

Employment Visa

Frequently asked questions and their answers

Q.1. What is an Employment Visa?

Ans. 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 salary of the foreign national employed should not be less than US\$ 25,000 per annum.

(v) The foreign national should be coming for employment in companies registered in India.

(vi) 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.

(vii) 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.

(viii) A foreign national will have to comply with all other requirements like payment of tax liabilities, etc.

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

(x) the foreign national must submit documentary proof of his/her educational qualifications and professional expertise.

Q.2. Who are eligible for Employment Visa?

Ans. Following categories of foreign nationals may be granted Employment Visa subject to the fulfilment of conditions mentioned above

(i) Foreign nationals coming to India for execution of a project/contract [irrespective of the duration of the visit].

(ii) 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).

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

(iv) Foreign nationals who are coming to India to take up employment as coaches.

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

(vi) 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.

(vii) Foreign language teachers/interpreters.

(viii) Foreign specialist Chefs.

(ix) 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.

(x) 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.

Q.3. What is the duration of an Employment Visa?

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.

Q.4. What documents are required to be submitted along with application for Employment Visa?

Ans. (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.

Q.5. Can foreign nationals coming to execute projects in India be granted Business Visas?

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

Q.6. 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?

Ans. No.

Q.7. Which category of Visa will be granted to family members of foreign nationals coming to India on Business Visas?

Ans. Indian Missions may grant an 'X' Visa [i.e. a Dependent Visa] to the family members of a foreign national granted a Business Visa at their discretion, subject to usual security checks provided the family members are otherwise eligible for grant of such a Visa.

Q.8. Which category of Visa will be granted to family members of foreign nationals coming to India on Employment?

Ans. In respect of family members of a foreign national who is granted 'E' Visa, Indian Missions may grant an 'X' Visa [i.e. Dependent Visa]. The validity of the 'X' Visa could be co-terminus with the validity of the Visa of the principal Visa holder or for such shorter duration as may be considered necessary by the Indian Mission, subject to usual security checks provided the family members are otherwise eligible for grant of such a Visa.

Q.9. 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?

Ans. No.

Q.10. 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?

Ans. Yes.

Q.11. 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?

Ans. No.

Q.12. Which category of Visa will be granted to the foreign language teachers/interpreters?

Ans. Employment Visa.

Q.13. Which category of Visa will be granted to the foreign specialist Chefs?

Ans. Employment Visa.

Q.14. 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?

Ans. Employment Visa.