

Analysis of the Newark Airport Deportation Incident and its Broader Immigration Policy Context

Executive Summary

A recent incident at Newark Liberty International Airport, involving the restraint and deportation of an Indian national, garnered significant public attention due to a viral video depicting the individual as "handcuffed, crying, treated like a criminal".¹ While initial reports frequently referred to the individual as an "Indian student," official statements from both the Indian Ministry of External Affairs (MEA) and the US authorities clarified that the individual had entered the United States illegally without a valid visa and was being deported as per a court order.³ The restraint was reportedly due to "behavior not conducive for travel" during transit, leading to medical admission before deportation.³

This event underscores the strict enforcement of US immigration laws under the current administration, which has seen a substantial increase in deportations of Indian nationals—approximately 1,080 since January 2025.⁶ The incident highlights the complex interplay between immigration policy, law enforcement protocols, and public perception, particularly concerning the use of force and the due process afforded to individuals facing removal. It also brings into sharp focus the broader policy implications, including a discernible chilling effect on Indian students aspiring to study in the US and a re-evaluation of the traditional "American dream." This report provides a detailed analysis of the incident, the legal framework governing US immigration, diplomatic responses, and the wider trends impacting Indian nationals, concluding with recommendations for various stakeholders to navigate this evolving landscape.

1. Introduction: The Newark Airport Incident

The incident at Newark Liberty International Airport (EWR) on June 8, 2025, rapidly escalated into a matter of international concern following the widespread circulation of a video on social media platforms.² Indian-American entrepreneur Kunal Jain shared the footage, which showed a young Indian national being "handcuffed, crying, treated like a criminal" and "pinned down" by authorities.¹ Jain's posts, which tagged the Indian Embassy in Washington, D.C., and External Affairs Minister S. Jaishankar, characterized the event as "painful," "terrifying," and a "human tragedy," conveying a sense of helplessness and heartbreak.¹ The emotional resonance of the video, particularly its portrayal of a seemingly vulnerable individual, immediately ignited a "social media storm" and widespread outrage, prompting questions about the safety and viability of pursuing education in the United States.²

Initial public discourse and media reports frequently identified the individual as an "Indian student".¹ However, subsequent official clarifications provided a crucial distinction. Sources from the Indian Ministry of External Affairs (MEA) and the Indian Consulate in New York confirmed that the individual was an Indian national from Haryana who had "entered the US illegally without a valid visa" and was being deported "as per a court order".³ This clarification is significant because it shifts the narrative from a student facing arbitrary deportation to an individual subject to legal removal due to unauthorized entry. The individual was reportedly restrained because his "behavior was not conducive for travel" during his transit at Newark Airport, leading to his admission to a medical facility.³ His deportation is now contingent on him being deemed medically fit to travel.³

The initial widespread reporting of the individual as an "Indian student" versus the official clarification of an "Indian national who entered illegally without a valid visa" highlights a notable discrepancy between public perception and legal reality. This suggests that the emotional impact of the viral video, combined with pre-existing anxieties among Indian students regarding US visa crackdowns, led to an immediate assumption of student status, even if his actual method of entry was unauthorized. The emotional weight attached to a "student" being "treated like a criminal" is considerably higher than that associated with an individual who has violated immigration law. This divergence in framing significantly influenced the initial public reaction and the intensity of the social media response.

The rapid diplomatic engagement from the Indian Consulate and MEA following the incident underscores the high sensitivity of such events, especially when amplified by social media. Kunal Jain's direct tagging of the Indian Embassy and EAM Jaishankar on social media likely played a role in prompting swift official action to ascertain the facts and engage with US authorities.¹ This demonstrates the evolving role of social

media in international relations, where viral content can compel immediate governmental responses to manage public narratives and address citizen concerns.

2. Incident Analysis: Details of the Deportation

Official statements have provided clarity regarding the Indian national's immigration status and the circumstances leading to his deportation. Multiple sources, including the Indian Ministry of External Affairs (MEA) and the Indian Consulate in New York, have confirmed that the individual "had entered the US illegally without a valid visa".³ This foundational fact establishes the legal basis for his removal from the United States. Furthermore, his deportation was explicitly stated to be "as per a court order," indicating that the removal was not an arbitrary administrative action but rather a consequence of a formal legal process.³

The viral video depicted the individual being physically restrained, handcuffed, and pinned down by law enforcement personnel at Newark Airport.³ Official accounts explain that this restraint was applied because his "behavior was not conducive for travel" during his transit.³ Following the incident, he was admitted to a medical facility, and his deportation is pending his being declared "fit to travel".³ Eyewitness Kunal Jain described the individual as "crying" and "visibly distressed" during the ordeal.¹

The Port Authority Police Department (PAPD) was identified as the agency involved in manhandling the individual.³ The PAPD is the primary law enforcement body responsible for ensuring safety and security across major transportation hubs in New York and New Jersey, including Newark Airport.¹² Their duties encompass general law enforcement, emergency response, and the enforcement of criminal and traffic laws within their jurisdiction.¹³ While PAPD's direct role in immigration enforcement is typically supportive, they cooperate with federal agencies such as Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) in apprehending and processing individuals subject to immigration violations.

