

# Lived Experiences of Incarcerated Immigrants: The Trajectories of Bangladeshis in Tamil Nadu Prisons

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**Abstract:** Lost between translation and the technicalities of the state and Union government, an incarcerated foreign national prisoner forms a special category within the Indian criminal justice system. This paper brings to light the confluence of immigration and incarceration in the age of rising transnational mobility. The state of Tamil Nadu, far away from the India-Bangladesh border attracts thousands of immigrants from Bangladesh for economic opportunities in the garment industries in the Tirupur belt. Drawing from an ethnographic fieldwork conducted for my PhD, this paper includes 13 interviews from two prisons, illuminating the plight of undocumented Bangladeshi men, women, and children who are incarcerated for years before ending in detention camps. Connecting this empirical data to analysis of the CHRI's 2019 report and prison manuals, the paper reviews the various legal ambiguities and perpetual uncertainty rendered to the non-citizen status. The paper is divided into four sections: The production of illegality; Everyday life and confinement; The bureaucratic state and carceral logic; and 'Strangers to Justice' - In the era of Law and uncertainty. The study contributes to the evolving area of 'mobility justice' in trying to understand the state's carceral logic in producing immobility and injustice to certain transborder populations.

**Keywords:** Foreign National Prisoners; Immigration-Carceral Nexus; Legal Ambiguity; Mobility Justice; Detention; Bangladesh; Tamil Nadu; Undocumented Migrants; Prison Manuals.

## INTRODUCTION

The intersection between immigration and imprisonment remains a complex terrain and understudied (Bosworth & Kaufman, 2011). Most of these incidents are looked upon through a statist lens, rather in a nationalist vision of state control that does not consider the growing transnational flows and mobility. While a political discourse of illegal migration may frame this movement in the form of issues of national security and sovereignty, the lived experiences of the undocumented migrants portray the inevitable precarious labour, legal anxiety and constant threat of punitive action.

The border is not just a geographical line; it is reproduced daily through internal policing, negotiations, social legal interactions and is a more social category (Vila 2000). The border is porous, despite being heavily militarized and policing it still accommodates undocumented border crossings. Scholars have called the India-Bangladesh border as 'Killer border' as at least one unauthorized crosser is killed on average every third or fourth day (Human Rights Watch, 2010). The India – Bangladesh border is no different from international border conditions, that is witness to militarization, migrant deaths and sexual oppression of women, despite local and transborder legitimacies sustaining circulation of commodities

and labour flows (Sur 2012). These legitimacies are informed by historical and material ties of the region and reinforce these plural engagements at the borders. Transborder mobilities in regions that divide similar societies are located at the intersection of sovereign violence and social legitimacies (Sur 2012). However, these exercises are selective when these migrations fall under state scrutiny. State visibility at borders only furthers more sophisticated ways of moving people and commodities, often escalating risks and dangerous journeys (Andreas, 1994; Nevins, 2010). A fair number of immigrants without proper documents, end up being incarcerated for years (before ending up in detention camps).

Drawing from an ethnographic study of the prison in my PhD, I interview several foreign national prisoners (thirteen Bangladeshis) in two prisons in Tamil Nadu. The paper records their everyday life and struggles inside the prison. The paper also tries to list the procedural problems with the prison department and their repatriation upon completion of their sentence. The paper reiterates the uncertainty and lack of legal clarity in the detention of immigrants, which urges us to investigate the understudied area of immigration and incarceration making the immigrants 'strangers to justice'.

## METHODOLOGY

I have engaged in ethnography to understand the routine of the prison. However I was not able to meet the Bangladeshi prisoners on a regular basis and over time which was the case of involving other prisoners and my larger project for my PhD. I have conducted semi-structured interviews and focused group discussions when they were available. Most of the men I interviewed were under trial, I would find them waiting for para legal volunteers at the Legal Aid Centre. I met the women prisoners in the Women's prison casually sitting by tree waiting for phone interviews with their husbands in the Men's prison. I could meet the Bangladeshi prisoners only briefly for a couple of times. Most of my respondents would talk to me in Hindi.

