Examining the Limitations of India's Online Visa Regime

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ABSTRACT In November 2014, India introduced a facility allowing foreign travellers wanting to come to India for recreational purposes, casual visits with friends or relatives, short-duration medical treatment or business visits, to apply for their visa online. Since then, the government has taken specific initiatives to improve the process, with the more recent ones including the introduction of three e-visa categories (e-medical, e-business, and e-tourist), extending the e-visa validity to 60 days, and permitting double entry on e-business and e-tourist visas, and triple entry on e-medical visas. These initiatives are laudable as they set the right tone for India, especially at a time when the world is becoming increasingly protectionist. However, an examination of these initiatives shows that India's online visa facility remains fraught with various challenges that the government needs to address immediately.

INTRODUCTION

On 27 November 2014, the Indian government introduced a visa facility whereby foreign travellers from eligible countries can obtain their visa online rather than through the traditional manner of applying with the concerned Indian embassy or consulate. Known as 'e-tourist visa', this allows holders to visit India for recreation and sightseeing, casual visits with friends or relatives, short-duration medical treatment, or casual business visit. Since its inception, India's online visa facility has undergone amendments and as of 31 March 2017, foreign travellers from over 150 countries can obtain their single-entry, non-extendable, and non-convertible 30-day e-tourist visa, by paying a fee which, depending on the traveller's nationality, can range from US$0-US$60 (with 2.5-percent bank transaction charges).

India's online visa policy met with some initial success. The number of e-tourist visas issued has risen from 14,083 in December 2014 to 170,000 in February 2017 (see Table 1). Travellers'

Table 1: Performance of e-Tourist visa policy, December 2014 – February 2017

Month-Year	e-tourist visas issued		Total foreign tourist arrivals (TFTAs)		Foreign travellers on e-tourist visas as a proportion of TFTAs
	Total (number)	Month-on-month growth rate (%)	Total (number)	Month-on-month growth rate (%)	(%)
Dec-14	14083	-	877000	-	1.61
Jan-15	25023	77.68	790000	-9.92	3.17
Feb-15	24985	-0.15	761000	-3.67	3.28
Mar-15	25851	3.47	730000	-4.07	3.54
Apr-15	19139	-25.96	540000	-26.03	3.54
May-15	15659	-18.18	511000	-5.37	3.06
Jun-15	15557	-0.65	513000	0.39	3.03
Jul-15	21476	38.05	633000	23.39	3.39
Aug-15	22286	3.77	589000	-6.95	3.78
Sep-15	31729	42.37	540000	-8.32	5.88
Oct-15	56477	78.00	680000	25.93	8.31
Nov-15	83501	47.85	815000	19.85	10.25
Dec-15	103617	24.09	913000	12.02	11.35
Jan-16	88162	-14.92	844000	-7.56	10.45
Feb-16	117210	32.95	847000	0.36	13.84
Mar-16	115677	-1.31	817000	-3.54	14.16
Apr-16	70045	-39.45	599000	-26.68	11.69
May-16	43833	-37.42	529000	-11.69	8.29
Jun-16	36982	-15.63	550000	3.97	6.72
Jul-16	68487	85.19	736000	33.82	9.31
Aug-16	66097	-3.49	670000	-8.97	9.87
Sep-16	68809	4.10	615000	-8.21	11.19
Oct-16	105268	52.99	754000	22.60	13.96
Nov-16	136876	30.03	891000	18.17	15.36
Dec-16	162250	18.54	1037000	16.39	15.65
Jan-17	152000	-6.32	983000	-5.21	15.46
Feb-17	170000	11.84	956000	-2.75	17.78
Total	1861079		19720000		
Average	68929	14.90	730370	1.46	8.81
Maximum	170000	85.19	1037000	33.82	17.78
Minimum	14083	-39.45	511000	-26.68	1.61

Source: Monthly press releases, Ministry of Tourism, Government of India.

preference for e-tourist visas also increased over the same period – the share of travellers that obtained an e-tourist visa in the total foreign tourist arrivals (TFTAs) went up from 1.61 percent in December 2014 to 17.78 percent in February 2017 (see Table 1).[1]

However, there has yet to be any indication that such initial success will be sustainable. The month-on-month growth rate of e-tourist visas issued has been rather erratic, averaging at 14.90 percent from December 2014 to February 2017 (see Table 1). Further, the average share of e-tourist visas in the TFTAs continues to be low: on average, only 8.81 percent of foreign travellers to India from December 2014 to February 2017 opted for an e-tourist visa while the majority

(91.19 percent) chose the traditional route (see Table 1).

