



PERMITS
foundation

Progress and plans in our global campaign

INDIA

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India – Permits Foundation lobby for full work authorisation for spouses

Context

- Ministry of Home Affairs, Joint Secretary Foreigners Division – primary responsibility
- Immigration policy via a series of guidelines / FAQs

Before Permits Lobby

- Spouses of Employment (E) visa holders had to return to home country, give up dependant X visa and can apply for E visa if they got a job offer.
- Significant discretion to Visa Officer

Since 2011

- Spouses of E visa holders on an intra-company transfer can apply locally for E visa.
(1st step recognition)

Challenge

- Still subject to all E visa conditions – e.g. \$ 25,000 p.a. minimum salary.
- Doesn't accommodate part-time, temp project work, self-employment.

Key steps since initial change in 2011

2012-2013

- Detailed proposals / meetings with Joint Secretary of Foreigners Division
- Letters to Prime Minister and Ministers of Home, Foreign Affairs, Commerce,
- Developed broad support in Ministries, MPs and Indian Diplomatic Service.
- Round Table in 2013 achieved greater visibility of support
- JS indicated prepared to consider spouse working under an ICT arrangement
- Permits Foundation submitted revised proposal.

2014

- New government and re-organisations
- Letters to PM Modi and Ministers
- Letters of support from sponsors to Joint Secretary

2015

- Meeting with Minister of State for External Affairs
- Meeting with Minister of State for Home Affairs
- Meeting with Joint Secretary, Foreigners Division



Permits Foundation proposal for an intra-corporate transferee visa (new sub-category of Employment visa)

E1 visa (ICT employee)

- Non-immigrant Employment visa for skilled employees
- Transferred by an international company (parent, subsidiary, branch or affiliate)
- Up to 3 years, renewable for 2 years, up to max 5 years.
- Prior employment condition: at least 6 months.

XE1 visa (ICT spouse)

- Allow all legal employment and self-employment, paid or voluntary, full-time or part-time, work from home, work with NGOs, research fellowships, guest programs, project assignments and offshore work.
- Co-terminus with the ICT visa.

So, what's new?

- A new government that is focused on attracting foreign investment.
- Between May 2014 - October 2015, the Prime Minister of India has made 28 foreign trips to raise close to \$100 billion in investments
- The Prime Minister gives time to meet large global corporations to persuade them to commit more to India
- Ministers are more accessible and seem to want to move ahead.
- Many key government decisions have got centralized in the PMO – and so the push for making the climate easier for business runs through the government.
- However, too many changes in the bureaucracy are problematic

Minister of State For External Affairs



General (Retd) V K Singh

- “The whole issue being a no-brainer, what has stopped this being put to effect in the efforts of past 4 years?”
- Mr Singh said he will talk to all concerned and figure out exactly what was keeping everyone from signing off something that seemed quite problem free.
- He said that this issue would need more than just Joint Secretaries to sort out and he would talk at his own level as well

Minister of State for Home Affairs



Kiren Rijiju

- The Minister said he “**would do it**”.
- He made the point that there were a lot of submissions on a range of similar issues and the government was planning to have all issues of nationality, passport and visas resolved together at the earliest.
- “If India is going to have an agenda of attracting investment on the premise of ease of business, policy makers should not then be putting up barriers”.

Minister of State For Home Affairs

- Since the Foreigners Division would need to put up the papers, Mr Rijiju spoke to the Joint Secretary to meet Permits Foundation.
- He briefed the Joint Secretary that Permits Foundation was an important organization that represented companies that are important for the country.
- Contrast - In the previous government, it was not possible to get a meeting with the minister despite all the concerned ministries at the senior policy level offering full support.

Joint Secretary (Foreigners Division)

- **G K Dwivedi**
- The JS called the representation a '*logical demand*' and said '*No wonder it has received support from all quarters*'.
- He shared that the only hurdle which he could foresee pertained to the USD 25,000 precondition for employment visa.
- The Joint Secretary sought time to study the proposal and proposed to connect again.
- On the issue of right to work for “partners” of expats, he advised that it would be best to first address the issue of spouses as larger visa issues for dependant partners would need to be resolved first.

Current status: under active consideration

- Looking positive. Continuous engagement underway with the ministry.

Joint Secretary: asked for estimate of the number of people impacted.

- Reaction on unmarried partners
 - Remains culturally sensitive
 - Requires a different set of legislation from immigration alone
 - Unlikely to see a change in the context of current discussions.