



ACCESS OF SPOUSES OF EXPATRIATE EMPLOYEES TO EMPLOYMENT VISA

REPRESENTATION TO THE GOVERNMENT OF INDIA

EXECUTIVE SUMMARY

In view of the increasing number of dual careers in families, international employers find work permit difficulties for spouses as a hurdle to mobility, equal opportunity and diversity.

As per the rules being applied by the Bureau of Immigration, “if the spouse wishes to take up any employment in India, then he or she will be required to return to the country of origin and obtain a requisite employment visa.”

We are submitting for the consideration of the Government of India the following changes to the existing laws on employment visa and spouse visa in order to facilitate the employment of spouses

- 1. As a first immediate step, Permits Foundation proposes that spouses of employees on inter-company transfers are permitted to change their visa status by applying to the FRRO in India. The process could be governed in the same fashion as applications for E Visa and X Visa**

Subsequently, the following change in policy is proposed by Permits Foundation:

1. A specific category (E1) is created for applicants who are transferred to India as a part of any intra-corporate transfer.
2. A specific category (XE1) is created for applicants who are spouse or dependents of E1 Visa holders. The XE1 spouses would be able to be employed or self-employed in any legal, non-restricted capacity.

Governments increasingly recognise the importance of dual careers in making their country an attractive business destination, supporting trade and investment and the attraction of highly skilled staff.

The following countries currently allow spouses of expatriate employees of all countries, including India, access to an open work permit by which they can work for any employer or be self-employed:

- 1. Argentina; 2. Australia; 3. Canada; 4. Denmark; 5. Finland; 6. France; 7. Hong Kong; 8. Italy; 9. The Netherlands; 10. New Zealand; 11. Sweden; 12. Switzerland; 13 United Kingdom; 14 United States (e.g. L/E/J visa).**

The following countries allow spouses who have a job offer to work for a specified employer via a simple local process, which does not require a labour market test.

1. Belgium; 2. Germany; 3. Ireland; 4. Japan; 5. Malaysia; 6. Singapore.

Permits Foundation is an international non-profit corporate initiative to promote access of accompanying spouses and partners of international staff to employment through an improvement of work permit regulations. Permits Foundation has already been successful in contributing to change in the USA, France, The Netherlands, Hong Kong and Malaysia.

We look forward to your urgent attention on this matter and seek your assistance in making India a preferred destination for the spouses of the global talent pool who today strengthen both Indian companies with global operations and transnational corporations with large commitments in India.

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Updated 10.3.2010