

**Type of visa for foreign nationals intending to visit India for Commissioning Surrogacy and conditions for grant visa for the purpose.**

Foreign nationals intending to visit India for the purpose of Commissioning Surrogacy are required to hold **Medical Visa**. In such cases, the surrogate mother is generally an Indian national. It has been noticed that some foreign nationals visit India for commissioning of surrogacy on Tourist visa which is not the appropriate type of visa for the purpose.

2. The Ministry of Home Affairs has decided that Foreign nationals intending to visit India for the purpose of Commissioning Surrogacy shall be issued **Medical Visa** subject to the fulfillment of following conditions:
  - (i) The foreign man and woman are duly married and the marriage should have sustained at least for two years.
  - (ii) A letter from the Embassy of the foreign country in India or the Foreign Ministry of the country should be enclosed with the visa application stating clearly that (a) the country recognizes surrogacy and (b) the child/children to be born to the commissioning couple through the Indian surrogate mother will be permitted entry into their country as a biological child/children of the couple commissioning surrogacy.
  - (iii) The couple will furnish an undertaking that they would take care of the child/children born through surrogacy.
  - (iv) The treatment should be done only at one of the registered Assisted Reproductive Technology (ART) clinics recognized by ICMR. (The list of such clinics will be shared with MEA from time to time).
  - (v) The couple should produce a duly notarized agreement between the applicant couple and the prospective Indian surrogate mother.
3. If any of the above conditions are not fulfilled, the visa application shall be rejected.
4. The foreign couple would be required to take exit permission from the FRRO/FRO before leaving India for their return journey. Before granting "exit", the FRRO/FRO will see whether the foreign couple is carrying a certificate from the ART clinic concerned regarding the fact the child/children have been duly taken custody of by the foreigner and that the liabilities towards the Indian surrogate mother have been fully discharged as per the agreement. A copy of the birth certificate (s) of the

surrogate child/children will be retained by the FRRO/FRO along with photocopies of the passport and visa of the foreign parents.

5. It may be noted that for drawing up and executing the agreement cited at para 2(v) above, the foreign couple can be permitted to visit India on a reconnaissance trip on Tourist Visa, **but no samples may be given to any clinic during such preliminary visit.**

### **Provisions applicable to OCI/PIO card holder for commissioning surrogacy in India**

OCI/PIO Cardholders coming to India for commissioning surrogacy will not require a separate Medical Visa. However, on arrival to India and before commissioning surrogacy, they will have to obtain a **special permission from the FRRO/FRO concerned**. Such permission may be granted by the FRRO/FRO concerned subject to the following conditions:-

- (i) The foreign man and woman are duly married and the marriage should have sustained at least for two years.
- (ii) A letter from the Embassy of the foreign country in India or the Foreign Ministry of the country should be enclosed with the visa application stating clearly that (a) the country recognizes surrogacy and (b) the child/children to be born to the commissioning couple through the Indian surrogate mother will be permitted entry into their country as a biological child/children of the couple commissioning surrogacy.
- (iii) The couple will furnish an undertaking that they would take care of the child/children born through surrogacy.
- (iv) The treatment should be done only at one of the registered Assisted Reproductive Technology (ART) clinics recognized by ICMR.
- (v) The couple should produce a duly notarized agreement between the applicant couple and the prospective Indian surrogate mother.

Before granting exit to the child/children born through commissioning of surrogacy in such cases, the FRRO/FRO concerned will ensure the following:-

- (a) The OCI/PIO Cardholder had obtained the requisite prior permission from the FRRO/FRO concerned for commissioning surrogacy as mentioned above.

- (b) The OCI/PIO Cardholder is carrying a certificate from the ART clinic concerned regarding the fact that the child/children have been duly taken custody of by the OCI/PIO Cardholder and the liabilities towards the Indian surrogate mother have been fully discharged as per the Agreement.
- (c) A copy of the Birth Certificate (s) of the surrogate child/children will be retained by the FRRO/FRO along with photocopies of the passport and OCI/PIO card of the OCI/PIO cardholder.

**Documents to be submitted by the foreign nationals to FRROs/FROs for exit permission in case of Surrogacy cases:-**

1. **Photo:** Applicant's photo
2. **Infant's passport:** Infant's new Passport or Emergency travel document issued by the concerned Mission.
3. **Passport & visa of foreign parents:** Foreign Parents' passport and visa copy (Photo page, page indicating validity, page bearing arrival stamp of Indian Immigration, visa-with endorsement.)
4. **Residence proof:** Form C copy from Hotel or Lodge/Electricity bill /Landline Telephone/ Municipal Bill of the landlord in case of staying in a house of a relative or friend along with a letter and photo-id-card of the landlord. In case of rented accommodation copy of the lease and license agreement (1<sup>st</sup> and last page & page containing its validity).
5. **Surrogacy agreement:** Notarized agreement between the commissioning parents, surrogate mother and doctor treating the case.
6. **NOC:** No objection Certificate (NOC) from surrogate mother.
7. **Embassy letter:** Embassy letter indicating the issuance of new passport.
8. **Recognition letter:** Letter from the Embassy of the foreign country in India or the Foreign Ministry of the country stating that (a) the country recognizes surrogacy and (b) the child / children to be born to the commissioning couple through the Indian surrogate mother will be permitted entry into their country as a biological child / children of the couple commissioning surrogacy.
9. **Discharge letter:** Discharge letter from the hospital where child is born.

10. **No dues certificate:** Copy of no dues certificate from ART Clinic where child is born.
11. **Certificate from the ART Clinic:** Certificate from the ART Clinic concerned confirming that the child/children have been duly taken custody by the foreigners and that liabilities towards the Indian surrogate mother have been fully discharged as per the agreement.
12. **Embryology letter:** Copy of embryology letter from ART Clinic.
13. **Undertaking letter:** Undertaking from the commissioning parents that they would take care of the child /children born through surrogacy.
14. **Birth Certificate:** Birth Certificate(s) of the surrogate child /children.