The phrase "behavior not conducive for travel," used to justify the restraint, is subject to interpretation. The individual was described as "crying" and "visibly distressed".¹ This juxtaposition suggests that his behavior might have been a reaction to the traumatic situation of impending deportation rather than an inherent threat or active resistance. This raises questions about whether the restraint was a necessary response to a genuine safety risk or if it was a punitive measure for non-compliance

stemming from emotional distress. The PAPD's own use-of-force policy emphasizes de-escalation and proportionality ¹⁴, and a critical assessment would examine if these principles were fully applied in this context.

The repeated mention of a "court order" for deportation is significant, implying a formal legal process beyond simple administrative removal. For individuals who enter the US illegally and have been present for less than two years, "expedited removal" is a common procedure that often bypasses a full immigration court hearing.¹⁶ Given the individual's illegal entry, the "court order" could refer to a judicial review of such an administrative order, a criminal conviction related to illegal entry (which is a federal misdemeanor) ¹⁹, or a final order from an immigration judge after a more extensive hearing. The lack of explicit detail on the

type of court order leaves room for legal interpretation and raises questions about the specific due process afforded to the individual.

3. Legal Framework: US Immigration Law and Enforcement

3.1 Illegal Entry and Unlawful Presence

The legal foundation for the deportation of individuals like the Indian national at Newark Airport rests upon specific sections of US immigration law. Sections 1325 ("illegal entry") and 1326 ("illegal reentry") of Chapter 8 of the U.S. Code are the primary statutes used to criminally prosecute individuals for entering or reentering the United States without permission.²⁰ A first offense under Section 1325 for illegal entry is typically classified as a federal misdemeanor, leading to detention and removal proceedings.¹⁹ Section 1326, pertaining to illegal reentry after a prior deportation, is a felony offense that can result in a federal prison sentence of up to 20 years. After serving such a sentence, individuals are frequently taken into custody by ICE and deported for the same violation.²⁰ The historical context of these laws is critical; they were enacted in the late 1920s during the eugenics movement and were intended to promote racist and white supremacist ideologies. Their discriminatory impact continues to be observed today, with data indicating a disproportionate effect on

Mexican and Latinx individuals.²⁰ While the current case involves an Indian national, this historical context underscores how systemic biases can be embedded in legal frameworks, potentially influencing enforcement practices even beyond specific racial targeting.

Beyond criminal penalties, illegal entry also leads to "unlawful presence," a status with severe implications for future admissibility to the US. Unlawful presence is defined as any period of time an individual is present in the United States without being admitted or paroled, or remaining beyond their authorized period of stay.²¹ Accruing unlawful presence can trigger bars to future admission:

- **3-Year Inadmissibility:** Applies if an individual accrues more than 180 days but less than one year of unlawful presence during a single stay and departs the U.S. before removal proceedings commence.²¹
- **10-Year Inadmissibility:** Imposed if an individual accrues one year or more of unlawful presence during a single stay and subsequently leaves or is removed from the U.S. This bar applies regardless of whether departure occurs before, during, or after Department of Homeland Security (DHS)-initiated removal proceedings.²¹
- **Permanent Inadmissibility:** The most severe consequence, this bar applies if an individual accrues an aggregate period of more than one year of unlawful presence (on or after April 1, 1997), then leaves or is removed, and subsequently reenters or attempts to reenter the U.S. without proper admission or parole.²¹ Overcoming this permanent bar requires being physically outside the U.S. for at least 10 years before applying for "consent to reapply for admission".²¹ Exceptions to the accrual of unlawful presence exist for specific categories, such as minors, asylees, certain victims of trafficking, and battered spouses or children.²¹

It is important to distinguish between a visa overstay and illegal entry. A **visa overstay** occurs when an individual enters the U.S. legally on a valid visa but remains in the country beyond the authorized period of stay.¹⁹ While this can lead to ineligibility for future visas or bars to re-entry, it differs fundamentally from

illegal entry, which involves entering the U.S. without any proper authorization, such as crossing the border at undesignated points or using fraudulent documents.¹⁹ Illegal entry carries immediate and serious legal ramifications, including detention and removal proceedings, and potentially felony charges for repeated offenses.¹⁹ The Indian national in the Newark incident falls squarely into the category of illegal entry.³

3.2 Deportation Processes and Authority

US immigration enforcement involves multiple federal agencies with distinct roles. **Immigration and Customs Enforcement (ICE)** is primarily responsible for identifying, apprehending, detaining, and removing "removable aliens" or those "unlawfully present" in the U.S..²³ Its Enforcement and Removal Operations (ERO) manages the entire process, including coordinating removals with international partners and providing air transportation for deportees.²³

Customs and Border Protection (CBP), on the other hand, focuses on securing the nation's borders and ports of entry. CBP officers have the authority to stop individuals at the border to determine their admissibility and can initiate expedited removal procedures for those attempting to enter without valid documentation.¹⁸

