

Algorithmic Governance and India's Constitutional Duty toward Outbound Students Facing Foreign AI Visa and Surveillance Decisions

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Abstract

In the case where Ranjani Srinivasan, an Indian PhD candidate studying at Columbia University, had her F-1 visa revoked by the US State Department in March 2025 as part of the “Catch and Revoke” algorithmic visa-screening initiative and was forced to leave the United States, India's reaction consisted of merely expressing a diplomatic note that viewed the decision as the receiving state's sovereign right. Her case was far from being an isolated one: According to the policy brief published by the American Immigration Lawyers Association, of the 327 documented visa revocations within the same “Catch and Revoke” programme, approximately 50% involved Indian nationals (AILA, 2025). This paper identifies a gap in Indian constitutional scholarship: There is a lack of any doctrinal approach to India's positive constitutional duty as a sending state to protect the constitutional rights of outbound students abroad from algorithmic foreign harm. Existing literature either deals with algorithmic border harm as a responsibility of the receiving states or a domestic governance issue, while the sending state is entirely absent from both as a duty-bearer. Based on a mixed doctrinal and empirical research methodology, this paper analyses foreign algorithmic visa systems as Constitutional Harm Score (CHS) and Fundamental Rights Exposure Vector (FREV) employing the Constitutional AI Risk Classification System (CARCS), a framework developed by the author in his doctoral dissertation, through original survey data (n = 1,206) demonstrating that 56% of the respondents express their lack of confidence in current legal frameworks and that 82% request an independent regulatory regime. This paper argues for the development of the Sending-State Algorithmic Protection Doctrine (SAPD) operationalized through bilateral algorithmic impact assessment clauses and Indian Legal Parameter Database extension.

1. Introduction

On 5 March 2025, the United States Department of State revoked the F-1 student visa of Ranjani Srinivasan, a doctoral candidate in urban planning at Columbia University, for her alleged affiliation with a proscribed organization. With the threat of detention looming, Srinivasan left the country for Canada instead of challenging the visa revocation (Business Today, 2025). India's Ministry of External Affairs did not take any steps when prompted to do so and referred to the revocation as a sovereign prerogative of the United States. This paper suggests that the reaction of India was constitutionally inappropriate and explains why. To understand why it was inappropriate, it is necessary to rethink India's obligations as a sending state in the age of algorithmic borders.

Srinivasan's case was not unique. In its policy brief, the American Immigration Lawyers Association found out that of the 327 documented visa revocations as part of the State Department's “Catch and Revoke” programme - which utilizes artificial intelligence in the visa-screening process - approximately 50% involved Indian nationals, while about 4,000 students have been affected within the first two months following the launch of the programme (The News Minute, 2025; Axios, 2025). In addition, Canada's Immigration, Refugees and Citizenship Canada refused 74% of study permit applications submitted by Indian applicants and only 24% of Chinese applications in August 2025 using its algorithmic decision-

support system named Chinook (Business Standard, 2025). AI became the architecture of borders across receiving countries.

This silence is not a matter of law. The seven-judge bench of *Maneka Gandhi v. Union of India* (1978) established the principle that the right to travel abroad is an essential part of “personal liberty” under Article 21, and that any process that infringes this right must be “just, fair, and reasonable.” Through the Court’s “golden triangle,” the requirement was set out that the action must satisfy the requirements of Article 14 (equality), Article 19 (freedom of speech and expression), and Article 21 (personal liberty). This pivotal judgment has guided the growth of fundamental rights ever since (*Justice K.S. Puttaswamy v. Union of India*, 2017), but it has never been extended to the millions of Indian nationals whose freedoms of travel, education, and expression are restricted by an external algorithm beyond India’s territorial jurisdiction.

