

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

It has come to the notice of the Ministry of Home Affairs that some foreign nationals are visiting India for commissioning of surrogacy. In such cases, the surrogate mother is generally an Indian national. These foreign nationals are usually visiting India for this purpose on 'Tourist Visa', which is not an appropriate visa category. The matter was examined in the Ministry of Home Affairs and it has been decided that the appropriate category of the visa in this case will be a '**Medical Visa**'. In such Medical Visa may be granted if they fulfil the following conditions: -

(i) The foreign man and woman are duly married 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 surrogate.

(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 registration Assisted Reproductive Technology 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.

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

3. 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 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.

4. For drawing up and executing the agreement cited at para 1(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.