ENLARGING THE REACH OF E-VISA

The Indian government, albeit gradually, has taken steps to popularise the accessibility of the Indian visa online. For instance, from a fixed fee plus bank charges of US$60 and US$2 for all eligible countries, the government has standardised a fee structure, based on the principle of reciprocity, ranging from US$0 to US$60, and reduced bank transaction charges to 2.5 percent of the e-tourist visa fees (no bank charges for zero visa fees).[2] The government has also, in a phased manner, more than doubled the number of countries eligible for India's online visa facility—from 43 countries when introduced in November 2014, to over 150 countries as of the end of March 2017.

Moreover, in April, the Indian government implemented measures to further liberalise, simplify and rationalise the accessibility of India's online visa facility, including: (a) renaming the 'e-tourist visa' to 'e-visa'; (b) further sub-dividing e-visas into three categories: e-tourist visa, e-business visa, and e-medical visa; (c) increasing the duration of stay on e-visa from 30 days to 60 days; and (d) increasing the entry limitations from single entry to double entry on e-tourist and e-business, and triple entry on e-medical visa.[3] In principle, these initiatives should not only straighten out the existing irritants in India's online visa facility but also further liberalise the constraints. The question remains if they indeed do.

In the following section, the paper examines how the new measures, despite having the potential to make India's online visa facility more accessible, not only continue to be restrictive but also render the online facility less attractive than the traditional visa process. The paper evaluates the new measures on two parameters:

1. Do the new measures ease the existing constraints of India's online visa facility?

2. Do the new measures further liberalise India's online visa facility?

ANALYSING E-VISA'S INITIAL SUCCESS

Easing existing irritants in India's online visa facility

Up until 31 March 2017, the government issued e-tourist visas to encourage "international travellers whose sole objective of visiting India is recreation, sightseeing, casual visit to meet friends or relatives, short duration medical treatment or causal business visit (emphasis added)". Yet the 'Frequently asked questions (FAQs) relating to tourist visa' available on the website of the Bureau of Immigration, Ministry of Home Affairs, states: 1. "For persons coming for medical treatment, there is a special category of Medical Visa. Foreign nationals coming for medical treatment will have to come only on Medical Visa and not on Tourist visa"; and 2. ".. If a person holding 'tourist visa' is found to be involved in business activities, action may be taken for visa violations".

From 1 April 2017, the government aimed to correct the ambiguous provisions so that they align with the declared policy objective. It appears that the government would now issue an e-visa which, as per the statement[4] on 31 March 2017, has been divided into three sub-categories, namely, e-tourist visa, e-business visa, and e-medical visa for the activities as listed on the application form[5] available on the official website as follows:

a. e-tourist visa
    i. recreation/sightseeing
    ii. meetings friends/relatives
    iii. short term yoga programme
b. e-business visa
    i. to set up industrial/business venture
    ii. sale/purchase/trade
    iii. attend technical/business meetings
    iv. recruit manpower
    v. participation in exhibitions, business/ trade fairs

vi.   expert/specialist in connection with an ongoing project
vii.   conducting tours
viii.   to deliver lecture/s under Global Initiative for Academic Networks (GIAN)
c.   e-medical visa
    i.   short-term medical treatment of self

These measures seem impressive. After all, it is only rational to issue an e-medical visa to travellers whose objective in visiting India is for a short-term medical treatment of self; to issue an e-tourist visa to travellers whose objective of visiting India is to participate in a short-term yoga programme; or to issue an e-business visa to travellers whose objective of visiting India is to recruit manpower.

The government has taken a step further by allowing travellers to undertake multiple activities within a group. This is clearly seen on the e-visa application form: upon selecting the type of visa a traveller wishes to avail, a pop-up window states, "all the following activities are permitted, however select the primarily purpose from the following". This means, for example, that travellers visiting India on an e-business visa primarily to recruit manpower, can undertake other activities permitted under an e-business visa—such as attending technical/business meetings or all of the activities permitted under an e-business visa. In other words, e-business visa holders, within the visa validity period, can engage in all the activities permitted under an e-business visa irrespective of their primary objective.

However, a closer examination of these measures shows their flaws. For example, instruction number one on "Instructions for Applicant" on the official website,[6] states: "e-visa has 3 sub-categories, i.e. e-Tourist visa, e-Business visa and e-Medical visa. A foreigner will be permitted to *club these categories* (emphasis added)." Accordingly, the e-visa application form permits travellers to combine either one of the activities spread across the three visa categories. In other words, travellers visiting India can

choose to, for example, participate in a short-term yoga programme, attend a business meeting, and go through a short-term medical treatment of self, all in one trip without being accused of visa violations. Therefore, in some sense, travellers are given an 'activities menu' to choose from. As the instructions on the website would imply, travellers can continue to undertake any listed activities within any group whether selected as primary purpose or not.