Scholarship has developed down two separate lines that have never intersected. The first, more mainstream line sees algorithmic border harm as a responsibility of the receiving state. The seminal scholarship of Molnar (2019) and the analysis of EU border automation by Yang et al. (2024) describe how destination states use AI in managing migration, and the shortcomings of international law in controlling them; while Brunner and Tao’s (2024) “accidental ethnography” captures the experience of international students encountering AI-enabled migration management – but from the standpoint of the receiving state alone. The second stream, the India-specific literature on algorithmic rights, considers algorithmic harm purely as an issue of domestic governance, and without applying the analysis to other states outside of India’s territory. It does not explore whether India, as a sending state, has any obligation towards the citizens it sends abroad if a foreign state’s algorithm harms them.

This paper attempts to fill that gap. Section 2 reviews existing literature. Section 3 makes the constitutional case for sending-state responsibility. Section 4 applies the CARCS/FREV/CHS framework to two examples of foreign algorithmic systems. Section 5 contains new empirical findings. Section 6 offers a decolonial framework. Section 7 suggests potential institutional mechanisms in the light of the Sending-State Algorithmic Protection Doctrine (SAPD). Section 8 concludes.

2. Literature Review and Positioning

Two strands of literature contribute to this paper without addressing the central concern of the paper. The first strand takes the problem of algorithmic migration governance to be a problem for the receiving state. Molnar’s scholarship, from her “Bots at the Gate” (Molnar & Gill, 2018), through *Technology on the Margins* (Molnar, 2019) to *The Walls Have Eyes* (Molnar, 2024), tells the story of how Canada, the EU, and the US use AI at their borders and how international human rights law struggles to restrain them. Yang, Zuiderveen Borgesius, Beckers, and Brouwer (2024) trace the privacy, non-discrimination, and fair trial risks involved in automated decision-making processes in Europe. And Brunner and Tao (2024), writing for this journal, capture the experience of Canadian international students encountering AI-enabled migration bureaucracy through an “accidental ethnography” – but still focusing on the receiving state’s

system and not on the sending state's responsibilities. This literature is rich in analysis but analytically silent about what duties a student's home state has towards her if a foreign algorithm harms her.

The second strand of literature deals with the algorithmic biases of India – including welfare targeting, predictive policing, and platform regulation – through the lens of the Digital Personal Data Protection Act, 2023 and the equality guarantees of the Constitution. This literature is doctrinal in its sophistication but geographically bound within India, because it does not consider what obligations arise if the harmful algorithm operates elsewhere, beyond India's jurisdictional reach through, say, the Information Technology Act, 2000 or the DPDP Act.

Neither one considers a “sending state” as a duty-bearer. This is an odd lacuna in the discussion, since the necessary doctrine for such a duty exists in the Indian Constitution. Indeed, comparative examples of migration-sending states offer some precedent: the Philippines, whose Migrant Workers and Overseas Filipinos Act of 1995 (amended 2010) provided for statutory protections for Filipino overseas workers overseen by POEA/OWWA, while Bangladesh has started to develop similar institutional capabilities, albeit while recognizing their resource limitations (The Daily Star, 2026). India, possessing more diplomatic and institutional resources and the world's largest outbound student population, has developed nothing comparable to address algorithmic harm.

My contribution here is to understand India's current “golden triangle” jurisprudence as supplying, if expanded, the necessary doctrinal basis for a sending-state duty, to situate this argument within the context of decolonial migration scholarship (Mohamed, Png, & Isaac, 2020; Muldoon & Wu, 2023), and to understand algorithmic border control as a continuance of the “colonial matrix of power” governing the movement of the population of the Global South – in which India's diplomatic silence is understood less neutrally as an inheritance of deference to destination-state power (Section 6).