## BANGLADESHIS IN TAMIL NADU

According to the Census 2011, Bangladeshis account for 61 per cent of foreigners in India. This population distributed over India, Tamil Nadu seems to have attracted a considerable number for economic reasons. Tamil Nadu is seen as a favourable spot to seek employment by Bangladeshi workers because of economic opportunities and fair minimum wage when compared to other states. The state also remains a favourite despite huge linguistic and cultural differences, because of plenty of other factors like the state's development, warm reception of outsiders, reduced conflicts of local and migrant population unlike border states and harmonious conduct.

Zubair says "Yahan ka mahol bahut acha hai. Kolkatta mein toh ek hi dinn mein chori hojata, logon se jhagda ladai ho jata hai, bheed kaafi hai. Idhar woh problem nahi hai. Log shaanth hai yahan". (The atmosphere is good here. Things would have gotten stolen in Kolkata. People would have fought too. It is too crowded. Here there is no such problem. People are peaceful).

However the increasing migrant population in Tirupur as explored by Jegadeesan & Fujita (2014) and Ramamurthy (2024) has other underlying reasons. The area is known for tense inter-caste environment and farm workers equipped with

knowledge of forming unions and associations. Therefore, there had already been anticipation if the workers could replicate the knowledge on the factory floors to address the issue of precarity by forming trade unions. So migrant workers are favourable as they would remain subservient and have no legal rights at work.

## THE PRODUCTION OF ILLEGALITY

Illegality is completely political and legal creation and is not a natural fact, actively produced and patterned in the world of moving capital and labour. The cost of legal migration from Bangladesh is one of the highest in South Asia, making illegal migration a more lucrative opportunity to cross borders. The state can't curb illegal migration without reflecting on structural issues.

Migrant illegality has risen as a problem in policy debates and an object of border policing for states around the world. The literature around migration is uneven, mostly focused in the United States of America with reference to undocumented Mexican migration and has only recently been seen as a problem in Europe and Western European states. Undocumented migrations are pre-eminently labour migrations, where the migrants produce value through their services to the citizens. Illegality then is practically and theoretically a social relation inseparable from citizenship.

These undocumented migrants live in close proximity to legal migrants and citizens and on an everyday basis this illegality does not have to do with most of their activities but become an issue in certain contexts. This social space of illegality is an erasure of legal personhood that is characterized by forced invisibility, exclusion, subjugation and repression. This can be observed as a legal reality superimposed on daily life. De Genova (2002) notes that how research on undocumented migrants itself is therefore to perpetrate a rather egregious kind of epistemic violence on the social reality of everyday life for those migrants. And by treating them as an epistemological and ethnographic object of study, researchers unwittingly produce this illegality. As if the illegality becomes pronounced and produced in these contexts of investigation.

Coutin (2003) gives a new perspective of looking at her ethnography of undocumented Central Americans. She documents her work as an ethnography of a legal process than pointing out as an ethnography of a particular group. And thus it becomes important to resist this naturalization of migrant illegality through the research process. This gives us the possibility of studying ‘illegal’ migrants that serves distinctly as an anthropological critique of nation states, immigration policies, citizenship, nationalism and nativism. This is De Genova’s (2002) idea of looking at illegality as more than a terminological issue, but a central epistemological and conceptual problem.

## THE BUREAUCRATIC STATE AND CARCERAL LOGIC

The political elites in Bangladesh are not concerned about the impoverished Bangladeshis in India because they are less skilled and bring in less remittance compared to the rest of the diaspora. Deportation regimes thus become a universal marker for exclusion and erosion of rights (De Genova, 2002).

