



Immigration News

By Vipul Joshi & Associates.

Immigration Lawyers

Volume 7

Date: October 09th, 2026

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THE PEOPLE BEHIND THE PROCESS AT VJA

Sushil Sawant

Every journey to the United States begins with a dream, and for many, securing a visa appointment is the first big step towards making that dream a reality. Sushil is the dedicated face behind the appointment coordination process, working tirelessly behind the scenes to help clients secure available US visa appointment dates. From continuously tracking appointment availability to keeping a close eye on potential openings and managing the scheduling process, he puts in consistent effort to help clients move forward with their plans. He understands that behind every appointment request is a student waiting to begin their education, a family looking forward to reuniting, or a professional preparing for new opportunities in the United States. While the process may often involve waiting, uncertainty, and changing schedules, Sushil remains committed to doing his part to make the journey easier. For Sushil, it is not just about finding a date; it is about helping people get one step closer to their American journey.



Manu Shukla

Behind every well-organised application is someone ensuring that even the smallest details are taken care of. At Vipul Joshi & Associates, Manu plays a key role in keeping the firm's day-to-day operations running smoothly through consistent form filing, documentation, and essential administrative tasks. From handling application forms and organising paperwork to ensuring that necessary details are accurately recorded, Manu works diligently behind the scenes to keep processes structured and organised. He also manages regular client follow-ups through calls, emails, and text messages, ensuring every communication is tracked, every pending task is followed up on, and no important detail slips through the cracks. With a systematic approach to maintaining records and keeping track of ongoing matters, he helps ensure that client communication remains organised and that essential tasks move forward without unnecessary delays. Manu is one of those people, quietly making a difference, one detail at a time.

Suraj Chandorkar

Not every contribution happens in the spotlight, but every contribution plays a part in achieving a successful outcome. At Vipul Joshi & Associates, Suraj is one of the people working diligently behind the scenes to ensure that the firm's day-to-day immigration operations continue to run smoothly. His support helps the team manage its workload more effectively while maintaining a smooth and organised workflow. While his contribution may not always be visible to clients, it is an integral part of the work that happens behind every efficiently managed case. His reliability, dedication, and commitment to handling essential responsibilities make him a valuable part of the team. By taking care of the details that keep things moving, Suraj helps create the foundation on which the team's greater efforts are built. Because behind every smooth client experience is a team that works together, often quietly and away from the spotlight.



OVERSTAYING IN INDIA: WHEN THE PENALTY APPLIES, AND WHAT IT COSTS

Authored by Adv. Rida and Rebecca

Every year, foreign nationals in India are caught out by a rule they didn't know existed. They hold a valid visa, they haven't broken any law on purpose, and they still face a penalty at the FRRO. In most cases, the cause is one of two misunderstandings, both explained below-

The Immigration and Foreigners Act, 2025, in force since 1 September 2025, brought overstay and registration rules into a single framework, replacing the Foreigners Act, 1946 and the Registration of Foreigners Act, 1939. The penalty schedule is displayed at FRRO offices, and it is worth understanding before you need it.

Misunderstanding no. 1: "My visa is valid for years, so I can stay for years"

Visa validity and permitted stay are two different things. A visa may be valid for five or ten years. But many visas also carry a condition that each continuous stay in India must not exceed a fixed number of days, commonly 90 or 180. That limit is printed on the visa, and it is counted from the date you land in India.

Suppose you hold a five-year visa with a 180-day limit per stay. You land in India and begin your stay. At the end of 180 days, you must leave, or have your stay formally extended, even though the visa has years left on it. Staying on past that point is an overstay, and the penalty applies.

The penalty is triggered when you exceed the stay limit on your visa, not only when the visa itself expires. Before you travel, read the endorsement on your visa, note the maximum duration of each stay, and calculate your leave-by date from your arrival stamp. The cost climbs steeply with the length of the overstay. For most foreign nationals, a month's overstay costs ₹10,000, and an overstay of more than six months costs ten times that. The FRRO chart sets out the slabs:

Overstay Penalty for Foreign Nationals

Duration of Stay	Tibetans, Buddhist monks from Mongolia, or Pakistan/Bangladesh/Afghanistan nationals who are eligible for LTV	Other Afghan nationals (not eligible for LTV)	All other Foreign Nationals
1- 30 days	₹50	₹1,000	₹10,000
31-90 days	₹100	₹1,000	₹20,000
91-180 days	₹200	₹1,000	₹50,000
181 days- one <u>year</u>	₹300	₹1,000	₹1,00,000
More than one year	Rs 500 + Rs 50 for each year of overstay, subject to a maximum of Rs 3,00,000	₹1,000	Rs 200000 + Rs 50000 for each year of overstay, subject to a maximum of Rs 3,00,000

Source: Penalty chart displayed at the Foreigners Regional Registration Office (FRRO), Bureau of Immigration, Ministry of Home Affairs.

Misunderstanding no. 2: "I have an OCI card, so I don't need to renew my passport"

This one comes up constantly, and it matters because the FRRO chart has a second table: the penalty for non-registration and for staying in India without a valid passport or travel document. The slabs are the same as for overstay.