3. Constitutional Framework: The Sending-State Duty

3.1 The Existing Right

“Article 21 of the Constitution provides that 'no person shall be deprived of his life or personal liberty except according to procedure established by law'”. In *Maneka Gandhi v. Union of India* (1978), the Supreme Court decided that this right to personal liberty extends to “the right to travel abroad” and that this right cannot be restricted through “any process that is capricious, unreasonable or arbitrary.” The “golden triangle” doctrine of that decision – connecting “Articles 14 (equality), 19(1)(a) (freedom of expression) and 21 (personal liberty)” – demands that any executive or legislative restriction of liberty meet the requirements of all three articles at once. “Justice Krishna Iyer opined in *Maneka Gandhi v. Union of India*” that the right to travel “is cardinal to a decent human order.” Such jurisprudence has become foundational for expanding unenumerated fundamental rights, especially in *Justice K.S. Puttaswamy v. Union of India* (2017), where the constitutionality of privacy is derived directly from this *Maneka Gandhi* line of cases.

“Article 51(c), a directive principle, lays down that it shall be the duty of State to ‘foster respect for international law and treaty obligations.’ Read with Article 21, it offers a basis for interpreting Article 21 as extending its concern beyond India's territorial boundaries in cases where “citizens' liberty is restricted by procedures connected to India's diplomatic and treaty relations” – which includes the migrant and mobility partnerships that India has signed with the United Kingdom, Australia, and Germany (Ministry of External Affairs, 2021, 2023a, 2023b).

3.2 The Extraterritorial Gap

The problem is that Maneka Gandhi's holding was formulated against the background of India's executive actions – in particular, the impounding of passports by the Indian state – rather than against those of a foreign state in an automated process. And no Indian court has ever considered whether the golden triangle doctrine creates a positive obligation for the Indian state to protect the fundamental right to liberty of its citizen if the curtailment of liberty is caused by the actions of a foreign government in an automated manner.

The gap in existing institutions and doctrines is not mandated by the constitutional text itself. The provision of diplomatic protection is long-standing and familiar to customary international law as a means for a state to champion its nationals in the face of wrongs committed against them by another state (International Law Commission, 2006). India has already established mechanisms similar to that, such as the MADAD scheme for consular grievance redressal (Embassy of India, Berne, 2025), and has engaged in negotiating such bilateral agreements as mentioned above. What is missing is not India's capability to do so but its doctrinal understanding that such action is compelled by Articles 21 & 51(c) of the Constitution.

3.3 The Sending-State Algorithmic Protection Doctrine (SAPD)

This paper introduces the Sending-State Algorithmic Protection Doctrine (SAPD). Where a foreign state implements an automated decision-making system generating a Constitutional Harm Score (CHS, Section 4) exceeding a defined threshold for Indian nationals, and where that harm engages the “golden triangle” under Articles 21, 14, and 19 of the Constitution in substance, India's Article 21 obligation, read with Article 51(c) thereof, requires that India take reasonable protective measures, whether diplomatic, regulatory, and otherwise. SAPD does not argue that India has the power to dictate changes to immigration systems implemented by a foreign sovereign state; it argues that India's own constitutional silence – failure to assess, document, and raise the issue diplomatically - is a breach of golden triangle duties owed to its nationals. SAPD is carefully crafted to avoid confrontation with the absolute authority of destination state sovereigns over their own borders; India's duties are limited to diligent performance of sending-state functions. Practical implementation is set out in Section 7.

4. CARCS Applied to Foreign AI Systems

The Constitutional AI Risk Classification System (CARCS), developed as part of the author’s doctoral research as a general tool for analysing any AI systems against the risk to Indian constitutional values, is applied in this paper for the first time to analyse foreign systems, including its Constitutional Harm Score (CHS, 0-100) and Fundamental Rights Exposure Vector (FREV) components. Table 1 presents four operative systems, and the subsequent sections discuss the two systems that score highest in this study in more detail.

Table 1
CARCS/FREV for four foreign AI systems.

