

January 15, 2015

Shri Braj Kishore Prasad
Additional Secretary (Foreigners)
Ministry of Home Affairs
Government of India
New Delhi

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

Dear Shri Prasad,

Greetings from Permits Foundation!

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 worldwide.

We write to request an appointment to discuss the ways and means for simplification of the process of Visa administration for spouse of employees on intra-company transfer. We have been in discussion with your ministry for the past four years and some steps were taken earlier to improve the visa regime for this small but highly significant group of expatriate employees whose presence is an outcome of inflow of FDI into the country.

In view of the increasing number of dual career families, international employers view work permit difficulties for spouses as a hurdle to mobility. Countries are increasingly recognising that this impacts adversely on international business and investment. Already 30 countries grant a right to work for spouses of intra-corporate transferees or highly skilled staff.

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

With the support of the Foreigners Division, a guideline was issued in February 2011 by the Ministry of Home Affairs regarding 'Conversion of 'X' (Entry) visa of spouse of an employee on intra-company transfer into Employment Visa. (Annexure 1).

This guideline accepted the special rights of a specific category of X Visa holders, the spouse of the intra-company transferee, and the need to protect their interests to encourage investments and employment acceptance by highly skilled company employees.

This was widely welcomed by the Indian media, Indian and global investment oriented enterprises, including leading global consultancy firms.

While this constitutes a significant step forward, it falls short of the best practice in a growing number of countries that permit the spouse to take up employment or self-employment for the

duration of the assignment. The application of the norms of the Indian Employment Visa mandates the pre-condition of an offer of a highly skilled job, with a minimum salary of US\$ 25,000 per year. This continues to present a barrier for professional spouses who may wish to take temporary or part-time project employment or self-employment. Such spouses generally do not have an employment offer of a nature permitted under the Employment Visa norms. In consequence, a number of expatriate spouses fail to qualify for Employment visas.

As a result, the basic objectives of the guidelines of February 2011 to increase attractiveness and improve acceptance of assignments in India by highly skilled resources continues to remain unmet.

This shortcoming has been appreciated by your ministry in our discussions. Towards this need for simplification of visa norms for expatriate spouses, the Foreigners Division had asked Permits Foundation to submit a proposal which was specifically for spouses of expatriate employees on an intra-corporate transfer. Based on the findings of a Round Table of Global Companies and Organizations and discussions with the Foreigners Division, Permits Foundation drafted a proposal which is attached for your perusal.

Sir, it has been the intention of the Government of India to attract FDI in all sectors. Such investments will have a successful outcome when companies have a small group of their own, highly skilled resources to manage these investments and apply domain knowledge, experience and management skills. However, such highly skilled professionals are typically accompanied by highly skilled spouses. The inability of spouses to work in India due to the visa regime often results in companies not being able to deploy their best talent. In that context, we would like to submit that a simplification of Visa norms for the small segment of spouses of intra-corporate transferees by granting them permission to take up employment or self-employment for the duration of the assignment would address reservations of highly skilled employees in taking up short term assignments in India.

Since our start-up in 2001, Permits Foundation has been progressively successful in influencing change throughout the European Union, as well as in the USA and Asia (Hong Kong, Japan and Malaysia). All of these improvements will benefit Indian international professionals and their spouses abroad.

We look forward to your urgent attention on this matter and seek your assistance in making India a preferred destination for the global talent pool. We would be much obliged if you could spare some time for the requested meeting.

Yours faithfully,



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