



12 March 2013

Shri Ratanjit Pratap Narain Singh
Minister of State
Ministry of Home Affairs
Government of India
New Delhi

Sub: Right to work of spouses of expatriate intra-company transferees

Dear Mr Singh,

Greetings from Permits Foundation!

We are an international non-profit organisation campaigning globally to improve work permit regulations to make it easier for spouses and partners of expatriate staff to gain employment during an international assignment.

This is an issue for International employers, who experience work permit difficulties for spouses as a hurdle to mobility of their globally assigned staff. Countries increasingly recognise that this impacts adversely on international business and investment. As a result, 29 countries now grant a right to work for spouses of intra-corporate transferees or other highly skilled staff.

We propose that spouses of employees on intra-company transfers in India also be permitted to work or be self-employed.

Two years ago, the Ministry of Home Affairs Foreigners Division acknowledged our concerns with a guideline on the *Conversion of 'X' (Entry) visa of spouse of an employee on intra-company transfer into Employment Visa. (Annexure 1)*. This created a special sub-category of X Visa holders, the spouse of the intra-company transferee, and removed the requirement for them to return to the home country to apply for an Employment Visa.

We welcomed this first-step change as did many others in the Indian media, Indian and global investment oriented enterprises, including leading global consultancy firms. However, it falls short of the best practice in a growing number of countries where the spouse may take up employment or self-employment for the duration of the assignment.

Since the Indian Employment Visa is conditional on an offer of a highly skilled job with a minimum salary of \$ 25,000 per year, this continues to be a barrier for professional spouses who may wish to take temporary or part-time project work or self-employment. Such spouses may not have a job offer or even a single employer in line with the Employment Visa norms. In consequence, a number of expatriate spouses fail to qualify for Employment visas and highly skilled employees continue to have reservations about accepting an assignment in India.

As a result, the basic objectives of the guidelines of February 2011 to encourage international investment and increase attractiveness and improve acceptance of assignments by highly skilled resources continue to remain unmet.

Sir, it has been the intention of the Government of India to make the visa process simple, efficient and fast. In that context, simplifying the visa norms for the small segment of intra-corporate transferees by granting their spouses permission to take up employment or self-employment for the duration of the assignment would be a welcome change.

We therefore request an appointment to discuss ways to simplify visa processes for spouses of employees on intra-company transfer.

Permits Foundation has contributed to change in spouse employment regulations throughout the European Union as well as in the USA and Asia (Hong Kong, Japan and Malaysia). Almost 30 countries now allow accompanying spouses or partners to work. These improvements benefit Indian international professionals and their spouses abroad.

During the course of our work, we have developed good insight into main type of regulations in other countries and will be pleased to share our resources with you.

We look forward to your urgent attention on this matter and seek your assistance to make India a preferred destination for the global talent pool that is linked to international business and investment.

We would be much obliged if you could spare some time for the requested meeting.

Yours faithfully,



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(On behalf of Permits Foundation)

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