



Immigration News

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Immigration Lawyers

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FREEDOM, RESPONSIBILITY, AND THE JOURNEY OF BUILDING TRUST



As India celebrates its 80th Independence Day, it feels like the right moment to pause and reflect on what freedom truly means not just as a historical milestone, but as the foundation on which aspirations are built, opportunities are pursued, and futures are shaped.

For many, freedom means the ability to choose where they live, work, build, and belong. In an increasingly interconnected world, those choices often transcend borders.

As an immigration lawyer, I have had the privilege of witnessing another side of this journey: helping foreigners make India a part of their lives. I have assisted foreign nationals who chose to come to India to work, build businesses, invest, and create new opportunities. I have helped people reconnect with their Indian roots through the Overseas Citizen of India (OCI) framework, allowing generations born outside India to maintain a meaningful connection with the country their families once called home.

I have also had the privilege of helping foreign entrepreneurs establish and grow their businesses in India, and assisting Indian companies in bringing skilled foreign professionals to contribute to their organisations and to India's growing economy. These journeys may begin with a visa, a registration, or an application, but they represent something much larger: the freedom to explore new possibilities, to reconnect with one's roots, to contribute to a new country, and to build something meaningful across borders.

India has always embraced the philosophy of Vasudhaiva Kutumbakam: the world is one family. Today, that philosophy is reflected not only in the millions of Indians who have made their mark around the world, but also in the people from across the globe who choose to make India a part of their journey.

At Vipul Joshi & Associates, we believe immigration is much more than paperwork. It is about people, aspirations, connections, and the choices that shape lives. Whether it is helping a foreign national discover their connection to India, assisting an entrepreneur in establishing a business, or helping an Indian company bring global talent to its workforce, our role is to make that journey clearer, more accessible, and built on trust.

AS WE CELEBRATE THE SPIRIT OF INDEPENDENCE, LET'S ALSO CELEBRATE THE FREEDOM TO EXPLORE NEW POSSIBILITIES WHILE STAYING ROOTED IN THE VALUES THAT DEFINE US AS A NATION.

**ON BEHALF OF EVERYONE AT VIPUL JOSHI & ASSOCIATES.
I WISH YOU A HAPPY AND MEANINGFUL INDEPENDENCE DAY.**



INDIAN EMPLOYMENT VISA

Authored by Adv. Saakshi Bhosale



The Indian Employment Visa (E Visa) is the principal long-term visa category for foreign nationals seeking to undertake lawful employment in India. Evolved alongside India's economic liberalization and increasing foreign investment, the framework is administered under policies of the Ministry of Home Affairs (MHA) through Indian Missions, the Bureau of Immigration (BOI), and FRROs. It is intended for highly qualified professionals, senior executives, technical experts, engineers, researchers, teachers, consultants, intra-company transferees, foreign-language instructors, chefs, NGO personnel, and other skilled individuals whose specialized expertise is required by an eligible Indian employer. Unlike a Business Visa, which permits limited commercial activities, an Employment Visa authorizes genuine employment in India and is designed to facilitate the transfer of specialized knowledge and expertise while safeguarding employment opportunities for Indian citizens.

An applicant for an Indian Employment Visa must generally hold a valid passport, have a genuine offer of employment from an eligible Indian employer, possess the required qualifications, professional experience or specialized skills, and meet applicable salary and immigration requirements. Employment Visas are primarily intended for skilled and professional positions such as senior executives, engineers, IT professionals, doctors, professors, researchers, architects, project managers, technical consultants, specialized multinational employees, language teachers, ethnic chefs, and specialized NGO personnel. They are generally not issued for routine, clerical, administrative, or low-skilled positions such as receptionists, data-entry operators, cashiers, office assistants, or general support staff. Although commonly referred to as "Taboo Occupations," this is not an official legal term under Indian visa policy.

As a general rule, most Employment Visa applicants must satisfy the USD 25,000 minimum annual salary requirement, subject to specified exemptions for categories such as ethnic cooks, language teachers, translators, embassy personnel, and certain NGO volunteers. The visa is ordinarily employer-specific and requires documents including a valid passport, visa application, photographs, employment contract or appointment letter, employer support letter, educational and professional qualifications, CV, proof of work experience, salary details, and applicable fees. As requirements may change, applicants should verify the latest Government of India guidelines and ensure that all employer documents contain consistent details regarding the position, salary, employment period, and workplace.



An Indian Employment Visa is generally issued for the duration of the employment contract, commonly up to one year initially, with longer validity or extensions possible depending on the applicable policy and continued employment. Foreign nationals may be required to register with the appropriate FRRO/FRO and comply with applicable registration and immigration requirements. The spouse and dependent children may ordinarily accompany the visa holder on an Entry (X) Visa, but cannot work in India unless they independently obtain an Employment Visa. Applications or extensions may be refused where the wrong visa category is selected, the proposed employment is not sufficiently skilled, salary requirements are not met, qualifications are inadequate, employer documents are incomplete or inconsistent, security concerns arise, or the position is considered routine or suitable for qualified Indian nationals.