Deportation processes in the US can vary significantly in their speed and judicial oversight. **Expedited removal** is a procedure that allows CBP and ICE officials to rapidly deport noncitizens who are undocumented or have committed misrepresentation or fraud, often without an immigration court hearing.¹⁶ This process can lead to deportation in as little as a single day.¹⁶ The Trump administration expanded this policy in January 2025, applying it to undocumented persons apprehended anywhere in the U.S. who cannot prove two years of continuous physical presence and who entered between Ports of Entry or had their parole status revoked.¹⁶

For individuals not subject to expedited removal, or those who express a credible fear of persecution, **removal proceedings** are initiated in immigration court. Here, individuals have the right to appear before an immigration judge and present a defense against deportation.¹⁶ The length of these proceedings can vary widely, from hours to years.¹⁸ The Indian national in the Newark incident was being deported "as per a court order".³ This suggests a formal legal determination, which could be a final order from an immigration judge after a full hearing, a judicial review of an expedited removal, or a criminal conviction related to illegal entry. The lack of specific detail on the

type of court order is a critical information gap that prevents a full understanding of the due process afforded in this particular case.

The US government also offers options for **voluntary self-deportation**. Through the "CBP Home Mobile App," non-criminal illegal aliens are incentivized to voluntarily

depart the United States.²⁵ Incentives include cost-free travel, a \$1,000 exit bonus, forgiveness of "failure to depart" fines, and potentially improved future immigration options.²⁵ This program allows individuals to avoid ICE arrest and detention, and even those with pending immigration court cases or prior removal orders may be eligible to participate.²⁵

The fact that the individual was deported "as per a court order"³ is a significant detail. Given his illegal entry, he would typically be subject to expedited removal.¹⁶ The mention of a "court order" could imply a judicial review of an expedited removal, a criminal conviction for illegal entry, or a full immigration court proceeding. This distinction is crucial for understanding the specific legal avenues available to individuals in similar situations and the level of due process afforded. The ambiguity surrounding the

type of court order represents a gap in publicly available information.

3.3 Use of Force Protocols

The Port Authority Police Department (PAPD) operates under specific use-of-force policies designed to guide officer conduct. These policies mandate that force should be employed only as a "last resort" when lawful objectives cannot be achieved through less coercive means, such as verbal commands, critical decision-making, tactical deployment, or de-escalation techniques.¹⁴ Officers are explicitly required to use the "least amount of force that is objectively reasonable, necessary and proportional" to safely achieve their legitimate law enforcement objectives.¹⁴ An "active resistor" is defined as an individual who is uncooperative, fails to comply with directions, and actively attempts to avoid physical control, including evasive movements or tensing to resist handcuffing.¹⁴ Importantly, PAPD policy also imposes a "duty to intervene" on any officer who witnesses an illegal or excessive use of force by a colleague, along with a duty to report such incidents.¹⁴ Furthermore, after any use of force, officers are obligated to "promptly render medical assistance" to any injured person and request emergency medical assistance if needed, as well as monitor individuals for potential medical intervention.¹⁴

In the Newark incident, official sources stated that the Indian national was restrained because his "behaviour was not conducive for travel".³ While US immigration law (INA 212(a)(1)(A)(iii)) allows for inadmissibility based on physical or mental disorders

associated with behavior that poses a threat to property, safety, or welfare²⁶, the available information does not provide specific details on the nature of the individual's behavior beyond it being "not conducive for travel" and him being "crying" and "visibly distressed".¹ The application of force, including handcuffing and pinning down, must align with PAPD's proportionality and de-escalation guidelines, especially if the behavior was primarily a manifestation of distress rather than active resistance or a direct threat.¹⁴ The public perception of "chilling brutality"²⁷ and the individual being "treated like a criminal"¹ suggests a perceived disconnect between official protocols and their application in this specific instance.

The subjectivity inherent in interpreting "behavior not conducive for travel" and the subsequent application of force is a significant area of concern. The description of the individual being "crying" and "visibly distressed"¹ contrasted with the justification for restraint raises questions about whether emotional distress was misinterpreted as a threat or resistance. PAPD's policy emphasizes de-escalation and proportionality.¹⁴ If the individual was primarily experiencing emotional distress rather than actively resisting or posing a physical threat, the use of physical restraint, handcuffing, and pinning down could be viewed as an escalation rather than de-escalation. This highlights a potential gap between the stated policy and its practical implementation, or a subjective interpretation of "active resistance" in high-stress situations involving individuals who may be overwhelmed by the circumstances of their deportation.

4. Diplomatic and Official Responses

The Newark Airport incident triggered immediate and coordinated diplomatic engagement from the Indian government. The Indian Consulate General in New York swiftly responded to the viral video, acknowledging the social media posts and stating that they were "in touch with local authorities in this regard" to ascertain details of the Indian national facing difficulties.³ Concurrently, the Ministry of External Affairs (MEA) formally raised the matter with the US Embassy in New Delhi, while the Indian Embassy in Washington D.C. and the Indian Consulate in New York maintained contact with US authorities.⁷ As of early June 2025, MEA sources indicated that specific details regarding the incident, the circumstances of the restraint, or the flight details had not yet been fully received, but follow-up efforts were ongoing.¹⁰ Despite the ongoing investigation, the Indian government confirmed the individual's illegal entry and court-ordered deportation, noting that he was restrained due to "behavior not

conducive for travel" and would be deported once medically fit.³

In response to the public outcry, the US Embassy in India issued a "stern warning," unequivocally stating that the United States "cannot and will not tolerate illegal entry, abuse of visas, or the violation of US law".¹ The embassy's statement also affirmed that while "The United States continues to welcome legitimate travelers to our country," there is "no right to visit the United States".¹ This firm stance reflects the current administration's clear and uncompromising approach to immigration enforcement, aiming to deter illegal entry and visa violations. The timing of this message, immediately following a widely publicized deportation, reinforced the message of strict enforcement.

