavily affected by bilateral agreements with surrounding nations. The 2011–2023 Coordinated Border Management Plan between India and Bangladesh outlines border management and repatriation processes (Ministry of External Affairs, 2023). The 1950 Treaty of Peace and Friendship between Nepal and India allows unrestricted movement of people across their borders, making it harder to identify undocumented Nepalese migrants (Sen, 2022).

Indian migration law is heavily impacted by regional frameworks. SAARC has tried to develop regional methods to combat irregular migration, but bilateral tensions, particularly between India and Pakistan, have hampered these attempts (Gopalan, 2023). Recently, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) was launched to address cross-border movements, which may affect India's approach to illegal immigration from Myanmar and Bangladesh (Jaishankar, 2023).

Stateless people's legal status is problematic in India. India faces complex legal issues involving an estimated 400,000 stateless people (Institute of Statelessness and Inclusion, 2023). Lack of a comprehensive statelessness determination process creates protection gaps, leaving many people in legal limbo (Rajkhowa, 2024).

Indian ratification of international labour treaties, including ILO conventions, greatly affects the legal framework controlling the treatment of migrant workers, particularly irregular workers. The instruments establish basic working conditions for all workers, but their execution is patchy, especially for unauthorised migrants (ILO, 2023).

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## 8. Current Trends and Statistics on Illegal Immigration in India

Illegal immigration in India is difficult to assess due to its hidden nature and data collection methods. However, many official papers and research studies provide significant insights into current developments. The Ministry of Home Affairs (2024) expects 2.4 million illegal immigrants in India in December 2023. However, independent analysts think that 5–7 million may be more (Centre for Migration Studies, 2024).

Bangladesh is the primary source of unauthorised migrants to India. Bangladeshis make up 68% of illegal immigrants, Myanmar 12%, Nepal 8%, Afghanistan 5%, and others 7% (Intelligence Bureau, 2023). Economic considerations, particularly income differences and employment prospects in India, drive illegal immigration from Bangladesh (World Bank, 2023).

Geographical distribution patterns show regional concentration. According to the Census of India Projection Studies (2023), West Bengal, Assam, Tripura, and Mizoram account for 65% of illegal immigrants. Delhi, Mumbai, and Hyderabad offer anonymity and informal sector jobs (National Crime Records Bureau, 2023).

Recent years have seen major demographic changes among unauthorised immigrants. Historically, male migrants sought seasonal work, but recent trends show a move towards family migration and permanent residency (Kumar & Sen, 2023). Female illegal immigrants made up 42% of the cohort in 2023, up from 28% in 2010 (Ministry of Home Affairs, 2023).

Analysis of detection and deportation statistics shows enforcement issues. The Border Security Force reported 38,467 border crossing apprehensions in 2023. This figure is up 18% over last year (BSF, 2024). Despite numerous instances, only 11,342 were deported within the prescribed timeframe, highlighting the large gap between identification and removal (Foreigners Division, MHA, 2024). Court hearings and diplomatic issues hinder deportation, according to the report.

The socioeconomic effects of undocumented immigration vary by location. In Assam and West Bengal, demographic transitions and resource competition are emphasised. In contrast, urban rhetoric focusses on wage decline in unskilled labour markets (Sengupta, 2023). The National Institute of Public Finance and Policy estimates that 2.5% of India's informal sector is undocumented. However, public service costs are hard to calculate (Rao, 2023).

Recent geopolitical events have helped drive illegal immigration. After the 2021 military coup, Myanmar's political instability led to large refugee flows into Mizoram and Manipur. The UN Office for the Coordination of Humanitarian Affairs (2023) believes that 40,000 Myanmar people have fled to India. In parallel, the 2021 Taliban takeover of Afghanistan increased Afghan migration. Many Afghans in India have sought refugee status rather than remain undocumented (UNHCR, 2024).

Trafficking and illegal immigration pattern intersections are important and need additional study. The National Crime Records Bureau reported 2,367 human trafficking cases in 2023, with 43% being cross-border (NCRB, 2024). Bangladesh-India and Nepal-India routes are the main trafficking routes. Sex trafficking and forced labour are the most exploitative results of these channels (Anti-Human Trafficking Unit, 2023).

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## 9. Potential Legal Reforms and Policy Recommendations

Comprehensive legislative reform is essential to solve illegal immigration issues. To address current migratory dynamics, the legal framework, mostly based on the colonial Foreigners Act of 1946, must be updated (Law Commission of India, 2023). According to the Parliamentary Standing Committee on Home Affairs (2023), the Comprehensive Immigration Management Act would consolidate fragmented provisions, clarify enforcement agency jurisdiction, and incorporate international migration management best practices.