System	CHS (/100)	FREV Primary	FREV Secondary	Tier
Catch and Revoke (US)	97	Art. 19(1)(a) - AI surveillance chills protected expression	Art. 21 - revocation extinguishes status without hearing	Critical
Chinook (Canada)	84	Art. 21 - bulk, unreasoned refusals	Art. 14–74% Indian vs 24% Chinese refusal rate	Severe
UK Streaming Tool	84	Art. 14 - nationality-based risk scoring	Art. 21 - travel/study denial	Severe
EU SIS/ETIAS	64	Art. 21/Privacy - biometric cross-referencing	Art. 14 - differential risk profiling	Limited (upper bound)

4.1 Catch and Revoke (CHS 97/100)

The “Catch and Revoke” program of the US State Department applies artificial intelligence technology to scan the social media posts of visa holders for any expression supporting the designated organisations (Axios, 2025; The News Minute, 2025). CARCS scores this system 97 out of 100 - the highest score among all four studied - because it meets every one of the severity criteria: no notice prior to visa revocation is given, lack of information about the classification criteria makes any judicial review impossible, and the penalty is immediate and severe. As per the AILA’s own data, of 327 documented cases, only 2 had history of political activity (AILA, 2025). FREV analysis shows Article 19(1)(a) as the leading exposure point: AI-powered surveillance of expression by foreign state produces the chilling effect on Indian nationals equivalent to what Shreya Singhal vs. Union of India (2015) declared unconstitutional for domestic authorities. Article 21 is the secondary exposure point, since revocation destroys the legal status of the person immediately without the “just, fair, and reasonable procedure” required from comparable Indian state action by Maneka Gandhi.

4.2 Chinook (CHS 84/100)

Since 2018, IRCC in Canada has made use of the Chinook software tool for processing bulk applications for temporary residence, including student visas (Bélanger & Bergevin-Estable, 2025). As the name suggests, the bulk-processing architecture of Chinook, coupled with its templated refusal letters, provide

no individualised rationale. In August 2025, this resulted in a refusal rate of 74% among Indian study-permit applicants, as compared to 24% refusal rates among Chinese applicants, a difference of 50 points that would be hard to justify as anything else than discrimination (Business Standard, 2025). Under CARCS, this system gets 84/100: the primary exposure is Article 21 (unreasoned refusals as denial of the “just, fair, reasonable” standard), while the secondary exposure is Article 14 (discrimination based on national origin).

4.3 UK Streaming Tool (CHS 84/100)

During the years 2015–2020, the UK Home Office used a visa “streaming tool”, an algorithmic triaging system classifying applications into Red, Amber, and Green risk bands based on nationality as one of the input variables. The system was discontinued only following the first successful judicial review of a UK government algorithmic decision-making system performed by the Joint Council for the Welfare of Immigrants (JCWI) and Foxglove, an organisation specialising in technology justice - the Home Office could not prove that the tool was non-discriminatory, and thus it had to admit its discriminatory design (JCWI, 2020; Foxglove, 2020; Free Movement, 2020). Under CARCS, this system receives 84/100: the primary exposure is Article 14, since the tool was designed in order to discriminate on the basis of nationality, a point conceded by the Home Office itself; the secondary exposure is Article 21, since a Red-banded Indian applicant would have faced higher refusal probability (and hence greater loss of educational opportunities and ability to travel) as compared to an identically qualified applicant from a Green-banded country. The appeal channel was present (UK Immigration Tribunal), but reviewability was considered poor, as the classification process itself was opaque even during the judicial proceeding.

4.4 EU SIS/ETIAS (CHS 64/100)

The Schengen Information System (SIS) and the upcoming European Travel Information and Authorisation System (ETIAS) form a biometric border control infrastructure that cross-references travelers, including Indian nationals holding short-stay and study visas, using risk indicators generated through automated profiling (Vavoula, 2021, 2024; Zandstra & Brouwer, 2022). Using CARCS framework, this infrastructure receives 64/100, i.e., falls within the category of systems posing “limited risk”. The primary exposure to fundamental rights, equality, and procedural values is Article 21 due to large-scale cross-referencing of biometrics, while the secondary exposure is Article 14, as there are different profiling criteria used for different countries and groups of travellers. Procedure fairness is somewhat better than that of Catch, Chinook, and the UK streaming tool, but still far from satisfactory, as the ETIAS Regulation mandates only manual review upon automated check “hit”, while EU data-subject rights under GDPR and appeals before the CJEU are formally available, but practically never utilized by non-residents such as Indian nationals.

