

Flygtningenævnets baggrundsmateriale

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Kilde:	Immigration and Refugee Board of Canada
Titel:	India: Exit controls and security measures for Indian citizens leaving the country; including use of computerized identity verification; information sharing between police, security and airport officials; including access to the Crime and Criminal Tracking Network (CCTNS), travel restriction placed upon persons of interest to the authorities; instances where persons wanted by the police, including those with suspected ties to militants, were able to leave the country (2018-February 2021)
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IRB – Immigration and Refugee Board of Canada

India: Exit controls and security measures for Indian citizens leaving the country, including use of computerized identity verification; information sharing between police, security and airport officials, including access to the Crime and Criminal Tracking Network and Systems (CCTNS); travel restrictions placed upon persons of interest to authorities; instances where persons wanted by the police, including those with suspected ties to militants, were able to leave the country (2018–February 2021) [IND200495.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Exit Controls and Security Measures

A December 2020 country report on India by the Australian Department of Foreign Affairs and Trade (DFAT) notes that the "Bureau of Immigration undertakes immigration functions in India" (Australia 10 Dec. 2020, para. 5.40). According to the website of India's Bureau of Immigration (BoI) of the Ministry of Home Affairs (MHA), an "immigration check" is conducted at the time of departure for all travellers leaving India (India 5 Apr. 2014). The same website notes that "Indian nationals travelling abroad require a valid Indian passport and travel authority for the destination country" and that "travel authority is normally in the form of [a] [v]isa, which is obtained prior to the journey, except in [the] case of countries where [a] 'Visa on Arrival' is available" (India 31 Aug. 2018). According to the Government of Canada's travel advisory for India, "[a]ll passengers boarding flights in India must present their tickets or printouts of their e-tickets, along with photographic identification, to be allowed into the departure terminals" (Canada 22 Feb. 2021). Air India's security regulations indicate that passengers' tickets are "checked at the entrance of the terminal building by the security staff" (Air India n.d.). According to the website of SpiceJet, a low-cost Indian airline, itinerary printouts with the name of the passenger are checked when the passenger enters the terminal (SpiceJet n.d.).

The DFAT report indicates that "certain categories" of Indian nationals, generally individuals who have not passed the tenth grade, have their passports stamped with "'Emigration Check Required' (ECR)" and that those with ECR passports require emigration clearance from the Ministry of External Affairs prior to travelling abroad for employment as unskilled workers (Australia 10 Dec. 2020, para. 5.41).

According to the website of Cochin International Airport, located in Kerala state, the immigration process "normally" includes the following steps:

- Verification of passport and travel documents to confirm a person's identity and check for forged documents;
- Confirmation of whether a person is eligible to leave the country "as per existing rules and regulations"; and
- Confirmation that the passenger cleared a health check by the airport's health office (Cochin International Airport n.d.).

The website of India's BoI indicates that passports are stamped at the time of departure and that Indian nationals are required to fill out a departure card (India 5 Apr. 2014). According to the BoI's website, a departure card contains the following information:

- Name
- Date of Birth
- Passport Number
- Address in India

- Flight Number, Date of Arrival/Date of Boarding. (India 5 Apr. 2014)

In correspondence with the Research Directorate, the Executive Director of the South Asia Terrorism Portal (SATP) and the Institute for Conflict Management (ICM) [1] indicated that exit procedures include verification of passports and visa documents and confirmation that an individual is not on a restricted list (ICM 22 Feb. 2021a). According to the ICM Executive Director, a record of an individual being restricted from travelling would be available to airport or immigration authorities “[o]nly if a court or a security agency” has communicated it to immigration officials through the Union Ministry of Home Affairs (UMHA) or the Intelligence Bureau (IB) (ICM 22 Feb. 2021a). The same source indicated that every passenger’s name is checked against the list of restricted travellers, but that there is no comprehensive list of criminals, terrorists, or other wanted individuals that the airport authorities can use for verification (ICM 22 Feb. 2021a). The same source stated that “[t]here are no further checks in routine cases,” aside from security checks to confirm that no prohibited items are brought on board (ICM 22 Feb. 2021a). In correspondence with the Research Directorate, a professor of criminal justice at Indiana University Bloomington, who studies criminal justice and policing in India, indicated that security screening is uniform for all passengers (Professor 13 Feb. 2021). The same source noted that there is no national database in which to cross-check an individual’s name (Professor 13 Feb. 2021).