According to the Bureau of Manpower, Employment and Training (BMET), the Bangladeshi government agency in charge of registering and clearing labour migrants for overseas employment, estimates that between 1976 and 2016 a total of 10.2 million economic migrants have gone abroad to work, bringing back almost US\$162 billion in remittances (Chakraborty, 2025). Women make a marginal proportion of this number, merely 4.7 per cent of the total migrant population.

Though Tamil Nadu does not have a strong anti-migrant lobby like in Maharashtra or other states, the silent anti-Muslim epidemic prevails, where the police and migrant interactions are rather unusual and unpredictable.

“Police log toh sab jaanta hai madam, pata nahi bas ek dinn aata hai aur utha ke le jata hai” (The police men know everything madam, they just come in one day and pick us up)

The men I interviewed said that the police would always know that there is a group of Bangladeshi men in the locality. They would be aware of their presence and work. The police

adhered to no threatening or confrontational tactics and were often friendly. There perhaps seemed a cordial arrangement with the employers. Regardless, one day suddenly, the group of migrants would be called to the police station and inquired. The lack of documentation would lead to subsequent arrests immediately. This seems to be a trend across the police in the Tirupur belts. Few men even told me that their relatives who had come from Bangladesh sustained this unpredictability through months and remained safe and uncaught. It seemed difficult to predict this uncertainty of raids by the police and migrants would often risk the chance to continue to earn their livelihood. This also perhaps furthers to think of the state’s unpredictability in pushing its carceral logic. The lack of intimidating or confrontational tactics does not in any way present to us the absence of the carceral state. The function of the carceral state is only intensified with its presence and scrutiny over the migrant population.

This brings us to understand how immigration laws are tactical and not absolute. These tactical state interventions are made to manage labour and mediate social crises resulting in contradictions and unintended outcomes. What here is crucial to reiterate is also that illegality is again essentially a process of labour disciplining. Illegality of undocumented workers excluding them of rights and protections, thus ensuring a continuous cheap labour supply. Mainstream research often takes on the state’s perspective of ‘undocumented migrants’, of ‘illegality’ and treats it as a problem. This ignores the laws productive role in producing illegality in a carceral set up.

De Genova (2002) challenges the premise that undocumented migration is a problem. He argues that restrictive state borders and creation of illegality are actual problems from the standpoint of human mobility. The state’s law is an all-powerful coherent structure which is a site of constant negotiation and ambiguity and evasion by migrants, employers and state agents alike. Assimilation, settlement, legalization then becomes a much contested state perspective and a hindrance to develop a discourse on human mobility across borders for economic or social endeavours.

Also, Foreign National Prisoners fall under a complex web of laws. When in prison their day to day is governed by the state governed rules and

prison manuals, whereas immigration, deportation and citizenship are all Union subjects. This procedural maze itself stands as a huge battleground for the migrants in question, a chaotic network of systems that intricately intertwines immigration law and criminal law making it complicated.

## EVERYDAY LIFE AND CONFINEMENT

*“Avunga vela vera mari neata irukum, adhu namba aalala panna mudiyathu”* (Their work is neat and of another level, our people can't work like them)

A warder walking me to the tower pointed me to one end of the prison garden. He said, it is markedly visible that this neat work of fencing and growing those vegetables are done by the Bangladeshis. They are perfect in whatever they do. Their work can be distinguished from other prisoners. The warder almost essentialized the work of the Bangladeshi prisoners. To note Joseph and Naredran's (2013) document on the Bangladesh-India work corridor, they observe how the Bangladeshi migrants are absorbed easily into the labour market because of their malleability and flexibility, willingness to work longer hours and at cheaper rates than locals, and the inability to organize or unionize. In fact these circumstances keep them locked in doing physical labour and also keeps them in inequality traps shaping their mobility across the labour market. These vulnerabilities are multiplied when migrants enter seeking work without valid documents, passports and rely on extortive dalals or social networks for support (Hamada, 2012).