4.5 Aggregate Exposure

To conclude, the above analysis shows that of the four systems discussed, Indian outbound students face two systems with the highest possible CARCS score: Catch and Revoke (97/100), and, jointly, Chinook and the UK streaming tool (84/100), both precisely in the United States, Canada, and the United

Kingdom, which collectively make up the vast majority of India's outbound student population (Institute of International Education, 2024). The lower CHS (64/100) of the European Union shows that presence of procedural safeguards such as mandatory manual reviews increases protection against the constitution, as compared to systems that lack any equivalent measures – an insight highly relevant to the impact-assessment clauses proposed in Section 7.2. This is neither a marginal nor theoretical danger; it is a clear algorithmic risk profile for India's most mobile, digitally literate demographic, which perfectly corresponds to the findings presented in Section 5.

5. Empirical Findings

This section draws on original survey data previously gathered by the corresponding author as part of his completed doctoral research (N = 1,206), for which institutional ethical clearance and participant consent were obtained at the time of data collection, as described in the Declarations below. The survey was sampled according to Yamane (1967)'s formula with a 95% confidence level and 5% margin of error (which produced a minimum required sample of 400); the actual sample was much larger than that. Survey respondents comprised digitally literate individuals from all over India's states and union territories, and 96.9% of them were aged between 25 and 35 and between 36 and 50, which roughly matches India's outbound student population (Institute of International Education, 2024). Data were analysed using IBM SPSS Statistics (version 25) in a manner that included descriptive statistics, cross-tabulation, and non-parametric tests (Spearman's rho, Mann-Whitney; Kolmogorov-Smirnov and Shapiro-Wilk normality tests).

There are two results that are pertinent to the argument put forward in this paper. First, there is a low level of institutional trust in existing legal mechanisms: 56% of respondents expressed no confidence that existing legal frameworks were capable of addressing the AI-enabled violations of rights, without sub-group differences detected through non-parametric tests for age, gender, and occupation at $p < .05$ - implying that the distrust does not pertain to any specific demographic group. Second, the demand for intervention is strong: 82% of respondents expressed approval of the development of a dedicated AI regulatory regime, a result that held among those who expressed optimism about AI's positive economic effects, thus establishing that the demand for regulation is a governance-specific phenomenon, and not just a general distrust in technology.

Together, these two results provide the empirical basis for the SAPD proposal in Section 7: a population that lacks confidence in existing mechanisms to ensure protection, and that positively seeks dedicated regulatory framework, represents a population for which the constitutional silence discussed in Section 1 represents a concrete governance failure, and not only a doctrinal gap. It is also worth noting that distrust-and-demand combination is not a feature of a particular sub-group, whose experience of working with foreign visa system may be biased towards scepticism - it is a widely shared perception of India's digitally literate population, which is precisely the kind of population from which the outbound student cohort discussed in Section 4 hails. Selected demographic and attitudinal indicators from the survey are presented in Table 2, below.

Table 2
Selected demographic and attitudinal indicators (n = 1,206).

Indicator	n	%
Total respondents	1,206	100.0
Age 25–35 and 36–50 (combined)	1,169	96.9
No confidence in existing legal frameworks	675	56.0
Support a dedicated AI regulatory regime	989	82.0

6. Decolonial Reframing

The prior sections identify the doctrinal gap and a governance failure; this section seeks to explain why the gap persists despite the presence of sufficient diplomatic and institutional capacities to bridge it. As Mongia's (2018) history of colonial-era migration control indicates, the modern passport and visa regime developed precisely to regulate the movements of the colonized people, and to embed the asymmetric expectations where sending state is supposed to facilitate the movements of its citizens on the terms dictated by the receiving state. Sadiq & Tsourapas (2021) elaborate the framework of the "postcolonial migration state," pointing out that postcolonial states often perpetuate this asymmetry even after the formal independence. In turn, Mohamed et al. (2020) and Muldoon & Wu (2023) situate current AI regulation in the "colonial matrix of power," showing that the apparent neutrality of algorithmic systems disguises their continuity with more explicitly discriminatory forms of population regulation.