The questions remain: What category of visa will travellers be issued if they opt for either one of the activities spread across the three visa categories? For example, if travellers opt to participate in a short-term yoga programme, attend a business meeting, and go through a short-term medical treatment of self, does this mean that the Indian government will issue him an e-tourist visa, an e-business visa as well as an e-medical visa, all three visas at the same time? Therefore, for any combination of activities from the 'activities menu' where travellers are given the option of selecting one activity from each of the three categories, does this mean that the Indian government will issue those types of visas in which the combination of activities fall into?

Indeed, it is irrational that the government would issue a combination of tourist-medical-business e-visa, tourist-medical e-visa, medical-business e-visa, and tourist-business e-visa representing a combination of activities which foreign travellers may opt to undertake while visiting India. What appears is that the government intends to issue an e-visa (and not separate e-tourist visas, e-medical visas or e-business visas) where the purpose of the visit while holding the e-visa– whether for a single activity or for a combination of activities within/across one/multiple categories – would be reflected in the Electronic Travel Authorization (ETA). If this is the case then it is imperative that the government eliminates the "three visa categories" because what it is essentially doing is issuing an e-visa for a list of activities that are broadly divided into three categories, i.e., medical, tourism, and business. Therefore, in principle the government is not

issuing separate e-tourist visas, e-business visas, and e-medical visas unless the intent is to at least issue separate visas for activities that do not cross categories. Accordingly, the government can replace the three visa categories, i.e. e-tourist visa, e-medical visa, and e-business visa, with three purpose categories–tourism, medical, or business purposes.

Currently, the visa application form states the following:
Visa Service:
> e-Tourist visa
> e-Business Visa
> e-Medical Visa

This can be replaced by the following:

e-Visa Service:
> Tourism purpose
> Business purpose
> Medical purpose

Moreover, it is imperative that the government updates the available 'Frequently Asked Questions Relating to Tourist Visa'[7] on the website of the Bureau of Immigration, Ministry of Home Affairs, by incorporating information with regards to the availability of e-visas and the potential activities travellers on an e-visa can undertake without being held accountable for visa violations. This can be achieved by simply adding another item to the FAQ, informing travellers on the availability of e-visas and the activities which they can carry out while holding e-visas – an exception to the activities which they can carry out if they possessed a tourist visa issued by the Indian embassy.

Liberalising the existing e-visa policy

Up until 31 March 2017, the government issued a single entry e-tourist visa for a period of 30 days.
From 1 April 2017, as per a statement[8] issued by the Ministry of Home Affairs on 31 March 2017, the government will now issue a 60-day e-visa with double entry for an e-tourist and an e-business visa and triple entry for an e-medical visa.

This measure is similarly impressive. With flexibility on re-entry without having to apply for a fresh visa within an extended 60-day duration, foreign travellers would probably be less hesitant to incorporate India in their travel plans, particularly in the region. However, these measures lack clarity. For instance, it remains vague whether travellers holding an e-visa of any category would require a re-entry permit if they wish to leave and re-enter India within the 60-day validity period. Assuming that travellers would require a re-entry permit, it remains to be seen whether the requirement of the re-entry permit is discriminatory across visa categories and/or travellers last destination while re-entering. It would help if the government considers a no re-entry permit requirement irrespective of the traveller's purpose in visiting India – medical, tourism, business – and the traveller's last destination while re-entering. It would be of even more help if the government clearly states its position on such requirements.

If the government intends to at least issue separate visas for activities that do not cross categories—where it is rather upfront that travellers visiting India solely for tourism and business purposes would be issued a double-entry e-tourist/business visa whereas travellers visiting India solely for medicinal purposes would be issued a triple entry e-medical visa—the question then arises as to how the government is going to decide the issuance of a double or a triple entry given flexibility being offered on clubbing one activity from any of the three – business, medical, tourism – categories. For example, if travellers want to visit India for a short-term medical treatment of self (medical category), and recruit manpower (business category), is the government intending to issue a triple entry e-medical visa, and a double entry e-business visa, all at the same time? Or is the government intending to issue an e-visa based on "whichever category requires a higher entry requirement" criteria? This means that if travellers want to visit India for both medical (permitted for a triple entry) and

business (permitted for a double entry) purpose, then according to "whichever category requires a higher entry requirement" criteria, the government would be issuing a triple entry 60-day e-visa. In this case, it should be noted that the government would be issuing an e-visa with the Electronic Travel Authorization providing information on double/triple entry based on travellers chosen activities from the activities-menu. Lack of clarity on the criteria for determining a double/triple entry can subject the system to abuse where presentation of scrupulous documentation can lead to travellers obtaining a triple-entry visa even if they would have been permitted a double-entry otherwise.

