

8 January 2015

General (Retd) Vijay Kumar Singh  
Minister of State  
Ministry of External Affairs  
Government of India  
New Delhi

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

Dear General 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, 30 countries now grant a right to work for spouses of intra-corporate transferees or other highly skilled staff.

**We write to request an appointment to discuss the ways and means for simplification of the process of Visa administration for spouses of employees on intra-company transfer or global organization. We have been in discussion with the concerned ministries, including the MEA, 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.**

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.**

This was achieved to a large extent due to the support extended by the Ministry of External Affairs, including the then Minister of State for External Affairs.

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.

**Towards this need for simplification of visa norms for expatriate spouses, the Foreigners Division of the Ministry of Home Affairs 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. An inter-ministerial group of officials, including from the Ministry of External Affairs, met Permits Foundation representatives subsequently to discuss the draft proposal and were positive towards the proposal.**

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 and Japan). 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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Cc: Kathleen van der Wilk-Carlton, Executive Director, Permits Foundation.