

Faq Employment

What is an Employment Visa?

An Employment Visa (Specified 'E') may be granted to a foreigner subject to the fulfilment of the following conditions:-

- (i) The applicant is a highly skilled/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 should not be granted for jobs for which large number of qualified Indians are available. Furthermore, Employment Visa should not be granted for routine, ordinary or secretarial/clerical jobs.
- (iii) The salary of the foreign national employed should not be less than Rs.16.25 lakhs per annum.
- (iv) The foreign national should be coming for employment in a company/firm/organisation registered in India or for employment in a foreign company/firm/organization engaged for execution of some project in India.
- (v) In respect of foreign nationals engaged as teaching faculty at the level of assistant professor and above by the Central Higher Educational Institutions the minimum salary limit for grant of employment visa is Rs.9.10 lakhs per annum
- (vi) The foreign national must hold a valid passport, and a re-entry permit if that is required under the law of the country of nationality of the applicant.
- (vii) The foreign national should not be a persona-non-gratia to the Government of India.
- (viii) The foreign national should not be an undesirable person and not the subject of a black list or any warning circular or other restrictive list.
- (ix) The foreign national will have to comply with all other requirements like payment of tax liabilities etc.
- (x) The foreign national must submit proof of his/her employment or contract or engagement by the company/organization, etc. in India.
- (xi) The foreign national must submit documentary proof of his educational qualifications and professional expertise.
- (xii) The Indian Company engaging the foreign national would be responsible for the conduct of the foreign national during his/her stay in India and also for the departure of such foreign national upon expiry of visa.
- (xiii) Foreign teaching faculty employed in South Asian University and Nalanda University will be exempted from minimum salary limit for the grant of employment visa.

Other Foreign nationals eligible for Employment Visa :

Following categories of foreign nationals may be granted Employment visa subject to the fulfilment of the conditions mentioned above:-

- (1) 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).
- (2) Foreign artists engaged to conduct regular performances for the duration of the employment contract given by Hotels, Clubs, other organizations.
- (3) Foreign nationals who are coming to India to take up employment as coaches of national/state level teams or reputed sports clubs.
- (4) Foreign sportsmen who are given contract for a specified period by the Indian Clubs/organizations. However, this will not include foreign nationals who are engaged in commercial sports events in India on contract (including coaches) like Indian Premier Leagues, Indian Soccer League etc. with remuneration for which the appropriate visa would be 'B-Sports' visa.
- (5) 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.
- (6) Foreign language teachers/interpreters.
- (7) Foreign specialist Chefs. If employed in commercial venture, the minimum salary criteria of Rs. 16.25 lakhs per annum will be applicable.
- (8) 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.
- (9) Foreign personnel deputed for providing technical support/services, transfer of know-how, services for which the Indian company pays fees/royalty to the foreign company.
- (10) Foreign journalists, who intend to travel to India to work in Indian media organizations.
- (11) Employees/Managers coming to India for non journalistic activities within media organizations.

What is the duration of an Employment Visa?

An Employment Visa will be valid for entry and stay into India within the period of its validity unless specified otherwise and subject to conditions specified. Validity of an Employment visa will be as specified below:

- (i) A foreign technician/expert coming to India in pursuance of a bilateral agreement between the Government of India and the foreign government, or in pursuance of a collaboration agreement that has been approved by the Government of India, may be granted an Employment

visa for the duration of the agreement, or for a period of five years, whichever is less with multiple entry facilities.

(ii) In the case of highly skilled/skilled foreign personnel being employed in the IT software and IT enabled sectors, the Missions/Posts may grant visa with validity up to three years or the term of assignment, whichever is less with multiple entry facility.

(iii) A foreigner coming to India for employment not covered in (i) or (ii) above may be granted Employment visa with a validity up to two years or the term of assignment, whichever is less with multiple entry facility.

(iv) In case of Employment Visa issued for a period of 180 days or less, registration is not required with FRRO/FRO. The Missions/Posts may issue multiple entry Employment Visas for a period of 180 days or less.

(v) However, if the Employment visa is valid for a period of more than 180 days, it should carry an endorsement to the effect that the E-visa holder must register with the FRRO/FRO concerned within 14 days of arrival.

(vi) FRRO/FRO concerned may issue Residential Permit on registration for the validity of the visa period. However, if there is any change in the residential address, the foreign national concerned should immediately report the change of address to the FRRO/FRO concerned. (It may be mentioned that at present the Residential Permit is granted by the FRRO/FRO concerned for a period of one year only and the foreign national has to get this extended every year from the FRRO/FRO concerned).

(vii) The Employment visa can be extended by the State Governments/UT Administrations/FRROs/FROs beyond the initial visa validity period up to a total period of 5 years from the date of issue of the initial Employment Visa on year to year basis subject to good conduct, production of necessary documents in support of continued employment, filing of Income Tax returns and no adverse security inputs about the foreigner. The period of extension shall not go beyond five years from the date of issue of the initial Employment visa.

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.

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.

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.

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

Ans. Employment Visa.

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

Ans. Employment Visa.

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.

Visa to family members of a foreigner granted Employment visa.

Family members/dependents of a foreigner who is granted 'E' visa shall also be granted 'Employment' visa subject to usual security checks provided the family members are otherwise eligible for grant of such a Visa. Its validity shall be co-terminus with the validity of the visa of the principal visa holder or for such shorter period as may be considered necessary by the Indian Mission.