

Global BRIEF Immigration Alert | February, 3 2012



Global BRIEF



INDIA | Visa Norms Relaxed for Expats Working in Senior/Skilled Positions

The Indian Ministry of Home Affairs (MHA) has recently published its change of visa rules so that expatriates in India, who take intergroup transfers within India, are no longer required to return their home country to apply for a new Employment Visa (EV).

What's Changed?

Publication of amending employment status recently appeared on the MHA's website, even though this change in policy occurred in mid- 2011. A change of employer within the same company group in India will be permitted only once during the tenure of five years of the original EV. The five years of residency on the existing EV would be counted from the original date of its issue and not from the date of change of employer.

The application for a change of employer should be supported by a certificate of the holding/subsidiary relationship, a justification letter, and a 'no objection' certificate and is subject to approval and satisfaction of the competent authority (FRRO).

Action Items For Employers

Companies in India may apply to amend an EV holder's condition of stay only if the foreign national holds a senior or skilled position and if the change of employment is between the registered holding company and its subsidiary or between subsidiaries of a registered holding company. Currently, this privilege does not extend to expatriates changing employment between joint venture companies.

The change in allowing intra-group change of employment will allow multinational companies to transfer their expatriate employees to different subsidiaries in India based on business needs. This will allow employees to be transferred with lower costs and fewer work hours lost.

As this rule only applies to changing jobs between subsidiaries of the same company, if an expatriate wishes to change his or her employment to an unrelated Indian

company, or to a new joint-venture company, the expatriate will be required to formally cancel his or her EV with the MHA and return his/her home country to submit a fresh EV application at an Indian consular post.

Caveat Lector | Warning to Reader

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