

Bill Summary

The Citizenship (Amendment) Bill, 2016

- The Citizenship (Amendment) Bill, 2016 was introduced in Lok Sabha by the Minister of Home Affairs, Mr. Rajnath Singh, on July 19, 2016. The Bill seeks to amend the Citizenship Act, 1955.
- The Citizenship Act, 1955 provides various ways in which citizenship may be acquired. It provides for citizenship by birth, descent, registration, naturalisation and by incorporation of territory into India. In addition, it regulates registration of Overseas Citizen of India Cardholders (OCIs), and their rights. An Overseas Citizen of India is entitled to some benefits such as a multiple-entry, multi-purpose life-long visa to visit India.
- **Definition of illegal migrants:** The Act prohibits illegal migrants from acquiring Indian citizenship. It defines an illegal migrant as a foreigner: (i) who enters India without a valid passport or travel documents, or (ii) stays beyond the permitted time.
- The Bill amends the Act to provide that the following groups of persons will not be treated as illegal migrants: (i) Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, (ii) who have been exempted from provisions of the Passport (Entry into India) Act, 1920, and the Foreigners Act, 1946 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 naturalisation:** The Act allows a person to apply for citizenship by naturalisation, if the person meets certain qualifications. One of the qualifications is that the person must have resided in India or been in 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 six years.
- **Cancellation of registration of OCIs:** The Act provides that the central government may cancel registration of OCIs on certain grounds. These include: (i) if the OCI has registered through fraud, or (ii) within five years of registration has been sentenced to imprisonment for two years or more, or (iii) it becomes necessary in the interest of sovereignty and security of India, etc. The Bill adds one more ground for cancelling registration, that is, if the OCI has violated any law that is in force in the country.

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