

## **FAQs RELATING TO WORK RELATED VISAS ISSUED BY INDIA**

### **Introduction**

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

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:

### **Part A : Business Visa**

#### **Q.1 : What are the conditions to be fulfilled for grant of a Business visa?**

**Ans.:** The conditions to be fulfilled for grant of a Business visa are as follows:-

- (i) The foreign national must have a valid travel document and a re-entry permit, if required under the law of the country of nationality of the applicant.
- (ii) The foreign national should be a person of assured financial standing. The foreigner must submit proof of his/her financial standing and documentation in support of intended business visit to India. Proof of his financial standing and expertise in the field of intended business will be checked thoroughly by the Indian Missions while granting the visa.
- (iii) The foreign national should not be visiting India for the business of money lending or for running a petty business or petty trade or for full time employment in India, etc.

- (iv) The foreign national shall comply with all other requirements like payment of tax liabilities etc.
- (v) The Business Visa must be issued from the country of origin or from the country of habitual domicile of the foreigner provided the period of residence of that foreigner in that particular country is more than 2 years. If the period of permanent residence of the applicant in the particular country is less than two years, the Mission / Post concerned will issue Business visa only after personal interview, review of documentation and prior clearance from the Mission where the applicant has permanent residence. Such cases will be examined by the Missions / Posts on merits on case-to-case basis and, after issue of Business visa, an intimation will be sent to the Indian Mission / Post in the applicant's country of origin.
- (vi) The documents/ papers pertaining to proposed business activity such as the registration of the company under the Companies Act, proof of registration of the firm with the State Industries Department or the Export Promotion Council concerned or any recognised promotional body in the relevant field of industry or trade etc. will be thoroughly checked to decide the category of visa applicable to the foreigner
- (vii) 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.

## **Q.2 Who are eligible for a Business Visa ?**

**Ans.:** A Business visa may be granted to a foreigner for the following purposes:-

- (i) Foreign nationals who wish 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 or 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 of the company.
- (vi) Foreign nationals coming to India for consultations regarding exhibitions or 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 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.
- (xii) Foreign nationals coming as tour conductors and travel agents and / or conducting business tours of foreigners or business relating to it, etc.

### **Q.3 What is the duration of a Business Visa ?**

**Ans:** A Business Visa with multiple entry facility can be granted for a period up to five (5) years or for a shorter duration as per the requirement. A stay stipulation of a maximum period of six (6) months will be prescribed for each visit by the concerned Indian Mission keeping in view the nature of the business activity for which such Business Visa is granted.

In case Missions/ Posts abroad, while issuing Business Visa, decide to prescribe a stay stipulation of maximum 6 months for each visit, a clear endorsement should be made stating "**each stay not to exceed 6 months (or the duration of stay stipulation) and registration not required**". In case no such stay stipulation is being prescribed, a simple endorsement stating "**registration within 14 days**" should be made.

Indian Missions can grant Business Visa with 10 years validity and multiple entry facility to the nationals of the United States of America. This visa should be issued with the stipulation that the stay in India during each visit shall not exceed six (6) months.

In case business visa is granted for a period less than five years by the Indian Missions, the same can be extended up to a maximum period of five years subject to following:

- (a) The gross sales/turnover from the business activities, for which the foreigner has been granted visa, is not less than Rs.1 crore per annum (to be achieved within 2 years of setting up the business).

- (b) First extension on business visa shall be granted by the Ministry of Home Affairs.
- (c) Further extensions, if required, may be granted by the State Governments/ UT administrations/ FRROs/ FROs on year-to-year basis subject to good conduct, production of necessary documents in support of continued business activity and no adverse inputs, security related or otherwise, about the foreigner.
- (d) The period of extension shall not be beyond five years from the date of issue of the Business visa.
- (e) If the extension of Visa is denied by MHA/FRRO/FRO/State Government/ UT Administration, the foreigner shall leave India forthwith on expiry of the period of validity of the visa.

**Q.4 What are the documents to be submitted alongwith application for a Business 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) Proof of financial standing and expertise in the field of intended business.
  - (iii) Documents/ papers pertaining to proposed business activity such as the registration of the company under the Companies Act, proof of registration of the firm with the State Industries Department or the Export Promotion Council concerned or any recognised promotional body in the relevant field of industry or trade etc.