

GMS Flash Alert

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India - Detailed Guidelines Issued on New "Intern Visa"

With the intention of meeting industry demands and the changing business needs of various multi-national corporations operating in India, the government of India has issued comprehensive guidelines on the "Intern (I) visa."¹

According to the guidelines, an Intern visa may be sponsored by an Indian company, an educational institution, or a non-governmental organization (NGO). The guidelines provide details on the eligibility criteria, validity, quota, special approvals, and other matters that apply to this visa.

WHY THIS MATTERS

The new guidelines should help bring greater clarity and thereby help clear up many doubts and concerns. Immigration advisers and global mobility professionals charged with the immigration affairs of their international assignees should welcome the issuance of these detailed guidelines and take steps to understand how the guidelines apply to them.

In order to establish eligibility and proper compliance, employers that wish to bring foreign interns into India will need to:

- consider if they are offering internships that fulfill their responsibilities vis-à-vis the Intern visa rules; and
- determine that their interns will be able to meet the qualifying criteria and other obligations.

Eligibility Criteria

- The intern should draw a minimum remuneration of INR 0.78 million (INR 7.8 lakh (1 lakh is equivalent to 100,000)) per annum for internships with an Indian company. There is no such minimum salary requirement for internships with educational institutions or NGOs.
- Only graduates/post-graduates may be granted the visa, but only if the gap between completion of their graduation/post-graduation and the commencement of the internship is one year or less.
- The Intern visa shall not be granted to a national of Pakistan.

Validity Period and Quota

- The Intern visa may be granted for a maximum period of one year and cannot be extended in India.
- India's missions/posts overseas may grant, in each country, a maximum of 50 Intern visas per year. Where the "person of Indian origin" population in a particular country is more than 1 million, the maximum limit on Intern visas shall be 100 per year.

Other Key Matters

- (a) Prior clearance from the Ministry of Home Affairs (MHA) would be required if the:
 - (i) intern is of a particular nationality,²
 - (ii) intern intends to pursue an internship with an NGO,
 - (iii) internship programme involves visits to protected, restricted, and cantonment areas, the state of Jammu and Kashmir, and the North Eastern states.
- (b) The Intern visa shall not be issued for internships in certain strategic sectors.³
- (c) The income tax laws of India will equally apply to the foreign national interns working in India.
- (d) The Intern visa cannot be converted into an Employment visa or any other type of visa. However, the intern has an option to return to his or her home country and apply for a Business visa, Employment visa, etc.
- (e) The rules of registration provided in the Foreigners Registration Rules 1992 will be equally applicable to an intern and the intern would be required to register with the Foreigners Regional Registration Office (FRRO)/ Foreigners Registration Office (FRO).

FOOTNOTES

1 For official government documentation regarding the Intern visa, see: http://mha1.nic.in/pdfs/InternVisaDetails_20042017.pdf . For additional information, see the Web site for the Embassy of India in Berlin, Germany at: <https://www.indianembassy.de/pages.php?id=26> and the Web site for the Consulate General of India in Vancouver, British Columbia, Canada at: <http://www.cgivancouver.org/pages.php?id=236> .

You may also access additional information on the Web site of the India Passport & Visa Services Center in Australia, VFS Services Australia Pty Ltd. *Please note this is a third-party non-governmental Web site.* According to the homepage, VFS Services Australia Pty Ltd is a trusted partner to "The Government of India" in Australia and manages the administrative function of the Visa, Passport, OCI, PCC, IDLV & other Miscellaneous Services application process. See: http://www.vfsglobal.com/india/australia/visa_services/Intern_Visa.html .

For an additional reference, you may access the following news article: J.Jacob, "Getting Indian visa to become easier from April 1: Here is all you need to know," *Hindustan Times* (online), 31 March 2017.

2 Nationals of Afghanistan, the People's Republic of China, Iraq, Nigeria, Somalia, Sudan, or a foreign national of Pakistan origin or stateless person.

3 Defence, telecom, space technology, construction/strategic infrastructure projects, mining, civil aviation, petroleum and natural gas exploration, private security agencies, human rights, nuclear energy, environmental issues and dams.

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INR 1 = EUR 0.014

INR 1 = USD 0.0154

INR 1 = GBP 0.012

INR 1 = CAD 0.021

RELATED ARTICLE

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in India:



Parizad Sirwalla

Tel. +91 (22) 3090 2010

psirwalla@kpmg.com

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