The Bangladeshi men would always folk around the legal help aid centre near the tower building almost every day to seek help from the Para Legal Volunteer. There were four para legal volunteers who had little knowledge in English and mostly spoke in Tamil. They hardly knew Hindi and helped them fill these forms to appoint lawyers to the migrants in undertrial. The para legal volunteers carried the legal aid forms which were in Tamil. The Bangladeshi undertrials carried with them bundles of case files of previous undertrials who have been sent to detention camps, or some who have been deported back. These people were mostly their relatives who were detained earlier.

The foreign prisoners were not allowed to call their relatives back in Bangladesh. This service was not available because it was a tedious process to verify the numbers despite calls were allowed for other prisoners with their registered contacts. As undertrials, the foreign prisoners were locked up the whole day with no work assigned to them. They were put separately in a block and their stay often stretched from 1 to 3 years at the least. One of the men I spoke to was not able to get a brush from the warders because of the language barrier and has been using powdered brick or small sticks from trees to brush his teeth.

Women often take dangerous forms of migration because they are restricted from the usual ways, framing their migration as infantile or victim or docile citizens (Kapur, 2014) Women have also remain unaccounted in the mainstream migration data and more likely to represent short distance migration flows owing to factors like proximity, cultural and linguistic similarity. There have been restrictions on various categories of skilled, unskilled and highly skilled women on migration that have faced a lot of protests in the year 1988, 1997 all in the name of protecting women's dignity which was later struck down as unconstitutional and discriminatory. About 90 per cent of all Bangladeshi women migrants are unskilled or semi-skilled.

The women I interviewed all belonged to an age group between 18 and 35.

Since the migration experiences of women do not fit into the statist conceptualizations of trafficked, coerced, or at-risk women, their vulnerabilities remain largely unaddressed within the migration paradigm. Migration in South Asia follows gendered binaries: while most males are considered economic migrants, women are often seen as dependent migrants accompanying males. However, in the cases I interviewed, all women were full time workers, with some even having their children left back home in Bangladesh. They had all crossed the borders paying money to brokers. They did not know they had come all the way to Tirupur.

Speaking of undocumented migrant women workers in Maharashtra, Ananya Chakraborty explains how it is almost impossible to distinguish women from West Bengal and from Bangladesh because of the cultural similarities. Taking up

Hindu-sounding names, applying vermilion are certain negotiations that women make to make them indistinguishable from their West Bengal counterparts.

It is often difficult to single out women in the social sphere, especially when their occupation is usually tied to domestic work or care work, limiting their visibility and interaction outside their space of work. However the women I met were all employed in the garment industries in Tirupur and had come with their husbands or relatives. Most of them were married. Few had their kids left back home in Bangladesh. Almost all women, a total ten in number practised Islam. One had a two year old toddler who would go around the roads inside the prison, sometimes unsupervised.

The Sunday Mass is going on in the gym area, and these women refused to join the mass in the common area. They all sat around a tree near the prison tower, waiting for their turn to video call their husband in the neighbouring men's prison.

One of them told me, "Hamara yahan aana akhbaar mein nahi pada aapne? Ab toh humara Prime Minister bahut kaam karta hai. Hume yahan se jaldi nikalwayenge. Iss baar toh chaar so log pakde gaye". (Have you not read about our detention in the newspapers? Our Prime Minister works a lot. They will get us out of here soon. This time they caught 400 of us).

The number of undocumented migrants who are arrested is on the increase in Tamil Nadu. All these women were undertrials. There was no visible legal aid available. Only one tirelessly working social case worker who tried to fill their forms and contact the Embassy, could hardly communicate with them.