The incident occurred amidst President Donald Trump's intensified "crackdown on illegal immigrants" and tightening of immigration rules.² Since January 2025, the Trump administration has implemented a series of restrictive measures specifically targeting international students, which have resulted in increased rejection rates, deepened scrutiny (including social media checks), and targeted institutional actions.³¹ President Trump also signed an executive order in January 2025, titled "PROTECTING THE AMERICAN PEOPLE AGAINST INVASION," which emphasized a policy to "faithfully execute the immigration laws against all inadmissible and removable aliens" and achieve "total and efficient enforcement".³³ This order explicitly highlighted concerns about "illegal aliens" posing threats to national security and public safety.³³ Additionally, the administration has targeted programs like Optional Practical Training (OPT), which allows international students to work post-degree, with regulatory rollbacks announced due to perceived impacts on American jobs.³¹

The Indian government's response demonstrates a delicate diplomatic balancing act. While expressing concern and seeking details regarding the treatment of its citizen, the MEA's acknowledgement of the individual's illegal status implicitly validates the legal basis for the deportation. This suggests that India is not challenging the legality of the removal itself but rather focusing on ensuring humane treatment and adherence to due process during immigration enforcement actions. The US Embassy's messaging, while welcoming "legitimate travelers," employs strong language that clearly articulates the current administration's uncompromising stance on immigration enforcement. This messaging, delivered immediately after a viral deportation incident, serves to reinforce a policy of strict enforcement and deter future violations.

The prompt and strong public statements from both governments, amplified by social media, indicate a new era of public diplomacy. Governments are now compelled to respond swiftly to viral incidents to manage narratives and assert policy positions.

This highlights how social media has become a critical arena for diplomatic engagement and public perception management, complementing or even superseding traditional communication channels. Furthermore, the US government's statements and actions, including the President's executive order, suggest a primary focus on deterring illegal immigration through visible and often severe enforcement. The Newark incident, regardless of its specific details, serves as a public example of this policy in action, aiming to send a clear message to potential unauthorized entrants.

5. Broader Context: US Immigration Policy Trends and Impact on Indian Nationals

5.1 Impact of Recent US Immigration Policies

The Newark Airport incident is not an isolated event but rather a visible manifestation of a broader, intensified immigration crackdown by the Trump administration that began in January 2025. This period has seen the implementation of "restrictive measures targeting international students," resulting in "increased rejection rates, deepened scrutiny (including checks on online behaviour), and targeted institutional actions".³¹ The US State Department has reported a significant "50 percent dip in visas issued to Indian students," reflecting the heightened scrutiny and administrative barriers now in place.³¹

Thousands of visas for international students already studying in the U.S. have been revoked due to "minor infractions," leading to "rapid deportations".³¹ Examples of such infractions include minor legal issues like speeding tickets or other traffic violations, which have been used as grounds for visa cancellation.³⁴ Furthermore, students who participated in pro-Palestine protests on campuses in 2024 have also been targeted with visa revocations and arrests, often under allegations of spreading anti-Semitism and pro-Hamas sentiment.³⁴ A notable instance of this trend involved the Department of Homeland Security (DHS) revoking Harvard University's Student and Exchange Visitor Program (SEVP) certification, an action that could jeopardize the status of over 10,000 international students, including 788 Indian students, although a federal judge

temporarily blocked this move.³¹

Changes are also affecting crucial post-study work programs. Legislative proposals and executive rhetoric are targeting the Optional Practical Training (OPT) program, which allows international students to work for three years post-degree in STEM fields.³¹ A "regulatory rollback of OPT has been announced," with the stated justification being its impact on American jobs.³¹ This policy shift has direct consequences for Indian students, with over 69,000 on OPT facing deportation risk due to stricter unemployment reporting rules and potential SEVIS record termination for missing or outdated employer information.³⁶ The broadening scope of enforcement, extending beyond illegal entry to include visa overstay, minor infractions, and even social media activity or political expression, indicates a significant expansion of the criteria for visa revocation and deportation, creating a climate of fear even among legally present students.

5.2 Trends in Indian National Deportations

The statistical data on deportations of Indian nationals from the US since January 2025 reveals a significant increase in enforcement activities.