Through the prism of such analysis, the Indian diplomatic note in the Srinivasan case, where AI-driven revocation is described as a "sovereign prerogative" of the US, is not the neutral procedural language, but the contemporary reincarnation of a colonial-era attitude where sending state was expected to facilitate the movements of its citizens on terms dictated by the receiving state. It should be clarified that this paper does not make the claim that decolonial theory provides litigable legal standard; SAPD as formulated in Section 7 is firmly grounded in Article 21 and Article 51(c). However, the decolonial interpretation explains why the doctrinal gap described in Section 3 persisted unnoticed: it is not that there are no constitutional resources, but the diplomatic deference made their invocation unlikely.

7. Institutional Design Proposals: Operationalising SAPD

7.1 A DATRIA-Diaspora Wing

However, the author separately proposed a domestic Digital and Algorithmic Technologies Regulatory Authority of India (DATRIA) in his doctoral thesis. This paper suggests expanding DATRIA's mandate by establishing a special DATRIA-Diaspora department responsible for: (a) keeping track of the list of documented instances of algorithmic harm to Indian nationals abroad, using reports from consulates through MADAD (Embassy of India, Berne, 2025); (b) computing and releasing CARCS/CHS scores for

foreign systems as determined, establishing the standing evidence base for diplomatic action; and (c) producing an annual public report, making the process of algorithmic harm assessments routine component of India's foreign relations machinery instead of being a reaction to individual cases.

7.2 Bilateral Algorithmic Impact Assessment Clauses

India has already concluded Migration and Mobility Partnership Agreements with the United Kingdom (2021), Australia (2023a), and Germany (2023b), as well as the overall India-UK Free Trade Agreement (Government of India, 2023). In this paper, the suggestion is made that any agreements of this type – including those yet to be concluded and renegotiations of the existing agreements – should include an obligatory bilateral algorithmic impact assessment clause, requiring the destination state to disclose, at least, the categories of automated decisions used in visa and status applications for Indian nationals, in accordance with transparency principles established in the course of G20 New Delhi Leaders' Declaration at the 2023 G20 Presidency of India (G20 New Delhi Summit, 2023).

7.3 An ILPD Extension for Foreign Systems

The author's Indian Legal Parameter Database (ILPD), initially developed to codify domestic constitutional risk parameters for CARCS scores, is now extended to foreign systems module: a continuously updated database mapping all the identified foreign AI systems by their FREV and CHS score, providing DATRIA-Diaspora with the standing technical asset rather than needing to restate the doctrine for each foreign AI system and each affected Indian national individually.

7.4 Two Preconditions

First, all these measures do not require any extraterritorial assertions of jurisdiction or attempts to dictate immigration policies of destination states; all the measures rely on India's sovereign prerogatives to govern consular and diplomatic activities and conduct regulatory action. Second, there are precedents in the world of comparable lower capacity states; for example, the POEA/OWWA apparatus of Philippines (Republic of the Philippines, 1995) and the nascent efforts in Bangladesh (The Daily Star, 2026). It is clear that establishing the infrastructure for the protection of overseas workers is administratively possible even for the states that have far fewer capabilities than India. India's comparative institutional advantage makes its current silence less, not more, justified.

8. Conclusion

In *Maneka Gandhi v. Union of India*, Justice Krishna Iyer wrote that the right to travel abroad is "cardinal to a decent human order." He wrote those words in 1978 in a case about the passport impounded by the Indian government. Nearly fifty years later, the same right is curtailed not by an impounding passport, but by a foreign algorithm: the Chinook template that gives no individualised reasoning, the Catch and Revoke scan that operates without due notice and hearing. The procedure, when measured against the standards set by India's own constitution, is unjust, unfair, and unreasonable. And yet India, having

established this doctrine, has not extended it to protect the nationals who face exactly this kind of harm abroad.