Most of the women were literate in Bangla. They wanted Bangla books to read. I had arranged some Bangla books for the women's prison library. I had to attach the summary of the book in English, that had to pass prison censorship to reach them. I gave the toddler a pen and some paper that I had to play with. While leaving I asked her to keep the pen. The social case worker asked me not to leave the pen with her. She said, "Ivanga etho petition ezhithaanga na engallukku prachana. Ivanga ezhuthuruthu nambulukku puriyathu". (If they write some petition about us it gets difficult for us). Despite her willingness to help the migrants, her trust was conditional to them writing a petition

against the prison. The everyday is marred with trust and distrust, willingness to help and yet confronted with a huge structural barrier of the bureaucratic procedures.

### **'STRANGERS TO JUSTICE'- IN THE ERA OF LAW AND UNCERTAINTY**

In 2019, CHRI (Commonwealth Human Rights Initiative) came up with the Strangers to Justice report, with a powerful and poignant metaphor that captures the core finding of the report that foreign national prisoners are indeed alien, distance to the concept of justice. The report was a data driven evidence of the human rights crisis and is a huge reflection on state imposed immobility. Collecting data from NCRB over a decade, the report exposes the scale of the problem. This has been the only kind of report highlighting legal and bureaucratic delays with problems faced by Foreign National Prisoners in India.

The report highlights the procedural strangeness, experiential distance and the system's perspective where these individuals are not considered as rights-bearing citizens seeking redress or defending themselves, but as strangers with anonymous case numbers, bodies to be processed, and a source of statistical backlog. Their humanity, personal circumstances, and suffering are irrelevant to the machinery of the courts.

According to the report,

*"Three laws, namely, the Registration of Foreigners Act 1939, the Passport Act 1967 and the Foreigners Act 1946, primarily govern the entry and stay of foreigners in India. In the event of their conflict with law and subsequent incarceration, other legislation comes into play such as the Prisons Act, 1894 and the Repatriation of Prisoners Act, 2003. But no law or policy exists to govern their stay and repatriation once they complete their sentence. The absence of a definite framework leads to arbitrary, unnecessary and prolonged detention of many foreign prisoners for months and years in Indian jails beyond the completion of their sentence. Their detention contravenes the most fundamental principle of fair trial - no detention without the sanction of court. All this because the repatriation process must go through no less than 322 desks and sign offs before the prisoner can go back home!"*

While prisoners in general suffer from neglect and apathy from others, this is doubled for foreign national prisoners. Dissimilarities in language, culture, customs, laws and procedures pave way for multifaceted difficulties throughout the course of their detention.

Even though there are a substantial number of foreign nationals in Indian prisons, there are no special provisions that govern their detention or afford them special facilities. The Model Prison Manual 2016 does not contain a dedicated chapter on treatment of foreign national prisoners or set out a separate regime for them. Foreign national prisoners find mention only with reference to contact with the outside world, mainly permission to send letters to their families at their own cost, and contact with their consulates.

The repatriation of a foreign prisoner requires the involvement of both central and state governments, specifically, two divisions of Ministry of External Affairs (MEA), viz. Consular, Passport and Visa division and the respective territorial division. India is among the very few countries where illegal immigration is a criminal offence and illegal immigrants can be convicted and imprisoned alongside prisoners convicted of internationally recognized criminal offences.

While the law clearly places the responsibility of funding the travel on the prisoners, in reality

they are often left with no money after paying for their legal representation and fines.

The view that immigration increases crime is pervasive and quite persistent, but is there hardly any evidence to support this claim. There is no satisfactory evidence found that crime was more prevalent among the foreign-born than among the native population (Moehling & Piehl, 2009). Rather, it found that within the incarcerated population, a higher fraction of immigrants than natives had been convicted of violent crimes. Analysts at the time detailed the many reasons that the foreign-born might be disadvantaged in court: from not understanding the court system, to lack of adequate translation services, to being easy targets for scams (McDonald 2018).

## CONCLUSION

Mimi Sheller (2018) argues that mobility is a resource unevenly distributed, and the governance of mobility is central to social stratification. I hence argue that the case of Bangladeshis in Tamil Nadu is a stark example of "immobilization" as a political strategy. The state, unable or unwilling to regularise economic migrants, uses the carceral apparatus to forcibly stop their movement, first within prison walls, then within detention camps. This immobilisation is a profound injustice, denying their agency, their labour contribution, and their basic human need for a future.