Table 1: US Deportations of Indian Nationals (January - May 2025)

Time Period	Total Deportations	Breakdown by Method	Individuals Detained with Final Removal Orders (Pending Verification)
January - March 28, 2025	636	341 (chartered flights), 55 (via Panama), 240 (commercial flights) ³⁷	295 ³⁷
January - May 29, 2025	~1,080	~62% (commercial flights) ⁶	(Included in total, but specific numbers not updated)

Note: Data fluctuates and may be updated at fiscal year-end by ICE.³⁸

Since January 2025, the Trump administration has deported approximately 1,080 Indian nationals from America.¹ As of March 28, 2025, 636 Indian nationals had been deported, with 341 on chartered flights, 55 via Panama, and 240 on commercial flights.³⁷ By May 29, 2025, this number had risen to 1,080, with about 62% returning on commercial flights.⁶ ICE has also shared information on an additional 295 individuals detained with final removal orders, whose details are currently being verified by the MEA.³⁷ While official daily airport-specific statistics are not publicly provided by ICE³⁸, eyewitness Kunal Jain's observation that "3-4 such deportations happen daily" at Newark suggests a consistent, high frequency of these incidents.²⁷ For context, the previous administration under Joe Biden carried out an average of 311 immigration deportations daily nationwide.⁴⁰

The most common reasons for deportation of non-citizens, including green card holders, are criminal activity, being unlawfully present (either by overstaying a visa or through illegal entry), immigration fraud or misrepresentation, violation of visa conditions, and failure to appear for immigration proceedings.²² The Indian national in the Newark incident was specifically deported for "illegal entry without a valid visa".³ The high number of Indian nationals deported since January 2025 and the significant dip in Indian student visas indicate a deliberate policy shift rather than random occurrences. This suggests a systemic, intentional policy, making the Newark incident a symptom of a broader issue rather than an isolated event.

5.3 Perceptions and Challenges

The Newark Airport incident and the wider US immigration crackdown have generated strong public and social media reactions. Social media users expressed outrage over the treatment of the Indian national, questioning the safety and cost of studying in the US.² Some comments criticized Kunal Jain for merely documenting the incident instead of intervening, while others questioned the value of pursuing higher education in the US, describing it as "hell" or no longer a "dreamland".² Conversely, some users supported deportation for illegal status, suggesting that returning to India, a "rising superpower," might even be beneficial for the individual.²

There is a growing sense of fear and uncertainty among Indian students in the US. The Trump administration's crackdown has created a pervasive "sense of fear and uncertainty for international students".³¹ Students are reportedly "terrified that some small mistake, anything they posted or said, might get them abducted and deported,

ruining their education".³⁴ Many international students feel "expendable" and are re-evaluating their aspirations of building a life in America, with some actively planning to leave.³²

This climate has led to a significant shift in aspirations regarding the "American dream." The prospect of studying in the US "without clear post-study employment opportunities" due to changes in programs like OPT significantly alters Indian youth's traditional aspiration for 'the American dream'.³¹ The uncertainty surrounding visa approval or work authorization transforms US education into a "high-risk investment" for many families.³¹ This has resulted in dropouts, deferments, and a "strategic shift in student preferences" towards alternative study destinations such as Germany, Russia, France, New Zealand, Uzbekistan, or Bangladesh.³¹

The declining attractiveness of the US for Indian students, evidenced by decreased visa issuance and students seeking alternative destinations, poses a long-term threat to US higher education, research, and innovation, as well as the influence of the Indian diaspora. If Indian students, a significant demographic in US higher education, perceive the US as less welcoming or too risky, this could lead to a substantial decline in enrollment, impacting university finances, research output, and the overall talent pool. This has both economic and intellectual consequences for the United States.

Furthermore, the US immigration policies are inadvertently catalyzing a re-evaluation of global education and career pathways for Indian youth. This could lead to a diversification of international student destinations and potentially strengthen higher education ecosystems in other countries or even in India itself.³¹ If the US becomes less attractive, Indian students will seek opportunities elsewhere, representing a macro-level shift in global talent migration. The Indian government is already exploring strategies to strengthen domestic higher education and implement digital platforms for international degrees, indicating a long-term re-calibration of India's approach to its youth's global aspirations.³¹

Finally, the emphasis on "protecting the American people against invasion" and linking "illegal aliens" to "significant threats to national security and public safety" ³³ frames immigration as a security issue. This rhetoric, coupled with visible enforcement actions, can overshadow humanitarian concerns and due process considerations, contributing to perceptions of "chilling brutality".²⁷ This creates a tension between policy goals focused on national security and the humane treatment of individuals, even those who have violated immigration laws.

6. Analysis and Multi-Layered Observations

The Newark Airport incident, while specific to one individual, serves as a poignant illustration of the complexities and tensions within contemporary US immigration enforcement. The individual's confirmed status as having "entered the US illegally without a valid visa" ³ immediately subjected him to grounds of inadmissibility and removability under US immigration law. His deportation "as per a court order" ³ indicates a formal legal process. Given his illegal entry, it is highly probable that he was subject to either criminal prosecution under 8 U.S.C. § 1325 (illegal entry) or expedited removal proceedings.¹⁶ The long-term consequence of such a deportation, particularly if it results in a formal removal order, is a potential permanent bar to re-entry, especially if he had accrued more than one year of unlawful presence.²¹

An assessment of the proportionality and adherence to protocols in the use of force raises significant questions. The Port Authority Police Department's (PAPD) stated policy emphasizes using force as a "last resort" and in a "proportional" manner, with a duty to de-escalate and provide medical aid.¹⁴ However, the description of the individual being "crying" and "visibly distressed" ¹ and restrained for "behavior not conducive for travel" ³ prompts an examination of whether the force used (handcuffing, pinning down) was truly necessary and proportional to the perceived threat or resistance. It invites consideration of whether de-escalation techniques were fully exhausted, particularly if the behavior stemmed from emotional distress rather than active aggression. The public perception of "chilling brutality" ²⁷ and being "treated like a criminal" ¹ suggests a perceived disconnect between official protocols and their application in this specific instance.

