

## **GUIDELINES AND FREQUENTLY ASKED QUESTIONS RELATING TO TOURIST VISA**

Tourist Visa is granted to a foreigner who does not have a residence or occupation in India and whose sole objective of visiting India is recreation, sightseeing, casual visit to meet friends and relatives etc. No other activity is permissible on a Tourist Visa. The Tourist Visa is non-extendable and non-convertible.

Following instructions may be noted:

- (a) In respect of foreign nationals holding Tourist Visas with multiple entry facility, there should be a gap of at least 2 months between two visits to the country on such a Tourist Visa.
- (b) If any foreign national is required to visit the country again within a period of 2 months of his last departure, such foreign national should obtain special permission from the Embassy. The Embassy would consider such requests on merits of each case.
- (c) In all such cases, the foreign national should register himself with the FRRO/FRO concerned within 14 days of arrival. An endorsement to this effect will be made on the visa sticker.

2. Frequently asked questions and replies thereto are outlined below for information and guidance:-

Q1: Whether the gap of two months between two visits would apply to all Tourist Visa holders?

Ans: The gap of two months between two visits would apply to all Tourist Visa holders.

Q2: Whether the gap of two months between two visits would apply irrespective of the duration of stay in India during the previous visit?

Ans: The intention behind the stipulation of a gap of two months between two visits on a Tourist Visa is to curb the abuse/misuse of the Tourist Visa. With a view to ensure that the genuine tourists are not affected by the new guidelines, following clarifications are furnished:

- (I) Foreigners holding Tourist Visas, who after initial entry into India plan to visit another country largely on account of neighbourhood tourism related travel and re-enter India before finally exiting, would be permitted two or three entries, as the case may be (need based), subject to their submission of a detailed itinerary and supporting documentation (ticket bookings). If they are already outside of their country of origin, they can also get such an endorsement from the nearest Indian Embassy.

- (II) The total period of stay in the country counted from the date of first entry into the country shall not exceed the stay stipulation period of 180 days or 90 days, as the case may be.
- (III) Once such a foreign national finally exits the country after availing the facility of two or three entries (within the stay stipulation period of 180 days or 90 days as the case may be), there should be a gap of at least 2 months before he/she can come again to the country.
- (IV) If any foreign national falling in the category as mentioned in sub-para (III) above is required to visit India again within a period of 2 months after his/her last departure, such foreign national should obtain special permission from the Embassy. Such re-entry within the stipulated gap of two months may be permitted only in emergent situations like death/serious illness in the family, non-availability of connecting flights to return to his/her country of origin or travel to another country or any other exigent situation which can be duly justified with proper documentation to the satisfaction of the Embassy.

In such cases, the applicant should furnish an undertaking on the following lines:-

- (i) That the purpose of his/her visit is because of emergency situation.
- (ii) That he is not engaged in Business activities, nor in Employment or pursuing studies/research etc.

In such cases i.e. those covered by sub-para IV above, the foreign national should register himself with the FRRO/FRO concerned within 14 days of arrival. This registration may be done with the FRRO/FRO concerned preferably at the first place of entry. An endorsement to this effect will be made on the visa sticker.

Q3: How will medical tourists who return regularly to India for onward treatment be handled?

Ans.: For persons coming for medical treatment, there is a separate category or Medical Visa. Foreign nationals coming for medical treatment will have to come only on Medical Visa and not on Tourist Visa.

## **GUIDELINES AND FAQs RELATING TO BUSINESS AND WORK RELATED VISAS**

Frequently asked questions and replies thereto are outlined below for information & guidance:-

### **A**

#### **Q1. What is a Business Visa?**

Ans. Business Visa is granted to a foreign national who wants to visit India to establish an industrial/business venture or to explore possibilities to set up industrial/business venture, or wants to purchase/sell industrial products in India. This Visa is granted subject to following conditions:-

- (i) The applicant is a person of assured financial standing and has expertise in the field of the intended business.
- (ii) The applicant is not visiting India for the business of money lending or petty trading, or for a full time employment in India involving payment of salary in India etc.
- (iii) The facility of Business Visa will also be extended to senior executives of firms, experts, tour conductors and travel agents, etc., visiting India in connection with work related to projects of national importance, including those undertaken by public sector undertakings, and conducting business tours of foreigners or business relating to it, etc.
- (iv) A foreign national will have to comply with all other requirements like payment of tax liabilities etc.
- (v) 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.

#### **Q2. Who are eligible for a Business Visa?**

Ans.

- (i) Foreign nationals who want 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, 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 in the company.
- (vi) Foreign nationals coming to India for consultations regarding exhibitions, 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 nationals coming to India for pre-sales or post-sales activity not amounting to actual execution of any contract or project.
- (ix) Foreign Trainees of multinational companies/corporate houses coming for in-house training in the regional hubs of the concerned company located in India.
- (x) Foreign students sponsored by AIESEC for internship on project based work in companies/industries.

**Q.3. What documents are required to be submitted along with 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.

## **B**

**Q4. 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 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.
- (v) The Indian company/organization engaging foreign nationals for executing projects/contracts would be responsible of the conduct of the foreign national during their stay in India and also for the departure of such foreign national upon expiry of Visa.
- (vi) A foreign national will have to comply with all other requirements like payment of tax liabilities, etc.

**Q.5. Who are eligible for Employment Visa?**

Ans. Subject to the conditions enumerated in Question B4 above, the following will be eligible for Employment Visa :-

- (i) Foreign nationals coming to India for execution of a project/contract (irrespective of the duration of the visit).
- (ii) Foreign nationals who are coming to India on short visits to customer location to repair any plant or machinery as part of warranty or annual maintenance contracts.
- (iii) 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.
- (iv) Foreign experts coming to India for imparting training to personnel of the Indian company.
- (v) 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.
- (vi) Foreign nationals coming to India as consultants on contract for which the Indian company pays a fixed remuneration, (may not be in the form of monthly salary)
- (vii) Foreign artists engaged to conduct regular performances for the duration of the employment contract given by Hotels, Clubs, other organizations.
- (viii) Foreign nationals who are coming to India to take up employment as coaches.
- (ix) Foreign sportsmen who are given contract for a specified period by the Indian Clubs/organizations.
- (x) 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.

**Q.6. What documents are required to be submitted alongwith 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.

**C**

**Q.7. 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.8. 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.9. 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.10. 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 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.11. 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.12. Whether an Indian company/organization which was 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.13. 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.14. Which category of Visa will be granted to the foreign language teachers/ interpreters?**

Ans. Employment Visa.

**Q.15. Which category of Visa will be granted to the foreign specialist Chefs?**

Ans. Employment Visa.

**Q.16. 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.