Air India’s security regulations indicate that passengers “may” be required to have their “[h]old [b]aggage” screened through X-ray machines operated by security personnel prior to approaching the check-in counters (Air India n.d.). According to the same source, “[a]ll [p]assengers will be subjected to a security screening prior to boarding the aircraft” (Air India n.d.). Air India’s security regulations note that passengers will be “frisk[ed],” and their carry-on luggage will be x-rayed before they enter the pre-boarding area (Air India n.d.). The same source also indicates that a second security check “may” also be performed at the boarding gate or the step ladder prior to boarding (Air India n.d.).

1.1 COVID-19 and Security Measures

According to sources, in May 2020, the Bureau of Civil Aviation Security (BCAS) announced that boarding passes would no longer be stamped [during the pre-embarkation security check (PTI 14 May 2020)] due to the COVID-19 pandemic (PTI 14 May 2020; News18 14 May 2020). The same sources report that CCTV cameras would be used to record each passenger’s identity (PTI 14 May 2020; News18 14 May 2020) and boarding pass (PTI 14 May 2020). A May 2020 article in the *Indian Express*, an English-language daily newspaper in India, indicates that the Central Industrial Security Force (CISF), which oversees security at all major airports in India, introduced distanced and contactless security checks with “minimal pat-down frisking” in May due to COVID-19 (*The Indian Express* 22 May 2020).

2. Travel Restrictions Placed Upon Persons of Interest

According to the DFAT report, “India has a border alert mechanism, known as a Look-Out Circular (LOC), that allows certain agencies to flag citizens and non-citizens for border intervention on entry to or exit from the country” (Australia 10 Dec. 2020, para. 5.44). The same source indicates that authorities can request an LOC for individuals who are suspected of, under investigation for, or accused of a crime under the *Indian Penal Code* or other penal laws and that LOCs are “generally” valid for one year; however, in some instances LOCs can be valid for longer periods (Australia 10 Dec. 2020, para. 5.44). The DFAT report notes that “LOCs can be used to locate and prevent a person from exiting the country (via airports, ports or land border crossings), and allow for arrest in some cases (such as when a person is absconding)” (Australia 10 Dec. 2020, para. 5.44). However, the same source notes that in other circumstances, “immigration authorities may not prevent LOC subjects from travelling, but originating agencies will be informed about the person’s departure or arrival” (Australia 10 Dec. 2020, para. 5.44).

The Professor indicated that travel restrictions are only placed on a person of interest by a government directive or by the courts (Professor 13 Feb. 2021). The ICM Executive Director noted that travel restrictions being placed upon a person of interest is “the exception, not the rule” (ICM 22 Feb. 2021a). The same source further stated that in cases where travel restrictions are placed on someone who is on trial, on bail, or a person of interest to the police or investigative or court authorities, “it is only in very prominent or exceptional cases” that this would be indicated to airport authorities (ICM 22 Feb. 2021a).

3. Information Sharing by the Police and Security Officials with Airport Officials

The ICM Executive Director noted that “[t]here is no direct information sharing” and that “[o]nly in exceptional cases” do state police authorities, investigative agencies, or the courts indicate to central authorities that an individual is prohibited from leaving the country; in these cases, the IB or UMHA notifies airport authorities and the individual’s name is added to the immigration authority’s database (ICM 22 Feb. 2021a). The Professor similarly indicated that there is no information sharing by the police and security officials with airport officials unless the police submits an individual’s name to airport security (Professor 13 Feb. 2021).

The ICM Executive Director stated that “[t]here is no integration of the CCTNS database with the airport security apparatus” (ICM 22 Feb. 2021a). The same source noted that the National Crime Records Bureau (NCRB) “manages” the CCTNS database and “[n]o other agency has direct access to the CCTNS database” (ICM 22 Feb. 2021a). The ICM Executive Director stated that in order to obtain information, an agency must submit an inquiry to the NCRB, which will carry out a search of the database for related information and will send a response to the

requesting agency (ICM 22 Feb. 2021a). In follow-up correspondence, the ICM Executive Director noted that "a significant proportion" of police stations are now able to carry out searches of the CCTNS database; however, airport authorities are still not able to use the database during exit control checks and continue to rely on the system of submitting requests to the NCRB (ICM 22 Feb. 2021b). The same source stated that this system "would not be useful or effective within the timeframes of [airport] immigration checks" (ICM 22 Feb. 2021a). The Professor indicated that there are police stations attached to airports that have access to the CCTNS (Professor 13 Feb. 2021). In follow-up correspondence, the Professor added that only large airports have a police station and that other airports "will be associated with the nearest police station" (Professor 1 Mar. 2021). The Professor indicated that a person who is detained and then released is able to leave the country unless there are bail conditions restricting their ability to leave (Professor 1 Mar. 2021). The same source noted that "[i]n most of these cases the courts require that the person deposit [their] passport with the police" (Professor 1 Mar. 2021). The Professor noted that if a person has a warrant out for their arrest the airport police need to be informed, but "generally [this is] not done unless it is a major case" (Professor 13 Feb. 2021).