Diplomatic efforts by the Indian government demonstrated a commitment to citizen welfare and a proactive approach to viral incidents. The prompt engagement by the Indian Consulate and MEA ³ underscores the importance of addressing such events swiftly. However, the MEA's acknowledgement of the individual's illegal status ³ implicitly limited the scope of diplomatic intervention to ensuring humane treatment and due process, rather than challenging the deportation itself. The US Embassy's firm stance on illegal entry ¹ indicates that while diplomatic channels remain open, US immigration laws will be strictly enforced.

The broader implications for India-US relations and international student mobility are

substantial. The incident, coupled with the wider US immigration crackdown, contributes to a negative perception of the US as a less friendly destination for higher education among Indian students.³¹ This trend could lead to a long-term decline in Indian student enrollment in the US, impacting academic institutions, talent flow, and potentially weakening the Indian diaspora's influence.³¹ It may also encourage India to strengthen its domestic higher education system and diversify international educational partnerships.³¹

The incident also highlights systemic issues within US immigration enforcement. It underscores the aggressive enforcement posture of the current US administration, characterized by mass deportations¹, increased scrutiny, and visa revocations for minor infractions.³¹ Concerns about due process, especially in expedited removal cases¹⁶, and the potential for subjective interpretation of "behavior" leading to physical restraint, remain pertinent. The historical racist origins of certain immigration laws, such as 8 U.S.C. §§ 1325 and 1326²⁰, suggest a need for ongoing critical examination of the legal framework itself to ensure equitable enforcement.

7. Recommendations

Based on the analysis of the Newark Airport incident and the prevailing US immigration policy landscape, the following recommendations are put forth for various stakeholders:

For Indian Students and Aspiring Immigrants:

- **Thorough Visa Compliance:** It is imperative for all individuals seeking to enter or reside in the US to adhere strictly to all US visa regulations and conditions, including timely departure or status adjustment. Understanding the nuances of legal entry versus illegal entry is critical, as the consequences of the latter are severe and long-lasting.
- **Awareness of US Immigration Laws:** Prospective and current Indian nationals in the US should proactively educate themselves on the grounds of inadmissibility, rules pertaining to unlawful presence (including the 3-year, 10-year, and permanent inadmissibility bars)²¹, and common reasons for deportation.²² This

knowledge can help prevent inadvertent violations.

- **Understanding Rights During Encounters:** Individuals should be aware of their rights during encounters with law enforcement at airports and other ports of entry, including the right to remain silent and to request legal counsel if they are arrested.²⁴ Having contact information for legal assistance readily available is advisable.
- **De-escalation and Compliance:** While asserting one's rights, it is advisable to remain calm and comply with official instructions during encounters with law enforcement. This approach can help avoid situations that might be perceived as "behavior not conducive for travel," potentially leading to physical restraint.
- **Exploring Alternatives:** Given the increased scrutiny and uncertainty in the US immigration environment, Indian students should consider exploring alternative study destinations or educational pathways, such as online degrees or in-India programs offered in collaboration with international universities.³¹
- **Social Media Prudence:** Caution is advised regarding social media posts that could be misinterpreted or used against individuals during visa vetting or immigration proceedings, as online behavior is now subject to increased scrutiny.⁶

For the Indian Government:

- **Enhanced Citizen Welfare Support:** Strengthen consular services and legal aid for Indian nationals facing immigration difficulties abroad, particularly in the US. This includes providing clear guidance, legal resources, and diplomatic support.
- **Bilateral Dialogue on Enforcement Practices:** Continue to engage actively with US authorities through diplomatic channels to ensure humane treatment and adherence to due process during immigration enforcement actions. This dialogue should specifically address concerns regarding the proportionality of force used and the transparency of deportation procedures.
- **Negotiating Mobility Frameworks:** Pursue "mutually advantageous and secure mobility frameworks" with the US. These frameworks should aim to streamline legal avenues for students and professionals, while simultaneously addressing concerns related to illegal immigration.³⁷
- **Promoting Domestic and Diversified Education:** Invest in and promote India's higher education ecosystem to reduce over-reliance on US education. Encourage Indian students to explore diverse international destinations and strengthen India's position as a global education hub.³¹
- **Data Collection and Analysis:** Systematically collect and analyze comprehensive

data on deportations and visa issues affecting Indian nationals. This data is crucial for informing policy decisions, advocacy efforts, and providing accurate information to the public.

