

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3491  
ANSWERED ON:19.03.2013  
VISIT OF FOREIGNERS FOR SURROGACY  
Owaisi Shri Asaduddin

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether foreigners are visiting India for surrogacy on tourist visas;
- (b) if so, whether the Ministry has issued stringent guidelines for issuance of visas to such foreigners and the clinic providing such facility;
- (c) if so, the details thereof;
- (d) whether these guidelines are compatible with the ICMR guidelines; and
- (e) if so, the details thereof and the extent to which these guidelines are likely to regulate the commissioning of surrogacy in the country?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) to (c): It has come to notice that some foreign nationals have been visiting India on Tourist Visa for commissioning surrogacy. Since Tourist Visa is not the appropriate visa in such cases, the Ministry of Home Affairs has issued guidelines on 9th July, 2012 stipulating that the foreign nationals visiting India to commission surrogacy should come on a Medical Visa. The guidelines also stipulate the following conditions for grant of Medical Visa:-

- (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 Minister of the country is to be enclosed with the visa application clearly stating that the country recognizes surrogacy and that the child/ children to be born to the commissioning couple through the Indian surrogate mother will be permitted entry to 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 (Assisted Reproductive Technology) Clinics recognised by ICMR.
- (v) The couple should produce a duly notarised agreement between the applicant couple and the prospective Indian surrogate mother.

However, for drawing up and executing the agreement between the applicant couple and the prospective surrogate mother, the foreign couple can be permitted to visit India on reconnaissance trip on Tourist Visa, but no samples would be given to any clinic during such preliminary visit. The guidelines also stipulate the before granting exit to the child/ children, the Foreigners Regional Registration Officer (FRRO)/ Foreigners Registration Officer (FRO) will ensure that 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.

(d): As per information available, no specific guidelines have been issued by ICMR in this regard.

(e): Does not arise.