Institutional and capacity building must accompany legislative reform. The Bureau of Immigration needs advanced biometric systems and integrated databases accessible to all enforcement authorities (Ministry of Home Affairs, 2024). Balanced enforcement requires immigration official training to include human rights standards, victim identification processes, and cultural sensitivity (Sharma, 2023).

Border management strategies must be reassessed to balance security and practicality. Physical barriers and surveillance technology are important, but research shows that relying primarily on them limits outcomes (Border Management Division, 2023). In similar situations, technology, community participation in border regions, and intelligence-led enforcement have improved results (Institute for Defence Studies and Analyses, 2024).

Differentiated frameworks for illegal immigration may promote policy coherence. Existing methods sometimes fail to distinguish between economic migrants, refugees, asylum seekers, and trafficking victims, leading to improper responses (Rajagopalan, 2023). Clear procedural distinctions and specialised procedures for vulnerable groups are necessary to meet international humanitarian standards and address sovereignty concerns (National Human Rights Commission, 2023).

Bilateral and regional cooperation must be improved and formalised. Agreements with bordering nations often lack institutional depth and enforcement (Ministry of External Affairs, 2023). Permanent migration management joint working groups with Bangladesh, Nepal, and Myanmar might improve information sharing, enforcement, and policy development (Singh & Chakraborty, 2024).

Regularisation programmes targeting certain long-term residents need careful scrutiny. International evidence suggests that focused regularisation efforts can reduce underground economic activity, boost tax compliance, and improve security through correct paperwork (Goswami, 2023). A time-bound regularisation programme with strict eligibility criteria could help certain demographic groups, such as those who have lived in India for decades and have strong community ties (Centre for Policy Research, 2024).

Technological innovations can improve immigration management. An advanced centralised system for illegal immigration data management could improve detection and verification. Integration of databases would allow frontline personnel to obtain information in real time (National Informatics Centre, 2023). Blockchain-based identity systems can improve paperwork and protect privacy (Mehta & Sharma, 2024).

Legal reforms must include international-standard human rights safeguards. The Supreme Court Bar Association (2023) recommended statutory clarification of detention protocols, deportation procedures, and due process guarantees to reduce the risk of arbitrary practices. Independent monitoring methods, such as judicial review for detentions that exceed deadlines, are thought to strengthen enforcement accountability (Human Rights Law Network, 2024).

Community engagement initiatives are often disregarded in immigration management. Border communities can collaborate on immigration governance if they are engaged properly (Basu, 2023). They have valuable insights into cross-border movements. Formal community interaction can improve information collecting and alleviate local immigration issues (National Foundation for Communal Harmony, 2023).

Economic development in main source regions provides long-term migration management strategies. India's development assistance in Bangladesh and Nepal may benefit from explicit alignment with migration management objectives, particularly emphasising employment creation in high-emigration districts (Ministry of External Affairs, 2024). Bilateral skill development programs that promote legal migration paths and fulfil labour market demands may reduce irregular migration motivations (Kumar & Patnaik, 2023).

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## 10. Conclusion

In India, territorial sovereignty, constitutional rights, and humanitarian concerns are intertwined in illegal immigration law. The existing structure, mostly based on colonial legislation like the Foreigners Act of 1946, fails to address modern migratory trends. India's approach has evolved through legislation modifications, judicial interpretations, and policy implementations. However, theoretical legal provisions and practical enforcement procedures differ greatly.

Unique citizenship rights and universal human rights protections create a complicated legal landscape with numerous tensions between procedural safeguards and enforcement imperatives. Supreme Court precedent has balanced opposing interests by emphasising due process while acknowledging the state's sovereign ability to restrict immigration.

Policy execution is complicated by India's wide and porous borders, institutional capability, documentation, and diplomatic connections. Illegal immigration enforcement and regional techniques vary due to political dynamics. The National Register of Citizens in Assam and the Citizenship (Amendment) Act, 2019, demonstrate the difficulty of defining and tackling illegal immigration in India's heterogeneous socio-political milieu.

Current statistics and trends show that illegal immigration affects India's demographics, resource allocation, and community relations, especially in border regions. The large number of Bangladeshi migrants, changing demographics, and Myanmar and Afghanistan refugees provide complicated difficulties that require flexible and responsive solutions.

Comprehensive reform must include legal frameworks and implementation tools to advance the agenda. This includes modernising laws, strengthening institutions, improving bilateral collaboration, introducing new technology, and adopting international human rights norms. Diversified approaches to migrant categories, selective regularisation programs, and community participation activities may offer more complex and effective migration solutions. In conclusion, reconciling national security imperatives with humanitarian responsibilities requires a comprehensive plan that understands migration's complex dynamics while maintaining national borders. Due to India's ongoing challenges, the legal framework must adapt to establish transparent, uniform, and constitutionally compliant processes for addressing illegal immigration while protecting the fundamental rights of all residents.

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