For US Authorities (CBP, ICE, PAPD, DHS):

- **Transparency and Clarity:** Provide clearer public information regarding the distinctions between various deportation processes (e.g., expedited removal vs. court-ordered removal) and the specific legal basis for enforcement actions. Enhanced transparency can foster public trust and understanding.
- **Review of Use-of-Force Protocols:** Conduct a thorough and independent review of use-of-force incidents, particularly those involving individuals in distress or non-violent non-compliance. This review should ensure strict adherence to de-escalation principles and proportionality as outlined in agencies' own policies, such as those of the PAPD.¹⁴
- **Training on Vulnerable Populations:** Enhance training for law enforcement officers on effectively interacting with individuals who may be experiencing psychological distress, emotional trauma, or language barriers during immigration enforcement. This training should emphasize de-escalation techniques tailored to such situations.
- **Humanitarian Considerations:** Balance enforcement objectives with humanitarian considerations, ensuring that all individuals, even those in illegal status, are treated with dignity and provided necessary medical attention when required.
- **Policy Re-evaluation:** Re-evaluate the long-term implications of current immigration policies, particularly those impacting international students, on US economic competitiveness, innovation, and global standing. The impact of visa revocations for minor infractions³⁴ on perceptions of fairness and due process warrants careful consideration.
- **Addressing Systemic Issues:** Acknowledge and actively address the historical biases embedded in certain immigration laws, such as 8 U.S.C. §§ 1325 and 1326²⁰, to ensure that enforcement practices are equitable and do not perpetuate discriminatory outcomes.

Works cited

1. US embassy issues stern warning amid Indian student handcuffing ..., accessed

- on June 12, 2025,
<https://m.economictimes.com/nri/latest-updates/us-embassy-issues-stern-warni ng-amid-indian-student-handcuffing-row/articleshow/121753585.cms>
2. Viral video of handcuffed Indian student at US airport sparks online ..., accessed on June 12, 2025,
<https://timesofindia.indiatimes.com/etimes/trending/viral-video-of-handcuffed-in dian-student-at-us-airport-sparks-online-outrage/articleshow/121731920.cms>
 3. Indian National Seen Handcuffed In Newark Airport Video Entered ..., accessed on June 12, 2025,
<https://swarajyamag.com/news-brief/indian-national-seen-handcuffed-in-newark -airport-video-entered-us-without-valid-visa-to-be-deported-report>
 4. timesofindia.indiatimes.com, accessed on June 12, 2025,
<https://timesofindia.indiatimes.com/india/indian-detained-at-newark-had-no-visa -wasnt-fit-to-travel-govt/articleshow/121786557.cms#:~:text=%22With%20regard %20to%20a%20social,India%20as%20per%20a%20court>
 5. Indian detained at Newark had no visa, wasn't fit to travel: Govt - Times of India, accessed on June 12, 2025,
<https://timesofindia.indiatimes.com/india/indian-detained-at-newark-had-no-visa -wasnt-fit-to-travel-govt/articleshow/121786557.cms>
 6. Since Jan 2025, 1080 Indians have been deported; 62% have come on commercial flights: MEA on US deportations - The Economic Times, accessed on June 12, 2025,
<https://m.economictimes.com/nri/latest-updates/since-jan-2025-1080-indians-ha ve-been-deported-62-have-come-on-commercial-flights-mea-on-us-deportati ons/articleshow/121492616.cms>
 7. Chilling Brutality: Indian Student Pinned Down, Handcuffed At Newark Airport | India Today, accessed on June 12, 2025,
<https://www.youtube.com/watch?v=0MhfQOUY-GQ>
 8. Indian Student In New York Handcuffed & Pinned To Ground At U.S Airport, Deported Back To India - YouTube, accessed on June 12, 2025,
<https://www.youtube.com/watch?v=s3vnlxpXQbY>
 9. Indian Man Handcuffed, Pinned To Floor At US Airport: Witness Kunal Jain Speaks Exclusively to NewsX - YouTube, accessed on June 12, 2025,
<https://www.youtube.com/watch?v=yI7x-oBtEdw>
 10. Student handcuffed at US' Newark Airport to be deported once fit to ..., accessed on June 12, 2025,
<https://m.economictimes.com/nri/latest-updates/student-handcuffed-at-us-new ark-airport-to-be-deported-once-fit-to-travel-indian-consulate/articleshow/1217 72234.cms>
 11. Indian handcuffed at Newark was in US illegally, consulate in touch ..., accessed on June 12, 2025,
<https://m.economictimes.com/nri/latest-updates/indian-handcuffed-at-newark-w as-in-us-illegally-consulate-in-touch-with-authorities/articleshow/121787454.cms>
 12. Home - Port Authority of New York and New Jersey, accessed on June 12, 2025,
<https://www.panynj.gov/police/en/index.html>

