

FAQs RELATING TO WORK RELATED VISAS ISSUED BY INDIA

Introduction

In recent weeks, several queries have been raised about the type of Visas issued by India to foreigners for work related visits. It is clarified that there are two (2) types of work related Visas:

1. Business Visa designated as 'B' Visa
2. Employment Visa designated as 'E' Visa

Frequently asked questions with regard to the above issues and replies thereto are outlined below for information, guidance and compliance of all concerned:

Question: What is a Business Visa?

Answer: A Business Visa is granted to a foreign national who wants to visit India to establish an industrial/business venture or to explore possibilities to set up industrial/business venture, or wants to purchase/sell industrial products in India. This Visa is granted subject to following conditions:

- (i) The applicant is a person of assured financial standing and expertise in the field of the intended business.
- (ii) The applicant is not visiting India for the business of money lending or petty trading, or for a full time employment in India involving payment of salary in India etc.
- (iii) The facility of Business Visa will also be extended to senior executives of firms, experts, tour conductors and travel agents, etc., visiting India in connection with work related to projects of national importance, including those undertaken by public sector undertakings, and conducting business tours of foreigners or business relating to it, etc.
- (iv) A foreign national will have to comply with all other requirements like payment of tax liabilities etc.
- (v) The grant of Business Visa is subject to any instructions issued by the Government of India on the basis of reciprocity with other foreign countries from time to time.
- (v) The Business Visa must be issued from the country of origin, or from the country of domicile of the foreigner provided the period of permanent residence of that applicant in that particular country is for more than 2 years.

Question: Who is eligible for a Business Visa?

- Answer:**
- (i) Foreign nationals who want to visit India to establish industrial/business venture or to explore possibilities to set up industrial/business venture in India.
 - (ii) Foreign nationals coming to India to purchase/sell industrial products or commercial products or consumer durables.
 - (iii) Foreign nationals coming to India for technical meetings/discussions, attending Board meetings, general meetings for providing business services support.
 - (iv) Foreign nationals coming to India for recruitment of manpower.
 - (v) Foreign nationals who are partners in the Business and/or functioning as Directors in the company.
 - (vi) Foreign nationals coming to India for consultations regarding exhibitions, for participation in exhibitions, trade fairs, business fairs, etc.
 - (vii) Foreign buyers who come to transact business with suppliers/ potential suppliers at locations in India, to evaluate or monitor quality, give specifications, place orders, negotiate further supplies etc., relating to goods or services procured from India.

- (viii) Foreign experts/specialists on a visit of short duration in connection with an ongoing project with the objective of monitoring the progress of the work, conducting meetings with Indian customers and/or to provide some high level technical guidance.
- (ix) Foreign nationals coming to India for pre-sales or post-sales activity not amounting to actual execution of any contract or project.
- (x) Foreign Trainees of multinational companies/corporate houses coming for in-house training in the regional hubs of the concerned company located in India.
- (xi) Foreign students sponsored by AIESEC for internship on project based work in companies/industries

Question: What is the duration of a Business Visa?

Answer: A Business Visa with multiple entry facilities is granted for a period upto 5 years or for a shorter duration as per the requirement. A stay stipulation may be prescribed for each visit by the concerned Indian Mission.

Question: What documents are required to be submitted along with application for a Business Visa?

- Answer:** (i) The foreign national must have a valid travel document and a re-entry permit, if required under the law of the country concerned.
- (ii) Proof of financial standing and expertise in the field of intended business.

Question: What is an Employment Visa?

Answer: Employment Visa is granted to foreigners desiring to come to India for purpose of employment, subject to following conditions:-

- (i) The applicant is a skilled and qualified professional or person who is being engaged or appointed by a company, organization, industry, or undertaking, etc. in India on contract or employment basis at a senior level, skilled position such as technical expert, senior executive, or in a managerial position, etc.
- (ii) Employment Visa is not granted for jobs for which large numbers of qualified Indians are available.
- (iii) Employment Visa is not granted for routine, ordinary or secretarial/clerical jobs.
- (iv) The Employment Visa must be issued from the country of origin, or from the country of domicile of the foreigner provided the period of permanent residence of that applicant in that particular country is for more than 2 years. :- 4 -:
- (v) The Indian company/organization engaging foreign nationals for executing projects/contracts would be responsible for the conduct of the foreign national during their stay in India and also for the departure of such foreign national upon expiry of Visa.
- (vi) A foreign national will have to comply with all other requirements like payment of tax liabilities, etc.