Non-registration means failing to register with the authorities where the law or your visa category requires it.

Staying without a valid passport or travel document is where OCI cardholders get caught. An OCI card is not a passport, and it is not a standalone travel document. It works only alongside a valid passport, which for most OCI holders is their foreign passport. The card does not replace it and does not make renewal optional.

If your passport expires while you are in India, you are in effect staying without a valid passport or travel document. The penalty slabs can apply, and they continue to grow until the passport is renewed.

The rule is simple: renew your passport before it expires, and carry both the passport and the OCI card whenever you travel to India. If it expires while you are here, start the renewal with your embassy or consulate immediately, because every day without a valid passport moves you closer to the next slab.

Penalty for Non-Registration & Staying in India Without a Valid Passport/Travel Document

Duration of Overstay	Tibetans, Buddhist monks from Mongolia, or Pakistan/Bangladesh/Afghanistan nationals who are eligible for LTV	All other foreign nationals
1-30 days	₹50	₹10,000
31-90 days	₹100	₹20,000
91-180 days	₹200	₹50,000
181 days-one year	₹300	₹1,00,000
More than one year	Rs 500 + Rs 50 for each year of overstay, subject to a maximum of Rs 300000	Rs 200000 + Rs 50000 for each year of overstay subject to a maximum of Rs 300000

Source: Penalty chart displayed at the Foreigners Regional Registration Office (FRRO), Bureau of Immigration, Ministry of Home Affairs.

The consequences of overstaying may extend beyond the immediate penalty. Depending on the circumstances, a violation may affect future visa applications, entry into India and other immigration permissions. It is also important to remember that an OCI card is not a passport and does not replace the requirement to hold a valid passport for international travel. Foreign nationals and OCI cardholders should therefore keep their travel documents in order and address any uncertainty about their immigration status promptly. A clear understanding of the applicable rules can help prevent avoidable penalties and complications with future travel.

GOLDEN VISA

Authored by Adv. Saakshi Bhosale



A Golden Visa, commonly known as a residency-by-investment programme, allows eligible foreign nationals to obtain residence rights in another country by making a qualifying financial investment or economic contribution. Depending on the country and programme, eligible investments may include contributions to investment funds, scientific research, cultural heritage, business ventures or job creation. These programmes are generally designed to attract foreign capital, encourage economic activity and provide investors and their families with an opportunity to establish residence abroad. However, golden visas must be distinguished from citizenship-by-investment programmes.

A residence permit grants the right to reside in a country subject to its applicable conditions, whereas citizenship confers nationality and may provide additional rights, including access to a national passport and participation in elections. Residency-by-investment does not automatically confer citizenship. In countries that permit naturalisation after a period of legal residence, investors may subsequently apply for citizenship if they meet the relevant statutory requirements.

Portugal's Golden Visa, formally known as the Residence Permit for Investment Activity is administered by the Agency for Integration, Migration and Asylum (AIMA). The programme allows eligible nationals of countries outside the European Union, European Economic Area and Switzerland to obtain a Portuguese residence permit through specified qualifying investments. Following the amendments introduced by Portugal's Law No. 56/2023, direct residential or commercial property purchases are no longer qualifying routes under the Golden Visa programme. The principal investment options currently recognised by AIMA include the creation of at least 10 jobs; a capital transfer of at least €500,000 for eligible scientific research activities; a contribution of at least €250,000 towards qualifying artistic production or the preservation of national cultural heritage; an investment of at least €500,000 in qualifying non-real-estate collective investment undertakings; or a qualifying business investment of at least €500,000 combined with the creation of five permanent jobs, or the maintenance of at least 10 jobs, including at least five permanent positions, subject to the applicable statutory conditions.

The programme is intended for eligible third-country nationals who make a qualifying investment and satisfy the applicable immigration requirements. Applicants must provide evidence of their identity, lawful entry and stay where required, criminal-record status, health coverage, tax identification and qualifying investment. Depending on the route, additional evidence may include bank confirmations, investment-fund certificates, declarations from research or cultural institutions, commercial registration documents, employment contracts and proof of compliance with Portuguese tax and social-security obligations. Applicants must also satisfy the applicable admissibility requirements, pay the prescribed fees and provide any additional documentation requested by AIMA. One of the programme's distinguishing features is its relatively limited physical-presence requirement. AIMA states that Golden Visa holders must spend at least seven days in Portugal during the first year and 14 days during each subsequent two-year period, subject to the applicable rules.

BENEFITS OF GOLDEN VISA PROGRAMS



Portugal's Golden Visa continues to attract international investors seeking new opportunities for themselves and their families. However, its suitability depends on individual financial objectives, family circumstances and long-term plans. Understanding the qualifying investment options, ongoing obligations and potential routes to permanent residence or citizenship is essential before making a commitment. As an immigration law firm, we encourage prospective applicants to make informed decisions based on their individual circumstances and the latest legal requirements. With careful planning and a clear understanding of the programme, investors can assess whether Portugal's Golden Visa supports their broader personal, professional and financial goals.