



By Gautam Khurana  
and Promila Dhar,  
*India Law Offices*



*D-19 (GF) & D-31, South Extension - 1  
New Delhi - 110 049  
India*

*Mumbai | Bengaluru*

**Contact details:**

*Tel: +91 11 2462 2216 / +91 11 246 2218*

*Fax: +91 11 2465 4364*

*Email: g.khurana@indialawoffices.co*

## Foreign national employees in Make in India initiatives

While Make in India envisages manufacturing in India using Indian resources and workers, international players sometimes need access to machinery, technology and technicians from abroad to set up their operations in India. The soft skills and expertise that foreign technicians bring to India also bring in best practices and the ability to run new processes as well as to use new technology.

A company in India can hire an expatriate either as an employee or a consultant/adviser. The duration of employment may be short or long. The most challenging part of the process is compliance with various immigration regulations, which sometimes are misconstrued thus leading to small hassles or even deportation.

There are basically two types of work-related visas, namely, business visas and employment visas.

Business visas are for those who make business-related trips to India. To be eligible for a business visa, the applicant should be a person of assured financial standing, with expertise in the field of the intended business. The applicant should not be visiting India to conduct money lending or petty trading or for full-time employment. The applicant will also have to comply with other requirements, such as payment of tax liabilities.

A multiple-entry business visa can be granted for up to five years to foreign business persons to set up an industrial/business venture or to buy or sell industrial/commercial products. The maximum period of stay in India for each visit is six months. A multiple-entry visa valid up to 10 years may be available to foreign nationals who have set up or intend to set up a joint venture in India.

Business visitors are required to fill out an online visa application and visit their nearest embassy with a printout of the application and required travel documents. A business visa is generally non-convertible and non-extendable.

Employment visas are issued for the purpose of employment with an organization registered in India. Employment visas are usually granted for one year, or the term of the contract. They can be extended in India. Further extension may be obtained from the Ministry of Home Affairs (MHA) or the Foreigners Regional Registration Officer (FRRO) in the concerned state in India by filling out an online application form.

To be eligible for an employment visa, the applicant should be a highly skilled and/or qualified professional being engaged by a company in India on contract or an employment basis at a senior level and drawing a salary of more than US\$25,000 a year. An employment visa can't be granted for routine, ordinary or secretarial/clerical jobs.

An embassy or consulate may grant an employment visa, which is valid for a year irrespective of the contract. Extensions may be obtained from the MHA or FRRO in the concerned state in India. The visa duration starts from the day of issuance and not from the day of entry in India.

Foreign technicians may get a multiple-entry visa for five years or the term under a bilateral agreement with a foreign government, whichever is shorter. Highly skilled IT professionals can get a multiple-entry visa that is valid for up to three years. Others can be granted a two-year multiple-entry visa.

A foreign national who desires to change

their employer within the visa validity period will have to leave the country and apply for a fresh employment visa at the Indian mission or post concerned.

Foreigners (including foreigners of Indian origin) visiting India on student, medical, research and employment visas valid for more than 180 days are required to register with the FRRO or Foreigners Registration Officer having jurisdiction over the place where the foreigner intends to stay, within 14 days of arrival.

A residential permit is issued at the time of registration, its validity being the period of stay specified in the visa. A registration fee and various documents must be submitted for registration depending upon the type of visa. The basic documents are: original and copies of a valid passport and visa along with four passport-size colour photographs; registration form; and proof of residence, i.e. Form C copy from a hotel or lodge; electricity bill, landline telephone bill or municipal bill of the landlord if staying in the home of a relative or friend, along with a letter and photo identity card of the landlord; a copy of the lease and license agreement if staying in rented accommodation.

Application for extension of the residential permit should be made at least two months before its expiry to the nearest registration officer in the prescribed form.

**Gautam Khurana is the managing partner and Promila Dhar is a partner at India Law Offices in New Delhi.**