

CLARIFICATIONS WITH REGARD TO EMPLOYMENT VISA GUIDELINES

Reference Answer to Question No.5 under part B – Employment Visa in the Frequently Asked Questions on “work related visas issued by India” uploaded on MHA website.

2. Following clarifications are furnished with reference to the conditions for grant of Employment Visa:-

S.No.	Issues raised	Clarifications
1.	Whether the salary threshold limit of \$ 25000/- pa includes allowances also or salary alone?	The salary threshold limit of US\$ 25000 per annum may be worked out taking into account salary and all other allowances paid to the foreign national in cash. Perquisites like rent free accommodation etc. which are included in ‘salary’ for the purpose of calculating the Income Tax may also be taken into account for this purpose. However, perquisites which are not included for working out the Income Tax should not be taken into account for working out the salary threshold limit of US\$ 25000 per annum. The company / organisation concerned should clearly indicate in the Employment contract – (i) the salary and allowances being paid in cash and (ii) all other perquisites like rent free accommodation etc. which would be taken into account for the purpose of working out the Income Tax payable by the employee. Such perquisites should also be quantified and indicated in the Employment Contract.
2	Whether a foreign national already on E visa and drawing lesser amount than the above	The guidelines adding a new sub-para (viii) under para 44-Conditions for grant of Employment Visa in Chapter-4 ‘Employment Visa’ of the Visa Manual

	<p>mentioned threshold can be refused further visa extension on this ground, once they apply at the FRRO office for getting their visa extended.</p> <p>Whether the prescribed condition of minimum mandatory salary will be applicable to those foreigners who have been issued E-Visa prior to 30.09.2010 and have been working in India for many years and draw lesser salary than the mandatory salary.</p> <p>Whether any foreign national already on Employment Visa and drawing lesser salary than the above mentioned threshold can be asked to leave the country?</p> <p>Whether these guidelines will be effective on fresh visas issued after 30.9.2010 or even on earlier 'E' visas which have been issued and are due to extension with FRROs/FROs.</p>	<p>were issued on 30th September, 2010. Since it would have taken some time for these guidelines to percolate to the officials handling visa matters in Indian Missions/Posts, the revised guidelines indicating the minimum salary limit of US \$ 25000 per annum would apply to all Employment Visas issued from 1.11.2010.</p> <p>Foreign nationals who have arrived in India on the basis of 'E' visa issued after 1.11.2010 and drawing annual salary of less than US\$ 25,000 (and not in the three exempted categories) may be registered by FRROs/FROs but all such foreigners may be granted exit by giving a maximum period of three months.</p> <p>All those foreign nationals who are already on 'E' visa issued prior to 1.11.2010 and drawing lesser amount than the threshold limit of US\$ 25000 may be allowed to continue in their present employment till the expiry of their present visa period. When they approach for extension of their visa, they may be given extension of 3 months to exit if they do not meet the minimum salary limit of US\$ 25000 per annum by that time.</p>
3	<p>Nowadays, a large numbers of female foreigners from different countries are coming to India on the strength of "Employment" visa to</p>	<p>All such cases will be covered by the Employment Visa Regime and the minimum salary limit of US\$ 25000 per annum stipulated in this Ministry's guidelines issued vide letter of even No. dated 30th September 2010 will be</p>

	<p>work in the field of modelling, advertising and Bollywood. At the time of registering, they produce a contract agreement with their sponsoring company in which it is usually mentioned that the sponsoring company will provide work to the foreign model through different assignment like advertisements, dance shows, etc with different companies and will share the money earned by the foreign model in a particular ratio such as 60/40% or 70/30%. Such foreigners don't get fixed salary from their sponsoring company and till they get assignment their income doesn't start.</p>	<p>applicable. This will also cover foreign nationals being engaged by various circus companies.</p> <p>While all such foreign nationals may be allowed to register, they may be granted 3 months time to submit documentary proof to the effect that they would be getting remuneration of at least US\$ 25,000 per annum. If they are not able to produce documentary proof to this effect, they may be granted immediate exit after 3 months from the date of registration.</p>
4.	<p>Can a foreign national holding 'E' visa coming for honorary work draw a salary?</p>	<p>A foreign national coming as a volunteer for honorary work with the NGOs registered in the country, may be paid a salary upto a ceiling of Rs 10,000 per month.</p>
