# Changes in the Immigration Exemption Order: Passport, Visa and Conditions for Continued Stay

**News context/source date:** report of 6 November 2026 | **GS-II:** Governance, citizenship and India's neighbourhood relations

## Why in the News

On 6 November 2026, *The Hindu* published a report on the Home Ministry's **Immigration and Foreigners (Exemption) (Amendment) Order, 2026**. While giving document-related exemptions to certain categories, it makes clear the condition of obtaining a visa of the appropriate category to stay on in India. Provisions related to travel concerning Nepal and Bhutan and certain other special categories have also been amended.

**Keep three dates separate:** the news is of 6 November; the order is dated **4 November 2026** and the Gazette publication happened on **5 November 2026**. The order is effective from the date of Gazette publication. So calling it a new Act made on 6 November would be wrong.

## Legal Basis and the Order's Scope

The Central Government has issued this order using the power of **Section 33 of the Immigration and Foreigners Act, 2025**. The notification number is **S.O. 6027(E)**. It amends the original Exemption Order of 2 September 2025. Do not treat the Act, its rules, and the exemption order issued under them as documents of the same level.

The order also gives the meaning of the **Visa Manual**: the manual issued by the Central Government from time to time containing directions on visas, immigration and related subjects. Treat the expectation of presenting identity documents stated in the manual as part of identity verification, not a process of granting citizenship.

## Key Provisions Relating to Six Communities

The relevant category is persons from the **Hindu, Sikh, Buddhist, Jain, Parsi and Christian** communities of Afghanistan, Bangladesh and Pakistan who were compelled to take shelter in India because of religious persecution or its fear, and who came to India **by 31 December 2024**:

- without valid documents, including a passport or other travel documents; or
- who came with valid documents, but the validity of those documents has expired.

The order gives exemption from specified provisions, but along with it adds the clear condition that **to continue their stay in India, every such person must obtain a visa of the appropriate category after entry.** Do not take the exemption as a general permission to stay indefinitely without any process.

This provision does not by itself grant Indian citizenship. Nor should the entry date of 31 December 2024 given in it be read as an automatic amendment of the eligibility date of any other citizenship-related law. In the exam, it is essential to write about visa, passport, stay and citizenship as separate concepts.

## Nepal and Bhutan: The Difference Between Two Exceptions

For the entry into and exit from India of citizens of Nepal or Bhutan, the order has a condition of giving the documents specified in the Visa Manual to prove identity, and the information asked for by the officer. After that, there are two distinct sub-clauses:

- **Coming to India from a place other than Nepal/Bhutan, or going from India to such a place:** a valid passport is required. Do not read this sub-clause as itself imposing a visa condition for all third countries.
- **If the journey began from China, Macau, Hong Kong or Pakistan, or the person has come via those places:** a valid passport **and a valid visa, both** are required.

**Careful use of the source text:** The difference given above, instead of a summary of the news, is based on the Gazette's separate sub-clauses. Merging the two by saying only "travel from a third country" can make the passport and visa conditions wrong.

## What Is Said for Indian Citizens

Citizens of India coming to India from Nepal or Bhutan, or going there from India, will present the documents specified in the Visa Manual for identity. But for going to **another country** through the Nepal/Bhutan border, or returning from there, the exemption does not apply: a valid passport is needed and entry into/exit from India will be only through designated immigration check-posts.

## Some Other Categories

- **Registered Sri Lankan Tamil nationals:** There is a provision of specified exemption for those who took shelter in India by 9 January 2015. The registration condition is important.
- **Tibetans:** The order has categories with prescribed entry-permit, entry-route and registration-certificate conditions; it is not an unconditional exemption for all persons.

- **Armed forces and ship repair:** There are separate conditions for members of the Indian armed forces on duty, family members accompanying them on government transport, and crews of foreign military ships holding prescribed permits and military identity documents.
- **Some long-resident persons:** The order's new sub-paragraph 3A gives passport-related relief for certain Pakistani nationals, partition-related migrants with prescribed conditions, and certain persons of Indian origin taking Malaysian/Singaporean citizenship. For all of these too, an appropriate visa is a condition for continued stay. This is not a general exemption for a whole community or a country's citizens.

## Analysis for the Mains

**Humanitarian protection and administrative verification:** The situation of people unable to renew documents, or who fled persecution, can differ from that of an ordinary traveller. A categorised exemption can recognise their real difficulties. At the same time, the processes of identity, eligibility, registration and an appropriate visa give the administration a means of keeping a record of stays.

**Challenges of implementation:** People should clearly understand their category, the documents needed and the application process. Language assistance, accessible applications and uniform directions to officers can be useful measures. These are analytical suggestions, not new schemes announced in the order.

**Conclusion:** Reading the exemption's scope and its attached condition together is the correct legal understanding. Humane treatment, clear process and border management can be seen in a balanced framework rather than as opposing poles. This is a study article, not legal advice on travel or visas for any individual.

> **Related article:** Visa and permission to enter: the legal meaning of checks at the border

# Prelims Practice

### Question 1. Which statement is correct for citizens of Nepal/Bhutan under the order?

(a) For travel from every third country, an identity document alone is sufficient.

(b) The sub-clause concerning third places imposes a passport condition; the sub-clause concerning journeys beginning from/transiting China, Macau, Hong Kong or Pakistan imposes a condition of both passport and visa.

(c) In every situation, a visa alone is sufficient.

(d) There is no requirement to prove identity.

Answer and explanation
**Answer: (b)** The two sub-clauses of paragraph 3(1)(b) of the Gazette are distinct. Do not treat travel from all third places and travel from/transit through the four specified places as carrying the same condition.

### Question 2. Consider these statements about the eligible category of the six specified communities:

**Statement 1:** The order's entry cut-off is 31 December 2024.

**Statement 2:** An appropriate-category visa is needed for continued stay in India.

**Statement 3:** This automatically confers Indian citizenship.

Choose the correct statements.

(a) Only 1 and 3

(b) Only 2 and 3

(c) Only 1 and 2

(d) 1, 2 and 3

Answer and explanation
**Answer: (c)** The entry deadline applies along with the specified country, community and persecution-related conditions. The visa condition is explicit, while there is no provision granting citizenship automatically.

# Mains Practice

**Question:** "Document-related exemption in immigration and permission for continued stay are distinct legal questions." Discuss with reference to the recent amendment. (150 words)

Answer Outline

**Introduction:** The relationship between the exemption order under Section 33 and its conditions.

**Main Body:** Example - the eligible category of six communities gets exemption, yet needs an appropriate visa for continued stay. The distinct passport and passport-plus-visa requirements in the Nepal/Bhutan sub-clauses. The balance: humanitarian protection, identity verification, accessible process and clear directions.

**Conclusion:** Do not treat the exemption as a synonym for citizenship or unlimited residence.

## Sources

- Gazette of India: Home Ministry's amendment order, S.O. 6027(E), order dated 4 November; published 5 November 2026 - the primary basis of the facts and sub-clauses.
- The Hindu: published 6 November 2026, 00:12; updated 00:27 - news context.