Practical Compliance Considerations :-

Employment Visa holders should ensure continued compliance with Indian immigration laws by:

- Working only for the approved employer.
- Maintaining a valid passport and visa.
- Completing FRRO/FRO registration where required.
- Applying for visa extensions before expiry.
- Not engaging in employment outside the scope of the approved visa.
- Promptly notifying the relevant authorities where required in the event of material changes affecting their immigration status.

The Indian Employment Visa is the primary pathway for skilled foreign professionals seeking lawful employment in India, supporting foreign investment, technology transfer, and international expertise while protecting Indian employment opportunities. A complete application with proper employer documentation, professional qualifications, and compliance with Ministry of Home Affairs guidelines is essential, while applicants should remain updated on changes to visa requirements and procedures.

BUSINESS VISA VS. EMPLOYMENT VISA

Choosing the Right Visa for Work-Related Activities in India

Foreign nationals coming to India for professional or commercial purposes often assume that a Business Visa and an Employment Visa are interchangeable. They are not.

The correct visa depends on what the foreign national will actually do in India. A Business Visa is intended for permitted business and commercial activities, while an Employment Visa is intended for genuine employment or skilled professional services in India. Choosing the wrong category can result in immigration and compliance problems.

Business Visa

A Business Visa is intended for foreign nationals visiting India for permitted business and commercial activities, without taking up regular employment in India.

It may be used by foreign entrepreneurs, investors, business executives, representatives of foreign companies and others undertaking permitted commercial activities in India.

Typical activities include business meetings, negotiations, discussions with customers or suppliers, exploring business opportunities, evaluating investments, attending trade fairs and exhibitions, and establishing business contacts.

A foreign national may attend meetings with Indian companies, customers, suppliers, business partners and potential investors, subject to the applicable visa conditions.

A Business Visa may be appropriate for persons exploring investment opportunities, establishing a business, evaluating commercial opportunities or developing business relationships in India.

A Business Visa does not ordinarily authorize a foreign national to take up regular employment in India.

A Business Visa is not ordinarily issued as authorization to work for a particular Indian employer. The holder must remain within the business activities permitted under the visa

Employment Visa

An Employment Visa is intended for foreign nationals coming to India to undertake genuine employment or skilled professional work with an eligible Indian employer or organisation.

It may be used by highly qualified professionals, technical experts, engineers, IT professionals, senior executives, consultants, teachers, researchers and other eligible skilled professionals.

Typical activities include performing the duties of an approved position, providing specialised professional or technical services, managing an organisation, or undertaking approved employment-related assignments.

The foreign national may perform actual employment duties for the approved employer, provided the position and activities fall within the scope of the Employment Visa.

An Employment Visa is connected to an approved employment arrangement. The applicant generally needs an offer or appointment from an eligible Indian employer and must satisfy applicable qualification and other requirements.

The Employment Visa is specifically intended to permit the foreign national to undertake the approved employment in India.

An Employment Visa is generally employer-specific. The foreign national should not assume that the visa permits unrestricted employment with another organisation.

INDIAN IMMIGRATION COMPLIANCE: WHAT YOU CAN DO, WHAT YOU CAN'T, AND WHAT MOST PEOPLE MISS

Employment Visa: DO Check Before Changing Employers

DO: Review your immigration status before accepting a new employment offer.

DON'T: Assume that a valid Employment Visa allows you to freely move from one Indian employer to another.

Lesser-known fact: Employment Visa conditions can restrict changes in employment, and certain changes may require prior approval.

OCI Status: DO Know Where Your Privileges End

DO: Understand the rights and privileges attached to OCI status.

DON'T: Assume OCI is equivalent to Indian citizenship.

Lesser-known fact: Certain activities, including research, journalism, missionary/Tabligh activities and mountaineering, may require prior permission even for OCI cardholders.

Form C: DO Know Who Is Responsible

DO: Confirm that the required accommodation reporting has been completed where applicable.

DON'T: Assume that staying at a hotel, guesthouse or private residence automatically means every immigration requirement has been addressed.

Lesser-known fact: Form C reporting is part of India's system for tracking the stay of foreign nationals and can involve the accommodation provider.

Travel on an Expired Passport

DO: Ensure that you are travelling with a valid foreign passport along with your OCI Card.

DON'T: Assume that a valid OCI Card can substitute for an expired passport.

Lesser-known fact: An OCI Card is an immigration status document; it does not replace the requirement to hold a valid passport. OCI cardholders should also ensure that their OCI records are updated when their passport details change, particularly where the applicable OCI guidelines require re-issuance or updating of the OCI Card.

Employment Visa: DO Follow the Purpose of Your Visa

DO: Ensure that your actual employment and activities remain consistent with your visa conditions.

DON'T: Treat an Employment Visa as a general-purpose work authorization.

Lesser-known fact: The validity period of the visa is only part of the story the conditions attached to the visa and the purpose for which it was issued also matter.

Changing Nationality Without a Nationality: The Risk of Becoming Stateless

DO: Confirm your citizenship status and right to another nationality before surrendering, renouncing or relinquishing your existing nationality.

DON'T: Assume that because you have obtained a new passport, you can safely give up your previous nationality and later return to your original country without immigration consequences.

Lesser-known fact: A passport is evidence of nationality, but citizenship and passport status are not necessarily the same legal concept. In India's case, voluntarily acquiring foreign citizenship causes the person to cease being an Indian citizen under Section 9 of the Citizenship Act, 1955.