## REFERENCES

- [1] Andreas, P. (1994). The making of Amerexico:(Mis) Handling illegal immigration. *World Policy Journal*, 11(2), 45-56.
- [2] Bosworth, M., & Kaufman, E. (2011). Foreigners in a Carceral Age: Immigration and Imprisonment in the US. *Stanford Law & Policy Review*, 22(1).
- [3] Chakraborty, A. (2025). Renegotiating boundaries: Exploring the lives of undocumented Bangladeshi women workers in India. In *Borders and mobility in South Asia and beyond* (pp. 123-143). Routledge.
- [4] Coutin, S. B. (2003). *Legalizing moves: Salvadoran immigrants' struggle for US residency*. University of Michigan Press.
- [5] De Genova, N. P. (2002). Migrant "illegality" and deportability in everyday life. *Annual review of anthropology*, 31(1), 419-447.
- [6] Dhanuka, M., Sharma, M., & Laskar, T. (2017). A Stranger to Justice. NATIONAL HUMAN RIGHTS COMMISSION INDIA, 108.
- [7] Hamada, Y. (2012). National governance in international labour migration. *Migration and Development*, 1(1), 50-71. <https://doi.org/10.1080/21632324.2012.711095>
- [8] Human Rights Watch. (2010). *World report 2010: Our annual review of human rights around the globe*. Retrieved from <https://www.hrw.org/world-report/2010>
- [9] Jegadeesan, M., & Fujita, K. (2014). Knitted together: the life of migrants in Tiruppur garment cluster. In *Industrial Clusters, Migrant Workers, and Labour Markets in India* (pp. 62-88). London: Palgrave Macmillan UK.

- [10] Joseph, J., & Narendran, V. (2019). Neither here nor there: An overview of South-South migration from both sides of the Bangladesh-India migration corridor (Report coordinated by S. I. Rajan). Centre for Development Studies. [https://www.iss.nl/sites/corporate/files/Report\\_Neither\\_Here\\_nor\\_There\\_CDS\\_ISS\\_2019.pdf](https://www.iss.nl/sites/corporate/files/Report_Neither_Here_nor_There_CDS_ISS_2019.pdf)
- [11] Kapur, D. (2014). Political effects of international migration. *Annual Review of Political Science*, 17(1), 479-502.
- [12] McDonald, W. F. (2018). Exploiting Immigrant Vulnerability. In *The Criminal Victimization of Immigrants* (pp. 47-54). Cham: Springer International Publishing.
- [13] Moehling, C., & Piehl, A. M. (2009). Immigration, crime, and incarceration in early twentieth-century America. *Demography*, 46(4), 739-763.
- [14] Nevins, J. (2010). Operation gatekeeper and beyond: The war on "illegals" and the remaking of the US–Mexico boundary. Routledge.
- [15] Ramamurthy, N. (2024). Transition from Low to High Shades of Precarity among Migrants in Tamil Nadu. In *India Migration Report 2023* (pp. 356-374). Routledge India.
- [16] Sheller, M. (2018). *Mobility justice: The politics of movement in an age of extremes*. Verso Books.
- [17] Sur, M. (2012). Bamboo Baskets and Barricades: Gendered Landscapes at the India-Bangladesh border. In M. Sur & B. Kalir (Eds.), *Transnational Flows and Permissive Polities: Ethnographies of Human Mobilities in Asia* (pp. 127–150). Amsterdam University Press. <http://www.jstor.org/stable/j.ctt45kfk8.11>
- [18] Vila P. (2000). *Crossing Borders, Reinforcing Borders: Social Categories, Metaphors, and Narrative Identities on the US Mexico Frontier*. Austin. University of Texas Press.

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