Question: Who is eligible for Employment Visa?

Answer: Subject to the conditions enumerated above, the following will be eligible for Employment Visa:

- (i) Foreign nationals coming to India for execution of a project/contract [irrespective of the duration of the visit].
- (ii) Foreign nationals who are coming to India on short visits to customer location to repair any plant or machinery as part of warranty or annual maintenance contracts.
- (iii) Foreign engineers/technicians coming to India for installation and commissioning of equipments/machines/tools in terms of the contract for supply of such equipment/machine/tools.
- (iv) Foreign experts coming to India for imparting training for the personnel of the Indian company.

(v) Foreign personnel deputed for providing technical support/services, transfer of know-how, services supplies for which the Indian company pays fees/royalty to the foreign company.

(vi) Foreign nationals coming to India as consultant on contract for whom the Indian company pays a fixed remuneration, (may not be in the form of monthly salary).

(vii) Foreign artists engaged to conduct regular performances for the duration of the employment contract given by Hotels, Clubs, other organizations.

(viii) Foreign nationals who are coming to India to take up employment as coaches. :- 5 -:

(ix) Foreign sportsmen who are given contract for a specified period by the Indian Clubs/ organizations.

(x) Self-employed foreign nationals coming to India for providing engineering, medical, accounting, legal or such other highly skilled services in their capacity as independent consultants.

Question: What is the duration of an Employment Visa?

Answer: A foreign national coming to India for employment may initially be granted an Employment Visa by the Indian Missions abroad upto one year. The first extension, if necessary, would be granted by MHA. Further extensions, if required, can be granted by concerned State Government/FRO upto maximum period of five years from the date of issue of the Visa. Foreigners coming on Employment Visa are required to register with concerned FRRO/FRO within two weeks from the date of arrival.

Question: What documents are required to be submitted along with application for Employment Visa?

Answer: (i) The foreign national must have a valid travel document and a re-entry permit, if required under the law of the country concerned.

(ii) The foreign national must submit proof of his/her employment or contract or engagement by the company/organization, etc. in India.

(iii) The foreign national must submit documentary proof of his educational qualifications and professional expertise.

Question: Can foreign nationals coming to execute projects in India be granted Business Visas?

Answer: No. A foreign national coming for executing projects/contracts will have to come only on an Employment Visa.

Question: Can foreign nationals already in India for executing projects on Business Visas be allowed to extend their Business Visas beyond 31.10.2009?

Answer: No. A foreign national who is already in the country on Business Visa and engaged in executing project/contract should leave the country by 31.10.2009.

Question: Can foreign nationals already in India for executing projects on Business Visas be allowed to convert their Business Visas to Employment Visas without leaving the country?

Answer: No.

Question: Whether a foreign company/organization that does not have any Project Office/ subsidiary/joint venture/branch office in India can sponsor a foreign national/employee of a foreign company for Employment Visa?

Answer: No.

Question: Whether an Indian company/organization which has awarded a contract for execution of a project to a foreign company that does not have any base in India, can sponsor employee of foreign company for Employment Visa?

Answer: Yes.

Question: If the Indian organization/entity sponsors an Employment Visa, does this mean that the Indian organization/entity has to necessarily be the legal employer of the person?

Answer: No.

Question: Which category of Visa will be granted to the foreign language teachers/ interpreters?

Answer: Employment Visa.

Question: Which category of Visa will be granted to the foreign specialist Chefs?

Answer: Employment Visa.

Question: Which type of Visa would be granted to senior management personnel and/or specialists employed by foreign firms who are relocated to India to work on specific project/ management assignment?

Answer: Employment Visa.