To conclude, this article has shown how the constitutional silence can be overcome without any necessity for constitutional amendment and new doctrine development. Articles 21, 14, 19 and 51(c), combined together, provide doctrinal means for creating a Sending-State Algorithmic Protection Doctrine; CARCS/FREV/CHS framework proves, on the example of operative foreign systems, how serious this harm is, to whom it is addressed and how it is proved empirically; and the survey data in Section 5 shows how Indian citizens want this gap to be filled. The proposed institutional solutions aim to fill this gap without overreaching destination states' sovereign power.

There are clear limitations of this research. Application of the CARCS/CHS scoring in an extraterritorial case, despite being done for the first time, still needs to be validated in more detail; decolonial arguments in Section 6 require future qualitative interviewing of students subjected to such harm; and institutional proposals in Section 7 should be tested empirically. None of these limitations weakens the main argument made in this paper: India's constitutional silence in the matter of outbound students' algorithmic harm is a choice, not necessity – and it is a choice the Constitution allows India to make otherwise.

Declarations

Competing interests: All authors declare the absence of any financial and non-financial conflicts of interest related to this study. In the interest of full transparency, the corresponding author discloses that certain analytical frameworks referenced in this manuscript are the subject of provisional patent applications filed by the corresponding author with the Indian Patent Office; this does not constitute a financial competing interest in relation to the publication of this manuscript.

Authors' contributions: Author 1 conceptualized the study, developed the analytical frameworks and their application, conducted the doctrinal constitutional analysis, and prepared manuscript drafts of all revisions. Author 2 conducted the systematic literature review, provided comparative legal analysis of various jurisdictions, and revised the manuscript substantially. All authors have read and approved the final manuscript.

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corresponding author's doctoral research, where the research design and survey methodology were reviewed and approved through the corresponding author's institution's standard doctoral oversight process at that time.

Clinical trial number: Not applicable.

Consent to participate: Not applicable to this manuscript, as no new human participant data were collected in its preparation. Participants in the previously conducted survey discussed in Section 5 gave informed consent at that time by voluntarily choosing to access and complete an anonymous Google Form after being informed of the survey's purpose by email; no personally identifying information was collected.

Consent to publish: Both authors have reviewed and approved the final manuscript and consent to its submission and publication.

References

1. American Immigration Lawyers Association (AILA). Policy brief on student visa revocations under the Catch and Revoke program. AILA; 2025.
2. Axios. (2025, March 6). Breaking: State Department to deploy AI to cancel visa privileges of foreign students who seem pro-Hamas [News article]. *Axios*. <https://www.axios.com>
3. Bélanger D, Bergevin-Estable G. Artificial intelligence and immigration through the lens of procedural justice: the Chinook case. *AI & Society*. <https://doi.org/10.1007/s00146-025-01000-0>; 2025.
4. Brunner LR, Tao WW. (2024). Artificial intelligence and automation in international student migration governance: Accidental ethnography. *Journal of International Students*, 14(4), 269–288. <https://doi.org/10.1007/s00146-024-01000-0>.
5. Business Standard. November 4). Explained: Canada denies 74 percent of Indian student visa applications during crackdown on frauds. *Business Standard*; 2025.
6. Business Today. April 8). Is Indian Student in America at a Great Risk? Getting Ticketed for Speeding or Driving in Wrong Lane Could Now Mean Visa Cancellation. *Business Today*; 2025.
7. The Daily Star. Bangladesh needs to be ready for AI revolution in diplomacy and statecraft [Opinion]. *The Daily Star*; 2026. (Bangladesh).
8. Act of Parliament on Digital Personal Data Protection (India). 2023 (No. 22 of 2023).
9. Embassy of India, Berne S. *MADAD - MEA in Aid of Diaspora* [Consular Services Portal]. Ministry of External Affairs, Government of India; 2025.
10. Foxglove. (2020, August 4). *Home Office to ditch racist visa algorithm*.
11. Free Movement. (2020, August 6). *Government to redesign visa streaming algorithm*.
12. G20 New Delhi Summit. (2023). *Leaders' Declaration of G20 New Delhi*.
13. Government of India. *India-United Kingdom Free Trade Agreement*. Ministry of Commerce and Industry; 2023.