Nevertheless, while the government, as stated in the statement[9] on 31 March 2017, is going to issue multiple entry tourist, business and medical visas through its embassy to nationals of most of the countries (even though it is yet to be seen what are "most of the countries"), it remains unclear why the government wants to issue only double/triple entry through its online visa facility.

Since the government is in the process of liberalising India's online visa facility, it would help if it provides foreign travellers with the option of renewing their visas availed online with concerned Indian authorities whilst in India with a cap on the maximum number of days foreign travellers can stay, a service which is being offered by several governments across the globe. Renewal of visas availed online should be allowed for any e-visa category if at all they do wish to have multiple visa categories. In Kenya, for instance, foreign travellers may be issued an e-visa either for business, tourism or medical reasons, with a stay period not exceeding 90 days from the date of arrival. The stay period may be renewed for a further 90 days at the immigration headquarters in Nairobi, giving the visitor a maximum of 180 days of stay.[10]

CONCLUSION

This paper illustrates, using as an example a hypothetical visa applicant from the US, how India's online visa facility may not necessarily beat

the benefits of obtaining an Indian visa through the Indian embassy.[11] For instance, a US national applying for an Indian tourist visa has two options:

a. Apply for a tourist visa online: Can be availed for a maximum of two times (120 days) in a calendar year, i.e., January to December, wherein the validity of each double-entry visit cannot exceed 60 days from the date of arrival in India. This would cost a total of US$150 (for two visits where each visit is for US$75[12]), in addition to bank transactions charges of 2.5 percent of e-visa fees.

b. Apply for a tourist visa at the Indian embassy/consulate:[13] Generally issued for up to 10 years with multiple-entry endorsements, wherein the period of stay for each visit is a maximum of up to six months from the date of entry. Although the actual duration of the visa (at times even granted for a period less than what has been requested in the application and what the applicant has paid for) or number of entries is purely at the discretion of the Indian Embassy/ Consulate, there is a high possibility that US nationals applying for a tourist visa at the Indian embassy would be endorsed with a 10-year, multiple-entry tourist visa (as against double-entry e-tourist visa available for a maximum of two visits between a calendar year, i.e., January to December) where each visit is for a maximum of six months (as against 60 days during each visit under an e-tourist visa), and all this for a visa fee of US$ 100 (as against an e-tourist visa fee of US$ 75 for each 60-day double-entry visit).

Similar flexibilities exist with regards to US nationals applying for a business visa through the Indian Embassy. For instance, at the discretion of the Indian embassy, it is highly probable that a US national applying for a business visa through the Indian embassy would be endorsed with a one-year, five-year, or 10-year multiple-entry business

visa where each visit is for a maximum of up to six months (as against double entry permitted under each 60-day e-business issued with a maximum of two e-business visas issued within a calendar year, i.e., January to December). This would cost a total of US$160 for up to one year single/multiple entry, and US$270 for more than one year and up to 10 years single/multiple entry (as against US$150 for 120 days within a calendar year, i.e., January to December, under an e-business visa), in addition to the Indian Community Welfare Fund (ICWF) fee plus Cox and Kings Global Services (CKGS) visa processing fees.[14] Although more restrictive than a tourist or a business visa, a medical visa through an Indian embassy is also more flexible when compared to an e-medical visa. For instance, at the discretion of the Indian embassy, it is highly probable that a US national applying for a medical visa through the Indian embassy would be endorsed with an initial duration of up to one year or the duration of the treatment whichever is less (as against 120 days within a calendar year, i.e., January to December, with 60 days during each visit under an e-medical visa), with a maximum of three entries during the year (triple entry is permitted under each 60-day e-medical visa issued). Since triple entry is permitted under each 60-day e-medical visa issued, a total of six entries for the maximum of two e-medical visas issued is possible.

However, the six entries have to be undertaken within the 120 days in a calendar year, i.e., January to December. A medical visa through the Indian embassy would cost a total of US$100 for up to six months single/multiple entry, and US$140 for more than six months and up to one year multiple entry (as against US$150 for 120 days with triple entry on each 60 day visit under an e-medical visa), in addition to the Indian Community Welfare Fund (ICWF) fee plus visa processing fees. Thus the flexibility around medical visas—whether obtained through online or through an Indian embassy—can be a trade-off, and travellers can choose either of the two depending on individual cases.

