

Immigration Guide

India



Business Visa

Employment Visa

Registration requirement

Quota

Accompanying Family
Members

Application Process
Overview

Documentation

Timeline

Non-compliance

Contact

The vast majority of foreigners travelling to India require a visa prior to travel, regardless of their nationality or purpose of trip. The only exceptions to this are for nationals of Finland, Japan, Luxembourg, New Zealand and Singapore who can now obtain a 'visa on arrival' at selected international airports for tourism purposes only.

There are several types of visa available for tourism, transit, business, study, journalism and employment purposes. This guide is intended for professionals travelling to India and provides an overview of the Business and Employment Visa categories.

Business Visa

A Business Visa is granted to foreign nationals who intend to travel to India for bona fide business reasons only. Such purposes of visit may include the following:

- a) Establishing a business venture or exploring opportunities to set up a business in India
- b) Buying or selling industrial, commercial or consumer products
- c) Attending technical meetings, discussions, board meetings, general meetings to provide business support services
- d) Foreign nationals who are Partners/Directors in the business
- e) Recruiting manpower from India
- f) Foreign experts/specialists on a short visit to India, in connection with a project/contract to monitor the progression of the work and conduct meetings with Indian customers and/or provide some high level technical guidance
- g) Participating in an exhibition or trade fair
- h) Foreign trainees attending in-house training

The Business Visa may be granted to the individual for single or multiple entries, for a period of six months, one year or, in exceptional circumstances, five years. However, continuous stay in India on a Business Visa is not permitted for more than 180 days.

Employment Visa

An Employment Visa is granted to skilled and qualified foreign individuals who are being engaged or appointed by a company in India. They will not be granted in respect of roles for which a large number of Indian nationals are available or for routine/ordinary jobs.

Business Visa

Employment Visa

Registration requirement

Quota

Accompanying Family
Members

Application Process
Overview

Documentation

Timeline

Non-compliance

Contact

The purpose of their appointment may fall under one of the following categories:

- a) The execution of a project/contract
- b) Training personnel of the Indian company
- c) Technical support or transfer of knowledge, services supplies for which the Indian company pays fees/royalty to the foreign company
- d) Consultant on a contract where the Indian company pays fixed remuneration
- e) Foreign engineers/technicians coming to India for installation and commissioning of equipment/machines/tools in terms of the contract for supply
- f) Foreign nationals on short visits to repair plant and machinery as part of warranty or annual maintenance contract

Registration requirement

Foreigners entering India on Employment Visas are required to register with the concerned jurisdictional Foreigners Regional Registration Office (FRRO) within 14 days of their first arrival in India.

Quota

The Ministry of Labour and Employment and Training (MLET) has prescribed a quota to curb the issuance of Employment Visas to foreign nationals. The quota will depend on the total number of workers involved as well as the industrial sector. Visa applications falling above the prescribed limits may be cleared by the Indian Missions abroad subject to certain conditions and/or referred to MLET for consideration. However, these restrictions have been recently relaxed for the IT/ITES sector subject to fulfillment of certain conditions.

Accompanying Family Members

Related family members of the Employment Visa applicant may apply for an 'X' Visa. This enables the family members to reside in India for the duration of the Employment Visa. The X Visa does not permit the family member to take up employment in India; however they may apply for an Employment Visa in their own right.

Application Process Overview

Applications for the Business Visa and Employment Visa are not accepted in India. The individual must submit the application through the relevant Indian High Commission or Embassy in their country of origin (where the individual's passport is held). Under certain circumstances, the individual may also submit the application in their country of residence if they can demonstrate residency there for at least two years.

- Business Visa
- Employment Visa
- Registration requirement
- Quota
- Accompanying Family Members
- Application Process Overview
- Documentation**
- Timeline
- Non-compliance
- Contact

Documentation

The documents required in support of both the Business and Employment Visas can vary, depending on the High Commission or Embassy processing the application. Applicants are advised to check with the processing agency in their relevant country for a comprehensive list of documents required.

As a guide, the supporting documents for the Business Visa application may include a supporting letter from the individual's current employer, invitation letter from the India-based company and completed application form.

Documents for the Employment Visa may include an invitation letter, an undertaking for the tax liability in India from the Indian entity, declaration from the Indian entity stating the number of total foreign workers and the total workforce in India, Indian employment contract, Indian company incorporation letter, individual's highest educational certificate, individual's current resume and the completed application form.

Timeline

The processing time for the Business and Employment Visas will vary depending on the country where the application is submitted. Applicants are advised to check with the processing agency in the relevant country.

Non-compliance

Individuals convicted of non-compliance with Indian immigration regulations may face a fine/deportment and/or imprisonment if found guilty.

Contact

This Guide is intended to provide a general overview of the immigration requirements and options available to foreigners seeking to work and reside in India. It is based on the current laws, practices and guidelines issued by the relevant Indian authorities. These are subject to change and therefore, it is strongly recommended to check with the Indian High Commission, Embassy or PwC firm in advance of any visa application. For advice tailored to your precise requirements, please contact:

Kuldip Kumar
+91 124 3306000 Extn 6516
kuldip.kumar@in.pwc.com

Ankush Kuthiala
+91 124 3306000 Extn 6795
ankush.kuthiala@in.pwc.com

Last updated: July 2010