

Employment of Foreign Nationals in apartments

Foreign Nationals (usually of Bangladeshi or Nepali origins) are often employed directly or indirectly - through an agency by the Apartment Association, and/or its residents. The questions to be asked by the Association and the employer while hiring foreign nationals are:

1. **What is their port of entry, and is their entry legal with a record at the port of entry?** If the entry into the country is illegal, their employment would be automatically illegal too. Checking the port of entry, and if entry is legal, is the first step to ensure that people who are moving about freely in the common areas of the building have no criminal past, or that those being employed aren't victims of human trafficking.
2. **Are all the necessary documents such as identity proof, proof of citizenship, work permits and proof of travel/date of entry available?** Checking these documents validates their identity and right to work in the country. This also helps determine the age of workers to prevent employing minors.
3. **Has the worker registered himself/herself at the FRRO?** This is a requirement of MHA to keep a tab on the location of foreigners living and working in the country. There is an option of registration online through the e-frro portal of MHA (Ref. Link 3).
4. **Is the police verification done?** This is the most important and critical requirement while employing someone, irrespective of nationality – Indian or Foreign. The police verification would automatically ensure that points 1 to 3 above are taken care of. Police verification becomes even more imperative where employment of foreign nationals is involved. Your local police will be able to guide you on the latest requirements.

All foreign citizens except citizens of Nepal and Bhutan, are required to hold a valid work permit to be permitted to work legally in India. This has to be obtained before travelling into India as there is no provision for visa on arrival, especially as this is do with long-term residence and employment. Further, anyone who intends to stay in India for more than 180 days are required to register with FRRO within fourteen days of arrival. (Ref: links 1 and 2 below).



Citizens of Nepal and Bhutan can enter India without a passport or visa to live and work here if they are travelling directly from Nepal or Bhutan. They would need to carry a valid identity document such as a citizenship certificate or voter ID issued by the Election commission of Nepal/Bhutan. However, they would require a passport if they are travelling from other countries and visa if travelling from China, Pakistan, Macau, Hong Kong or Maldives. Further, if they intend to stay continuously in India for more than 182 days, work here, and repatriate funds back home, they are required to register with FRRO by the end of the 182 days.

In summary, keeping records of proof of police verification and FRRO registration are a must while employing foreign nationals. Staff have to be educated that illegally obtaining Aadhar and PAN Cards is a crime. They can be guided to apply for, and obtain PAN and Aadhar cards legally through UIDAI and UTIITSL websites (links 5 and 6 below). Complete due diligence and care is a must while employing foreign nationals.

1. https://www.mha.gov.in/PDF_Other/AnnexI_01022018.pdf
2. https://www.mha.gov.in/PDF_Other/Annex%20II_01022018.pdf
3. <https://chnpolice.karnataka.gov.in/info-4/Guide+to+Foreigners+registration+&+passport+verification/en>
4. <https://indianfrro.gov.in/eservices/home.jsp#:~:text=All%20foreigners%20who%20desire%20Visa.online%20on%20e%2DFRRO%20portal.>
5. <https://uidai.gov.in/en/296-english-uk/faqs/enrolment-update/aadhaar-enrolment-process/16484-what-is-the-process-for-resident-foreign-national-enrolment.html>
6. <https://www.pan.utiitsl.com/newAA.html>



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