

Home Ministry lays down conditions for grant of visa to foreign couples commissioning surrogacy in India

The government is making modifications to the draft Assisted Reproductive Technology (Regulation) Bill, 2013, to accommodate suggestions made by different Ministries and departments.

The concerned departments and Ministries have reverted with their comments to the draft Cabinet note and the draft ART (Regulation) Bill. “Currently, the Department of Health Research is examining and evaluating the comments and [accordingly], clarifications, modifications, deletions and additions to the draft Bill would be made,” an officer of the Department of Health Research said. The note and the Bill, carrying the necessary modifications, would then be sent to be vetted by the Law Ministry.

The Planning Commission, too, had expressed reservations over the manner in which consultations were made before the Cabinet note on the draft Bill was circulated.

Meanwhile, the Home Ministry has already announced that it will not give tourist visas to foreigner nationals coming to India for commissioning surrogacy, of which several cases have been reported.

“[Tourist visa] is not the appropriate visa category [for commissioning surrogacy] and such foreigners will be liable for action for violation of visa conditions. The appropriate visa category [is] a medical visa,” the Home Ministry notification said.

In order to ensure that the surrogate mother’s interests are protected, the Ministry said, such a visa may only be granted if certain conditions are fulfilled — the foreign man and woman must be duly married for at least two years.

The Ministry will also insist that the Indian embassy or Foreign Ministry of the country concerned enclose an acknowledgement, along with the visa application, that the country recognises surrogacy and that 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.

Besides, the couple should produce a duly notarised agreement between the applicant couple and the prospective Indian surrogate mother. “If any of the above conditions are not fulfilled, the visa application shall be rejected,” the Home Ministry said. The Ministry has informed the Indian missions abroad that the commissioning couple needs to be told that they must obtain an “exit” permission from the Foreign Regional Registration Offices before leaving India for their return journey.