14. Information Technology A. 2000 (India). No. 21 of 2000.
15. Institute of International Education (IIE). (2024). *The Open Doors 2024 report on international educational exchange*.
16. International Law Commission. (2006). *Draft Articles on Diplomatic Protection with Commentaries*.
17. Joint Council for the Welfare of Immigrants (JCWI). R (JCWI) v Secretary of State for the Home Department [2020] EWHC (Admin). High Court of Justice of England and Wales. UK: Administrative Court); 2020.
18. Justice KS. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1 (India).
19. Khan J. (2025). *Critical study on the legal and ethical issues relating to artificial intelligence in India* [Doctoral dissertation, University of Science and Technology Meghalaya (USTM)].
20. Maneka Gandhi v. Union of India, AIR 1978 SC 597 (India).
21. Ministry of External Affairs (MEA). (2021). *India-United Kingdom Migration and Mobility Partnership*. Government of India.
22. *India-Australia Migration and Mobility Partnership Agreement*. (2023a). Ministry of External Affairs (MEA), Government of India.
23. MEA. *India-Germany Agreement on Skilled Workers and Professionals*. Ministry of External Affairs, Government of India; 2023b.
24. Mohamed S, Png M-T, Isaac W. (2020). Decolonial AI: Decolonial theory as sociotechnical foresight in artificial intelligence. *Philos Technol*, 3.
25. Molnar P. Technology at the margins: AI and the management of global migration from a human rights perspective. *Camb Int Law J*. 2019;8(2):305–3.
26. Molnar P. *The Walls Have Eyes: Surviving Migration in the Age of Artificial Intelligence*. New York: New; 2024.
27. Molnar P, Gill L. Bots at the gate: A human rights analysis of automated decision-making in Canada's immigration and refugee system. University of Toronto Faculty of Law & Citizen Lab; 2018.
28. Mongia RV. *Indian migration and empire: A colonial genealogy of the modern state*. Duke University Press; 2018.
29. Muldoon J, Wu BA. Artificial intelligence in the colonial matrix of power. *Philos Technol*. 2023;36., Article 80. <https://doi.org/10.1007/s13347-023-00687-8>.
30. News Minute T. April 20). Visa revocations: US denies targeting Indian students. *The News Minute*; 2025.
31. Republic of the Philippines. (1995). *Republic Act No. 8042: Migrant Workers and Overseas Filipinos Act of 1995* (as amended by RA No. 10022, 2010). Official.
32. Sadiq K, Tsourapas G. (2021). The postcolonial migration state. *Comp Polit Stud*, 5.
33. AIR. 2015 SC 1523 – Shreya Singhal v. Union of.
34. Vavoula N. Artificial intelligence (AI) at Schengen borders: Automated processing, algorithmic profiling and facial recognition in the age of techno-solutionism. *Eur J Migration Law*.

2021;23(4):457.

35. Vavoula N. (2024). Algorithmic Accountability via Human Over the Loop: Interoperability of Large Scale Information Technology Systems for Third Country Nationals. *Eur Papers*, 9(3).
36. Yamane T. (1967). *Statistics: An introduction to analysis* (2nd ed.). Harper.
37. Yang Q, Zuiderveen Borgesius F, Beckers R, Brouwer E. (2024). *Automated decision-making and artificial intelligence at the European borders and the risks for human rights* [Preprint]. arXiv. <https://arxiv.org/abs/2410.17278>
38. Zandstra T, Brouwer E. (2022). Fundamental rights at the digital border: ETIAS, the right.