



## **Global Employer Services Alert** Harmonizing global & local perspectives

### **Recent key changes to India immigration**

**Issue no:** GES/05/2018

**In this issue:**

[Background](#)

[Key Highlights](#)

[Comments](#)

[Do you know about  
Dbriefs?](#)

[Contacts](#)

## Background

The Ministry of Home Affairs (MHA) has recently issued revised Frequently Asked Questions (FAQs) on different categories of visas and related immigration processes.

Our alert summarizes the key highlights.

## Key Highlights

Heads	Particulars
<b>Employment Visa (E Visa)</b>	<ul style="list-style-type: none"><li>• E Visa can now be applied from a country other than the country of origin / domicile. In the past, foreigners could apply for an E visa only from the country where they were residing for a period of 2 years or more.  However, the Indian mission which is issuing visa may consult the Indian mission in the country of origin / domicile, for foreigners who have stayed for less than 2 years in the country of application. The visa processing duration may be higher in such cases of referral. This is still a welcome change, as in the past foreigners who were residing in a country for less than 2 years had to compulsorily travel to their home country to apply for an E visa.</li><li>• It is now clarified that, the minimum salary requirement will be worked out on a pro-rata basis for foreign nationals coming on an E visa for a period of less than one year. This clarification should also eliminate the need for additional explanations to officials of the Indian missions/ FRRO with respect to satisfaction of minimum salary requirement for such foreigners, including those employed under a fixed term contract of less than a year.</li><li>• Foreigners employed in BPO / ITES companies are not eligible for exemption from annual threshold income limit, e.g. a foreigner employed as language translator in such companies should draw a gross salary in excess of Rs.16,25,000 p.a. There is a similar restriction for foreign ethnic cooks employed in commercial ventures.</li><li>• Addition to eligibility list for E visa:<ul style="list-style-type: none"><li>– Foreign circus artists</li><li>– Foreign journalists, who intend to travel to India to work in Indian media organizations</li><li>– Employees / Managers coming to India for non-journalistic activities within media organizations</li></ul></li><li>• Change of employer, while in India on an E visa, has been extended to joint ventures and consortiums and its subsidiaries. In the past, the change of employer on the same E visa was permitted only between holding and subsidiary companies. This relaxation will be useful in case of</li></ul>

	foreign nationals working with entities which are involved in corporate transactions.
<b>Business Visa (B Visa)</b>	<ul style="list-style-type: none"> <li>Registration with the jurisdictional FRRO / FRO has now been made mandatory for B visa holders if their aggregate stay in India exceeds 180 days during a calendar year. This is inconsistent with the guidelines with respect to endorsement on the business visa which reads as "<i>continuous stay during each visit shall not exceed 180 days and registration not required</i>".</li> </ul> <p>While we await more clarity, there may be a need for business visitors to track their overall physical stay in India to ensure timely compliance with the above requirement. Also registration could be a trigger for tax authorities to verify the tax compliances in India.</p> <ul style="list-style-type: none"> <li>Foreigners are not eligible to travel to India on a B visa for the purpose of setting up proprietorship / partnership firms in India.</li> <li>Introduction of express B visa option, for issuance of visa within 48 hours for urgent requests, by the respective Indian mission. This facility is currently operational at the Indian mission in London.</li> <li>Newly introduced sub-categories of B visa: <ul style="list-style-type: none"> <li>B-5: For crew of non-scheduled airlines chartered flights operated by such airlines and special flights</li> <li>B-6: For foreign academicians/ experts covered under GIAN</li> <li>B-7: Foreign nationals who are partners in the business and/ or functioning as Directors of the company</li> <li>B-8: For other miscellaneous categories eligible for business visa not covered by specific sub-categories</li> <li>B-Sports: For foreign nationals who are engaged in commercial sports events in India on contract (including coaches) with remuneration.</li> </ul> </li> </ul>
<b>e Business Visa</b>	<ul style="list-style-type: none"> <li>It is now clarified that e business visa can be used for all activities permitted under normal business visa. Earlier, e business visa could only be used for casual business visits.</li> </ul>
<b>Intern Visa</b>	<ul style="list-style-type: none"> <li>The revised intern visa guidelines has relaxed the condition by allowing a higher time gap of 2 years between the completion of graduation/post-graduation and the commencement of internship. Earlier, the gap was restricted to one year.</li> </ul>
<b>Registration requirement</b>	<ul style="list-style-type: none"> <li>Foreigners can now undertake travel outside India without FRRO registration, within 14 days of landing in India and would be able to register after they return to India. Earlier, foreigners with an endorsement on their visa to register on arrival in India had to necessarily complete the registration before they could undertake any travel outside India.</li> </ul>

