

Foreign nationals intending to visit India for commissioning surrogacy

It has come to notice 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 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 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 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 the grant of visa, the foreign couple needs to be told that before leaving India for their return journey, '**EXIT**' permission from FRRO would be required. Before granting '**EXIT**', the FRRO 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 foreign couple 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 along with photocopies of the passport and visa for the foreign parents.