



GMS Flash Alert

Immigration Edition

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India - Immigration Changes in 2018: Taking Stock and Looking Forward

On 14 November 2018, Indian Ministry of Home Affairs' ("MHA") Foreigners Division issued a press release¹ summarising the various steps taken by the government to improve the immigration/visa process in India. In early 2018, India's government issued detailed visa guidelines streamlining the visa application process and compliance procedures.²

This GMS *Flash Alert* highlights several of the significant changes. (For prior coverage, see the following issues of GMS *Flash Alert*: [2018-070](#) (27 April 2018) and [2018-046](#) (9 March 2018)).

WHY THIS MATTERS

With the updated 2018 guidelines, India simplified provisions, clarified "grey" areas, and undertook efforts to make visa applications and compliance easier.

Immigration counsel and global mobility managers should consider the movements of foreign nationals, employees, academics, and interns into India for whom they are responsible and establish policies and procedures that will help ensure compliance with India's immigration rules. Tourists and other foreign nationals traveling to India for non-work purposes should stay informed of developments to foster their compliance as well.

A Recap of Noteworthy Developments

Electronic Visas and Permits

- Electronic processing of visa/immigration application by the foreigners registration office ("FRRO/FRO") has been implemented across India and a foreign national can now access visa services online without visiting the FRRO/FRO in person.

- Electronic visa processing³ is now available to nationals of 166 countries and at 26 designated airports.
- In addition to an e-Tourist visa, e-Business visa, and e-Medical visa, two new electronic or e-visas for foreigners visiting India for short periods have been introduced:
 - e-Conference visa
 - e-Medical Attendant visa.
- An electronic visa can now be applied for three times (up from two times) in a calendar year and is extendable up to 90 days (earlier 60 days).
- An e-Event clearance module⁴ has been introduced for quicker security clearance – this should speed up visa processing for foreigners attending international conferences and seminars.
- Cruise passengers may get e-Landing Permits for onshore sightseeing at five major seaports.⁵ A biometric enrollment requirement at five seaports has been suspended until December 2020.

Other Changes

- Employment and business visas can be extended in India up to 10 years without a requirement of returning to a home country. Earlier, the extension limit was five years.
- In emergency medical situations, foreign nationals can stay in India without converting to a medical visa.
- Long-term visa holders⁶ need not seek permission from an FRRO/FRO concerned for attending conferences/seminars/workshops.
- The minimum annual remuneration requirement for an intern visa has been reduced from INR 7.80 lakhs to an INR 3.60 lakhs. (In India's numbering system, a "lakh" is a unit equal to one-hundred thousand (100,000). So INR 7.80 lakhs is 780,000 Indian rupees.)
- Local FRRO/FROs can now (without the clearance of MHA) issue Protected Area Permits ("PAP") and Restricted Area Permits ("RAP") in certain cases.⁷ Further, 30 islands of Andaman and Nicobar have been excluded from the RAP regime.
- Eligible foreign nationals⁸ on any visa type can now convert their visas into entry visas without the prior approval of MHA. Earlier, few visa categories were convertible.

KPMG NOTE

India continues to undertake important efforts aimed at simplifying and streamlining the visa/immigration processes for foreign nationals. Introduction of electronic applications, approvals, clearances, and extensions, are consistent with the government's aim of a digital India and its focus on "minimum government and maximum governance."

FOOTNOTES:

- 1 See: <http://pib.nic.in/PressReleaseDetail.aspx?PRID=1552720>.
- 2 For details, please refer to: <https://home.kpmg.com/content/dam/kpmg/in/pdf/2018/04/KPMG-Flash-News-Government-of-India-issues-detailed-visa-guidelines-2.pdf>.
- 3 For details, please refer to: <https://indianvisaonline.gov.in/evisa/tvoa.html>.
- 4 Security clearance is only required if the participants are from Afghanistan, Pakistan, Iraq, Sudan, foreigners of Pakistan origin, and stateless persons, or intend to visit protected or restricted areas.
- 5 Mumbai, Cochin, Mormugao, Chennai, and New Mangalore.
- 6 If the stay is for activities other than tourism, the stay is as an individual foreign tourist, the stay is at a place which is not open for tourism.
- 7 Business, employment, student, and research visa.
- 8 The foreign national is married to an Indian citizen/Person of Indian Origin/Overseas Citizen of India cardholder.

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RELATED RESOURCE

This article is excerpted, with permission, from "India Visa Regime Gets More Liberalised," published in *Tax News Flash* (30 November 2018) by the KPMG International member firm in India.

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Contact us

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



Parizad Sirwalla
Partner and National Head – GMS,
Tax, India

Tel. +91 (22) 3090 2010

psirwalla@kpmg.com

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