### Miscellaneous

- As per the revised FAQs, children below the age of 12 years are exempt from the registration requirement while visiting India on a long term visa. Under the erstwhile guidelines, no registration was required for children below the age of 16 years. This was practically not implemented in few locations.
- Long term visa (such as employment, Business, dependent) would now be kept on hold for the duration of the short term visa such as conference visa, transit visa, etc. In the past, while issuing a new visa, any existing visa would be automatically cancelled and the long term visa had to be applied afresh from the country of origin / domicile.
- Tourist activities will now be permitted under any other category of visa – except for a Pakistani national. This was not explicitly mentioned earlier.
- A foreign national residing outside India can apply for Police Clearance Certificate (PCC), in relation to past stay in India, with the Indian mission / post concerned indicating the purpose for which such PCC is required. This should indeed be helpful for foreigners who have a need to obtain a PCC after their departure from India. Foreign nationals residing in India can continue to apply for PCC with the concerned FRRO/FRO.

## Comments

The above clarifications and changes are in addition to the recent introduction of the e-FRRO process (refer to our alert dated 14 February 2018). These changes bring about further streamlining and simplification in the policies and processes while addressing some of the past concerns of foreigners and would further facilitate ease of doing business in India.

Till such time the above changes get fully implemented, it is advisable to consult with the respective Indian mission / embassy abroad or the jurisdictional FRRO/FRO in India.

## Do you know about Dbriefs?

Dbriefs are live webcasts that give valuable insights on important developments affecting your business. To register, visit the [Dbriefs](#) page



Download the report



## Contacts

### Ahmedabad

19<sup>th</sup> Floor, Shapath - V  
SG Highway,  
Ahmedabad – 380 015.  
Tel: + 91 (079) 6682 7300  
Fax: + 91 (079) 6682 7400

### Coimbatore

Shanmugha Manram  
41, Race Course,  
Coimbatore  
Tamil Nadu - 641018  
Tel: + 91 (0422) 439 2801  
Fax: +91 (0422) 222 3615

### Kolkata

13th and 14th Floor,  
Building – Omega  
Bengal Intelligent Park  
Block – EP & GP  
Sector V, Salt Lake City,  
Kolkata – 700091  
Tel : + 91 (033) 6612 1000  
Fax : + 91 (033) 6612 1001

### Bangalore

19th Floor, 46 - Prestige Trade  
Tower, Palace Road, High Grounds,  
Bengaluru,  
Karnataka – 560001.  
Tel: + 91 (079) 6627 6000  
Fax: +91 (080) 6627 6010

### Delhi/Gurgaon

Building 10,  
Tower B, 7th Floor,  
DLF Cyber City,  
Gurgaon 122 002  
Tel : +91 (0124) 679 2000  
Fax : + 91 (0124) 679 2012

### Mumbai

Indiabulls Finance Centre,  
Tower 3, 28th Floor,  
Elphinstone Mill Compound,  
Senapati Bapat Marg, Elphinstone  
(W),  
Mumbai – 400013  
Tel: + 91 (022) 6185 4000  
Fax: + 91 (022) 6185 4101

### Chennai

No.52, Venkatanarayana Road,  
7th Floor, ASV N Ramana Tower,  
T-Nagar,  
Chennai 600 017.  
Tel: +91 (044) 6688 5000  
Fax: +91 (044) 6688 5050

### Hyderabad

KRB Towers, Plot No. 1-4,  
Survey No. 65 to 67,  
1st -3rd Floor  
Madhapur, Serilingampally (M),  
RR District, Hyderabad.  
Tel: +91 (040) 6603 2600  
Fax: +91 (040) 6603 2714

### Pune

706, B-Wing, 7<sup>th</sup> Floor,  
ICC Trade Tower,  
Senapati Bapat Road,  
Pune – 411 016.  
Tel: + 91 (020) 6624 4600  
Fax: +91 (020) 6624 4605



Deloitte makes an impact that matters

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee, and its network of member firms, each of which is Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as "Deloitte Global") does not provide services to clients. Please see [www.deloitte.com/about](http://www.deloitte.com/about) for a more detailed description of DTTL and its member firms.

This material and the information contained herein prepared by Deloitte Touche Tohmatsu India LLP (DTTI LLP) is intended to provide general information on a particular subject or subjects and is not an exhaustive treatment of such subject(s). This material contains information sourced from third party sites (external sites). DTTI LLP is not responsible for any loss whatsoever caused due to reliance placed on information sourced from such external sites. None of DTTI LLP, Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the "Deloitte Network") is, by means of this material, rendering professional advice or services. This information is not intended to be relied upon as the sole basis for any decision which may affect you or your business. Before making any decision or taking any action that might affect your personal finances or business, you should consult a qualified professional adviser.

No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this material.

©2018 Deloitte Touche Tohmatsu India LLP. Member of Deloitte Touche Tohmatsu Limited