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Government of India
Ministry of Home Affairs

NDCC-II Building, Jai Singh Road,
Near NDMC Pakika Kendra, New Delhi-110001.
Dated 9th July, 2012.

To

Shri Amarendra Khatua
Additional Secretary (PV),
Ministry of External Affairs,
Government of India,
Patiala House, New Delhi.

Subject : Foreign nationals intending to visit India for commissioning surrogacy.

Sir,

With reference to the above, I am directed to state that it has come to the notice of this Ministry that some foreign nationals are visiting India on Tourist visa for commissioning surrogacy. This is not the appropriate visa category and such foreigners will be liable for action for violation of visa conditions. The appropriate visa category will be a medical visa. It will also be necessary in such cases to ensure that the surrogate mother is not cheated. Therefore, such a visa may only be granted if the following conditions are fulfilled :-

- (i) The foreign man and woman are duly married and the marriage should have sustained atleast 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 recognises 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 ART clinics recognised by ICMR. (The list of such clinics will be shared with MEA from time to time).
- (v) The couple should produce a duly notarised agreement between the applicant couple and the prospective Indian surrogate mother.

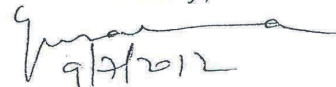
3. If any of the above conditions are not fulfilled, the visa application shall be rejected.

4. Before the grant of visa, the foreign couple need to be told that before leaving India for their return journey, 'exit' permission from FRRO/FRO would be required. Before granting 'exit', the FRRO/FRO will see whether the foreign couple is carrying a certificate from the ART clinic concerned regarding the fact that 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 alongwith 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.

6. These guidelines may kindly be circulated to all the Missions for strict compliance.

Yours faithfully,



(G.V.V. Sarma)
Joint Secretary (Foreigners)
Ph: 23438034