13. PANYNJ Police Recruit Network - Jobs in New York, NY - Port Authority Police Department Jobs, accessed on June 12, 2025, <https://www.papdreruit.com/pages/about-papd/>
14. USE OF FORCE POLICY - NJ.gov, accessed on June 12, 2025, <https://www.nj.gov/oag/force/docs/UOF-2022-0429-Use-of-Force-Policy.pdf>
15. Newark Police Division Draft Use of Force Policy - NPD Independent Monitor, accessed on June 12, 2025, <https://www.newarkpdmonitor.com/wp-content/uploads/2017/07/Final-UOF-White-Paper-6-22-17-English.pdf>
16. Fact Sheet: Expanded Expedited Removal - National Immigration ..., accessed on June 12, 2025, <https://immigrationforum.org/article/fact-sheet-expanded-expedited-removal/>
17. Immigration officers intensify arrests in courthouse hallways on a fast track to deportation, accessed on June 12, 2025, <https://apnews.com/article/immigration-court-arrests-ice-deportation-99d822cdc93ae7dc26026c27895d5ea1>
18. OVERVIEW OF THE DEPORTATION PROCESS - Immigrant Legal Resource Center, accessed on June 12, 2025, https://www.ilrc.org/sites/default/files/resources/overview_deport_process-20181221.pdf
19. Key Differences Between Visa Overstays and Illegal Entry Penalties - Novo Legal Group, accessed on June 12, 2025, <https://www.novo-legal.com/en/blog/visa-overstays-vs-illegal-entry>
20. Unauthorized Entry & Re-entry Prosecutions | NIPNLG, accessed on June 12, 2025, <https://nipnl.org/unauthorized-entry-re-entry-prosecutions>
21. Unlawful Presence and Inadmissibility - USCIS, accessed on June 12, 2025, <https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility>
22. 5 Most Common Reasons for Deportation in the United States - EMP Law Firm, accessed on June 12, 2025, <https://emplawfirm.com/most-common-reasons-for-deportation/>
23. Enforcement and Removal Operations | ICE, accessed on June 12, 2025, <https://www.ice.gov/about-ice/ero>
24. Enforcement at the Airport | American Civil Liberties Union, accessed on June 12, 2025, <https://www.aclu.org/know-your-rights/what-do-when-encountering-law-enforcement-airports-and-other-ports-entry-us>
25. CBP Home: Assistance to Voluntarily Self Deport - Homeland Security, accessed on June 12, 2025, <https://www.dhs.gov/cbphome>
26. 8 U.S. Code § 1182 - Inadmissible aliens - Law.Cornell.Edu, accessed on June 12, 2025, <https://www.law.cornell.edu/uscode/text/8/1182>
27. Chilling Brutality By US Cops At Newark Airport, Indian Student Deported | India Today, accessed on June 12, 2025, <https://www.youtube.com/watch?v=4GtpyCPlhAI>
28. 'Won't tolerate visa abuse,' says US after video of handcuffed Indian ..., accessed

on June 12, 2025,

<https://www.hindustantimes.com/world-news/us-news/wont-tolerate-visa-abuse-says-us-after-video-of-handcuffed-indian-student-at-newark-airport-goes-viral-101749547280860.html>

29. MEA raises matter with US Embassy after video of handcuffed Indian ..., accessed on June 12, 2025,
<https://www.livemint.com/news/mea-raises-matter-with-us-embassy-after-video-of-handcuffed-indian-student-at-newark-airport-goes-viral-11749560995589.html>
30. President Donald Trump pushes ahead with his maximalist immigration campaign in face of LA protests, accessed on June 12, 2025,
<https://apnews.com/article/donald-trump-california-immigration-customs-enforcement-newsom-0482a8935419d88986b890b18db5cc03>
31. New Pathways for Indian Student Aspirations Amid US Visa Barriers, accessed on June 12, 2025,
<https://www.orfonline.org/expert-speak/new-pathways-for-indian-student-aspirations-amid-us-visa-barriers>
32. Trump promised to welcome more foreign students. Now, they feel targeted on all fronts, accessed on June 12, 2025,
<https://apnews.com/article/international-student-trump-visa-green-card-239e24aa76d8f8920b4fd3d986b8f4c3>
33. Protecting The American People Against Invasion - The White House, accessed on June 12, 2025,
<https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>
34. US revokes nearly 1,700 student visas: Who are the targets? | Interactive News | Al Jazeera, accessed on June 12, 2025,
<https://www.aljazeera.com/news/2025/4/18/us-revokes-nearly-1500-student-visas-who-are-the-targets>
35. Indian Student Facing Deportation In US Wins Legal Battle | WION - YouTube, accessed on June 12, 2025, <https://www.youtube.com/watch?v=29ZosvgTfA4>
36. Over 69000 Indian students face deportation risk as US tightens OPT unemployment rules, accessed on June 12, 2025,
<https://timesofindia.indiatimes.com/education/news/over-69000-indian-students-face-deportation-risk-as-us-tightens-opt-unemployment-rules/articleshow/121484604.cms>
37. 636 Indian nationals deported from US since January: Govt tells ..., accessed on June 12, 2025,
<https://m.economictimes.com/nri/latest-updates/636-indian-nationals-deported-from-us-since-january-govt-tells-parliament/articleshow/119658902.cms>
38. ICE Enforcement and Removal Operations Statistics, accessed on June 12, 2025,
<https://www.ice.gov/statistics>
39. India 'CONFRONTS' US After Video Of Shackled Student At Airport Goes Viral - YouTube, accessed on June 12, 2025,
<https://www.youtube.com/watch?v=jlOHfwCkk2c>

40. ICE arrests 956 migrants as part of Trump's immigration crackdown - BBC,
accessed on June 12, 2025, <https://www.bbc.com/news/articles/cd6434dq7p1o>