



15 January 2015

Mr. G K Dwivedi
Joint Secretary Foreigners Division
Ministry of Home Affairs
Government of India
New Delhi.

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

Dear Mr Dwivedi

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.

I am following up our discussions with former Joint Secretaries, Mr V. Vumlunmang, Mr G.V. Venugopala Sarma and Mr Ashim Khurana on the issue and request a meeting to update you on our discussions and developments so far and seek your guidance on further steps.

Briefly, with the growth in the number of dual career families, international employers experience work permit difficulties for spouses as a hurdle to mobility of their globally assigned staff. Countries increasingly recognize that this impacts adversely on international business and investment. As a result, 30 countries now grant a right to work for spouses of intra-corporate transferees or other highly skilled staff.

We request that India adopt similar regulations.

In 2011, through the support of Mr Khurana and Mr Sarma, 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.* (Appendix 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. Subject to the normal criteria for an Employment Visa and the approval of the Ministry of Home Affairs (Foreigners Division) after a report from the FRRO/FRO concerned, the X visa can be converted to an E visa.

We welcomed this first-step change as did many others in the Indian media, Indian and global investment - oriented enterprises, including leading consultancy firms. However, it falls short of 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 E Visa norms. In consequence, a number of expatriate spouses fail to qualify for E visas and highly skilled employees continue to have reservations about accepting an assignment in India.

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

Equally, for the implementing agency, there is the additional burden of a time-consuming review of each case. Moreover, the question of reverting to an X visa if employment ends has not been addressed and would be an additional, inefficient burden for both the authorities and the spouse.

Towards this need for simplification of visa norms for expatriate spouses, Mr Vumlunmang 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 Mr Vumlunmang, Permits Foundation drafted a proposal which is attached for your perusal. Findings of the Round Table are also attached for your perusal. An inter-ministerial group of officials met Permits Foundation representatives at a meeting presided by Mr Vumlunmang subsequently to discuss the draft proposal and were positive towards the proposal.

As India looks to invite larger FDI, enabling spouses of intra-corporate transferees will be a significant step towards helping employers to deploy their best and their brightest in India. 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 spouses permission to take employment or self-employment for the duration of the assignment would be a welcome change.

It has been our experience in other countries that by providing work rights to this small, specific group of spouses of expatriate intra-corporate transferees, there is considerable enhancement in the willingness of highly skilled employees to relocate when needed by their employers.

We would like to request for an appointment to share with you the discussions and progress so far and understand further steps required to take this issue to closure.

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

We seek your assistance to make India a preferred destination for the global talent pool that is linked to international business and investment and would be much obliged if you could spare some time for the meeting.

Yours faithfully, on behalf of Permits Foundation,



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