Therefore, obtaining an Indian visa online, to some extent, can be attractive and cost-effective for people who have limited interactions with India, and who even in the future foresee limited interactions. For instance, if foreign travellers want to visit India, say, to participate in a 30-day yoga programme, then getting an e-visa could be a boon as the new measures offers flexibility than desired in the first place. Besides, travellers are saved from the hassle of documentation, additional costs such as courier services costs or travel costs to the Indian embassy. Nevertheless, the attractiveness of an e-visa should be read in light of the fact that at probably marginal additional costs, if traditional visas were given for longer durations (like 10 years) with multiple entry then travellers could enjoy the benefit of not having to re-apply for an e-visa annually to participate in the 30-day yoga programme.

If the benefits of an e-visa outdo the cost differences with the 'traditional' visa, then e-visas would become a more attractive option particularly in cases where obtaining the visa through the embassy remains equally difficult. Therefore, if the Indian government's aim is to widen the net of India's online visa facility, it would have to take into consideration the existing framework of obtaining visas through the Indian embassy, and continue to liberalise the two available options proportionally. It seems rather disproportional to endorse multiple-entry tourist and business visas for a period of five years to nationals of most of the countries while endorsing a double entry e-tourist/business visa for a maximum of 120 days within a year (as per Ministry of Home Affairs statement[15] on 31 March 2017) and then expect travellers to opt for an e-visa. Therefore, measures simplifying, rationalising and liberalising India's online visa facility should not be done *in silos* but rather should move in tandem with India's overall visa regime.

Liberalising visa policies to remain competitive not only promotes India's inclusivity in the global tourism industry but also facilitates an organic Indian tourism industry. Notwithstanding related issues of diplomacy and national security, the benefits that can be derived from a liberalised visa policy can create ripples

beyond the tourism industry. However, in an attempt to rationalise, liberalise and simplify India's online visa facility, the government through its new measures has only added layers of confusion to the already ambiguous (and thus restrictive) visa system. ⊙RF

ABOUT THE AUTHOR

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ENDNOTES:

1. Throughout the paper, total foreign tourist arrivals (TFTAs) from a given country c in a given month m in India represents (proxies) the total tourist visas issued by India to a given country c in a given month m. It is also assumed that the total tourist visas is equal to the total foreign tourist arrivals.

2. http://pib.nic.in/newsite/PrintRelease.aspx?relid=145527.

3. http://pib.nic.in/newsite/PrintRelease.aspx?relid=160350.

4. http://pib.nic.in/newsite/PrintRelease.aspx?relid=160350.

5. Throughout the brief, e-visa application form refers to the application form available on the official e-visa government website (https://indianvisaonline.gov.in/evisa/tvoa.html).

6. https://indianvisaonline.gov.in/evisa/tvoa.html. Last accessed on 4th April 2017.

7. http://mha1.nic.in/pdfs/ForeigD-FAQ-TVisa280710.pdf

8. http://pib.nic.in/newsite/PrintRelease.aspx?relid=160350

9. http://pib.nic.in/newsite/PrintRelease.aspx?relid=160350.

10. http://evisa.go.ke/single-entry-visa.html. Last accessed on 4th April 2017.

11. The Ministry of Tourism publishes data of foreign tourist arrivals in India from top 15 source countries. These top 15 source countries could change every month depending on tourist arrivals from the said countries. Nonetheless, these top 15 source countries represent approximately 75 percent of all tourist arrivals in India month on month. Amongst the top 15 source countries, from December 2014 through February 2017, India received approximately 15% of foreign tourists from USA thereby constituting the largest share of foreign tourist arrivals in India. Therefore, in this paper, the focus has been on foreign tourist arrivals from USA.

12. https://indianvisaonline.gov.in/evisa/eTV_revised_fee_final.pdf. Last accessed on 4th April 2017.

13. Information on tourist, medical and business visas which a US national can obtain at the Indian embassy has been obtained from Cox and Kings Global Services (CKGS), the only authorized Service Provider for the Embassy of India and its Consulates across the USA for Visa, OCI, Renunciation of Indian Citizenship services from May 21, 2014 (https://www.indianembassy.org/ pages.php?id=18). Last accessed on 4th April 2017.

14. https://www.in.ckgs.us/sampleDocs/Revised-Fees-US-nationals-1Apr17-v2.pdf. Last accessed on 4th April 2017.

15. http://pib.nic.in/newsite/PrintRelease.aspx?relid=160350.

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