According to the Executive Director, the following types of individuals would be able to depart through exit controls at airports in India:

- a person being investigated or sought by authorities;
- a person who was arrested and had a First Information Report (FIR) completed, but did not have a warrant for their arrest;
- a person who was detained and then released on the condition that they report to the police every month;
- a person who was detained for suspected ties to militants and then released with no conditions; and
- a person with a warrant out for their arrest (ICM 22 Feb. 2021a).

The same source further noted that

[i]n each of these cases, unless there is a separate communication by the competent authority to immigration authorities to prevent exit, there would be no information available to airport authorities, and hence no impediment to exit. Specific directives to the airport authorities are issued only in exceptional cases. There is no laid down rule of what constitutes 'exceptional' in this context. (ICM 22 Feb. 2021a)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Instances Where Wanted Persons Were Able to Leave the Country

Without providing further details, the ICM Executive Director noted that there have been "numerous" cases in which persons who were wanted by the police, including those with suspected ties to militants, were able to leave the country (ICM 22 Feb. 2021a). The Professor similarly indicated that there have been "many" instances of persons who were wanted by the police, including those with suspected ties to militants, who were able to leave the country (Professor 13 Feb. 2021). The ICM Executive Director further explained that there are no barriers to exiting India if the police, investigative agency, or court have not specifically notified airport security, or if there is no "look out notice" issued by authorities such as INTERPOL (ICM 22 Feb. 2021a).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The South Asia Terrorism Portal (SATP) is an online database focusing on "terrorism and low intensity warfare in South Asia" (SATP n.d.a). The SATP is a project of the New Delhi-based Institute for Conflict Management (ICM), which is a "non-profit [s]ociety" "committed to the continuous evaluation and resolution of problems of internal security in South Asia," including in India (SATP n.d.b).

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South Asia Terrorism Portal (SATP), Institute for Conflict Management. N.d.b. "[Institute for Conflict Management – An Introduction](#)." [Accessed 23 Feb. 2021]

SpiceJet. N.d. "[SpiceJet Citizen's Charter](#)." [Accessed 23 Feb. 2021]

Additional Sources Consulted

Oral sources: Advocate who practises in the field of criminology and human rights in India; Air India; assistant professor of criminal justice at a university in Indiana who has written on policing in India; The Centre for Internet and Society; Centre for Policy Research; Chhatrapati Shivaji Maharaj International Airport; Delhi Indira Gandhi International Airport; India – Airports Authority of India, Chennai International Airport, Ludhiana Airport, Netaji Subhas Chandra Bose International Airport, Consulate General Toronto, Embassy in Washington, DC, High Commission in Ottawa, Ministry of Civil Aviation, Ministry of Home Affairs; Indian Police Foundation; Kempegowda International Airport Bengaluru; Manohar Parrikar Institute for Defence Studies and Analyses; National Institute of Advanced Studies – International Strategic and Security Studies Program; professor of sociology at a university in Colorado who studies criminology and criminal justice in India; researcher in India who studies digital policing in India.

Internet sites, including: Air Canada; Air India Express; Article 19; BBC; Chhatrapati Shivaji Maharaj International Airport; Delhi Indira Gandhi International Airport; ecoi.net; *The Economic Times*; Factiva; *Forbes*; Freedom House; GoAir; *The Guardian*; *The Hindu*; India – Airports Authority of India, Chennai International Airport, Ludhiana Airport, Netaji Subhas Chandra Bose International Airport, Consulate General Toronto, Ministry of Civil Aviation, Ministry of Home Affairs, Ministry of Tourism; IndiGo; International Air Transport Association; INTERPOL; The Jamestown Foundation; Kempegowda International Airport Bengaluru; KLM Royal Dutch Airlines; *Mint*; *Mumbai Mirror*; *The New Indian Express*; *The New York Times*; The Polis Project; Skyscanner; *The Statesman*; TATA SIA Airlines Limited; *The Telegraph* [India]; *The Times of India*; *The Tribune*; UN – Refworld; *The Washington Post*; *The Week*; The Wire.

ecoi.net summary:

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