



GMS Flash Alert

Immigration Edition

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India – Visa Guidelines Updated

This *GMS Flash Alert* highlights several of the significant changes in the newly updated visa guidelines posted on the government of India's website in early 2018.

WHY THIS MATTERS

By updating these guidelines, the government of India has simplified provisions, clarified grey areas, and made visa application and compliance easier. Foreign nationals, immigration professionals and global mobility managers should always refer to the updated guidelines by visiting the link provided below to foster compliance with these guidelines.

Background

The government of India ("GOI") had issued detailed visa guidelines in 2009 in the form of FAQs. Since 2009, these guidelines have been updated a number of times to simplify rules and provide clarifications.

In February 2018, the GOI posted additional visa guidelines on its website in the form of 6 new documents.¹

Noteworthy Points

Employment Visa (EV)

An Employment Visa is generally granted to a highly-skilled or professionally-qualified foreigner.

Foreign nationals can now change employers in India between holding companies, joint ventures and consortiums and subsidiaries or between subsidiaries of a holding company, joint venture, and consortium. It used to only be allowed between holding and subsidiary companies or between subsidiaries of a common parent company.

The reduced minimum annual gross salary threshold of INR 0.91 million applies to EVs for assistant professors and above in central higher educational institutions,² but is no longer available to nationals of Afghanistan, China, Iran, and Sri Lanka who are married to an Indian national.

Foreign translators employed in the BPO/ITES³ sector, ethnic cooks employed in commercial ventures, and teachers employed to teach particular subjects in foreign languages may now get EVs only if they draw an annual gross salary of at least INR 1.625 million.

The salary threshold of INR 1.625 million no longer applies to circus artists or to foreign teaching faculty employed by South Asian or Nalanda University.

For periods of employment less than one year, the salary needs to be annualized for meeting the threshold of INR 1.625 million or 0.91 million.

Foreign journalists who intend to work in Indian media organizations as well as employees or managers performing non-journalistic activities in Indian media organizations are now eligible for EVs.

Business Visa (BV)

BVs are granted to foreigners for limited purposes including business meetings and post-sale activities.

Foreign nationals are not eligible to visit India on a BV to establish or to explore possibilities to set up proprietorships or partnership firms.

Foreign academicians and experts coming under Global Initiative for Academic Networks, and flight crew members are eligible to use BVs.

B-sports visas may be granted to foreign nationals engaged in commercial sports events in India on contract.

BVs may be granted within 48 hours of filing of a visa application for urgent requests.

Citizens of the United States, Canada, Japan, the United Kingdom, and South Africa may be granted multiple-entry BVs valid for 10 years. No continuous visit should exceed 180 days. However, a BV holder is required to register with the FRRO/ FRO if the aggregate stay in India on a BV exceeds 180 days during a calendar year.

A new India Business Card that allows multiple entries for three years or more and quicker immigration clearance is available for business people from SAARC countries.⁴

Project Visa (PV)

Project visas are for foreign nationals working on qualified projects in the power and steel sectors in India.

A foreign national may now work at a place other than the location of the project.

A foreign national in India with a BV but who had been in India on a PV earlier, may get the BV extended. Previously, a non-extendable BV was issued in such cases.

Intern Visa (IV)

Foreign nationals may apply for a visa for the gap between graduation or post-graduation and the commencement of an internship of up to two years. (The permissible gap used to be one year.)

e-Visa

The e-Visa is for foreigners visiting India for short-term for business, medical, and tourist purposes.

Tourist Visa (TV)

Citizens of the United States, Canada, and Japan may be granted multiple entry TVs valid for 10 years.

Foreigner Registration

A foreign national departing from India within 14 days of arrival on a first visit is not required to register with the FRRO/FRO.

Children age 12 years or above are now required to register with FRRO/FRO. (The age threshold used to be 16 years.)

Miscellaneous

A foreign national can now apply for an Indian visa from any country irrespective of the period of stay in that country. The visa will be granted only after consulting the appropriate Indian mission in the country of origin/domicile.

A foreign national who is already in India on a business, employment, student, or research visa, may attend any international conference, seminar, or workshop with approval of FRRO/FRO.

A foreign national other than a Pakistan national may stay in India as a tourist under any visa category.

A foreign national already in possession of a long-term visa (for example, EV or BV), may apply for short-term visa (for example, conference visa or e-Visa) and can keep both the visas simultaneously.

A foreign national may apply for a police clearance certificate at the Indian mission/post in relation to a past stay in India.

Citizens of Maldives with a valid passport and visiting India for 90 days or less for tourism and medical purposes need not obtain an Indian visa.

Introduction of Permanent Residency Status (PRS)

PRS may be granted for a period of 10 years to an individual foreign investor (other than a Pakistan national) who invests certain threshold amounts⁵ that result in employment of at least 20 resident Indians in each financial year.

The investor will be first granted a B-4 (investor) visa for a period of 18 or 36 months.

The investor's spouse and dependents may be granted dependent visas and may be employed in the private sector or undertake studies in India without an employment or student visa.

The investor, spouse, or dependents need not register with the FRRO/FRO, and will be allowed multiple entries to India without any stay stipulation.

KPMG NOTE

These guidelines have provided clarification on multiple issues faced by foreign nationals in the past. The government of India has consistently endeavored to simplify and streamline visa guidelines to facilitate compliance as well as to provide foreign nationals with more clarity. Allowing foreign nationals to travel abroad within India for fewer than 14 days without registration, and providing Permanent Residency Status are noteworthy.

FOOTNOTES:

- 1 For details, see Foreigners Division, Ministry of Home Affairs, <https://mha.gov.in/MHA1/TourVisa.html>. Sub-categorization of visa (e.g. E1 for Short term remunerative employment up to 6 months, E2 for Long term remunerative employment beyond 6 months, etc.) forms part of the guidelines.
- 2 Indian Institutes of Technology (IITs), Central Universities (CUs), National Institutes of Technology (NITs), Indian Institutes of Management (IIMs), and Indian Institutes of Science Education and Research (IISERs).
- 3 Business Process Outsourcing / Information Technology Enabled Service.
- 4 Afghanistan, Bangladesh, Bhutan, Maldives, Nepal, Pakistan, and Sri Lanka.
- 5 INR 100 million or INR 250 million in India in 18 months or 36 months, respectively.

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Contact us

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