

**MOST IMMEDIATE**

No. 26011/06/2015-OCI  
Government of India  
Ministry of Home Affairs  
(Foreigners Division)

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NDCC-II Building, Jai Singh Road  
New Delhi, the 8<sup>th</sup> June, 2015

To

- (1) All Indian Missions/ Posts
- (2) FRROs – Delhi, Mumbai, Chennai, Kolkata, Amritsar, Bangalore Hyderabad, Kochi, Thiruvananthapuram, Calicut, Goa , Lucknow and Ahmedabad.

**Subject : Clarifications on issues arising out of withdrawal of PIO Card scheme and merger of PIO card with OCI card**

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Sir,

I am directed to refer to this Ministry's letter of even number dated 26<sup>th</sup> February, 2015 on the above mentioned subject and to say that clarifications earlier furnished with reference to certain issues have been re-examined by the Government. Accordingly, it has been decided, with the approval of the competent authority, as follows:-

- (1) As regards submission of application for registration as OCI cardholder in lieu of the PIO card online, the date for submission of online applications by the erstwhile PIO cardholders with valid PIO cards as on 9.1.2015 has been extended till 30.9.2015. This may be given wide publicity by the Indian Missions/ FRROs etc. by uploading on their website and all erstwhile PIO cardholders may be advised to submit the applications online by 30.9.2015.
- (2) The Indian Missions/ FRROs are also advised to highlight the advantages in obtaining an OCI card in lieu of the PIO card in their website. It may be made clear that the OCI card is a smart card which will facilitate quicker immigration clearance at the ICPs and also for obtaining various Consular services from the Indian Missions. Further, for those residing in India, it will facilitate in availing various services in India.
- (3) The applicants may submit the applications for OCI card in lieu of PIO card to the Indian Mission/ FRRO concerned within the jurisdiction of his/her place of residence. This is in modification of the earlier instructions that they should apply only at the location where the PIO card was issued.

The applications may be accepted by the Indian Mission/ FRRO concerned and they will obtain a No Objection Certificate along with the original file in which the issue of PIO card was processed from the location where the PIO card was originally issued. The NOC and the original file would be made available by the Indian Mission/ FRRO concerned within 21 days of receipt of such request.

- (4) While the grant of OCI card in lieu of PIO card will be on gratis basis, the applicants may have to bear only the postage charges and service fee wherever applicable.
- (5) In cases of erstwhile PIO cardholders, the new foreign passport number (when they get a new passport) may continue to be endorsed on the existing PIO card till the person concerned is issued an OCI card in lieu of the PIO card.
- (6) The procedure to be followed for conversion of PIO card to OCI card in respect of spouse of foreign origin of a citizen of India or spouse of foreign origin of an OCI cardholder registered under section 7A of the Citizenship Act, 1955 has been examined. In such cases, the person concerned should submit the applications online in the format prescribed and thereafter the Indian Mission/ Post/ FRRO concerned may process the applications as in the case of other applications for grant of OCI card in lieu of PIO card. In these cases, prior clearance of MHA may not be necessary since the PIO card is being replaced by the OCI card.
- (7) All applications for fresh registration as OCI cardholder from the spouse of foreign origin of a citizen of India or spouse of foreign origin of an OCI cardholder registered under section 7A of the Citizenship Act, 1955 shall be submitted only on the online system and shall be acknowledged by the Indian Missions/ FRROs on the online system. No offline applications shall be accepted and offline applications shall not be forwarded by the Indian Missions/ Posts/ FRROs to the Ministry of Home Affairs. In such cases, the security agencies/ Indian Missions concerned/ State Governments concerned shall furnish their comments/ clearance within 21 days of acknowledgement of the application online and the final clearance/ comments shall be furnished within 30 days of acknowledgement of the application.
- (8) Grant of OCI card to the foreign national whose Indian spouse is no more has been reconsidered. Section 7D of the Citizenship Act, 1955 (as amended) provide for cancellation of OCI card only in cases where the marriage of OCI cardholder who has obtained such Card on spouse basis has been dissolved by a competent court of law or otherwise or has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person. Accordingly in modification of

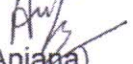
the instructions issued on 26.2.2015, applications for grant of OCI card to a foreign spouse whose Indian spouse is no more may be accepted by the Indian Missions/ Posts/ FRROs and decision taken on case to case basis subject to the condition that the foreign spouse has not re-married another foreigner. In cases fulfilling this condition, the details of child/ children born out of wedlock with the Indian spouse, properties acquired by such married couple in either of the name etc. may also be obtained and taken into consideration. While issuing the OCI card, it should be made clear that if the foreign national gets remarried to another foreigner, the OCI card will be immediately cancelled. In case of re-marriage to another citizen of India or an OCI cardholder, the person concerned will have to submit fresh application for grant of OCI card.

- (9) The foreign national children of such Indian national who is no more will be entitled to OCI card as per section 7A of the Citizenship Act, 1955 on the basis of their Indian origin. Such children holding PIO card will also be eligible to apply for OCI card in lieu of the PIO card.
- (10) The foreign national spouse of a PIO/ OCI Cardholder, whose parents/ grandparents are/ were of Indian origin will also be eligible for OCI card as per section 7A of the Citizenship Act, 1955 based on his/her Indian origin.
- (11) In respect of cases where the marriage has been subsisting for long but registered only at the time of submission of OCI application, the marriage certificates may be accepted and the issue of OCI card processed with reference to the date of marriage mentioned in the Certificate. However, in case of any doubt, the same may be taken up by the issuing authority with the authority who has issued the Marriage Certificate for verification.
- (12) A person holding any type of Visa with 3 months validity as on the date of application for OCI card can submit his/her application for registration as OCI cardholder.
- (13) In cases where the PIO card is reported to be lost, the fee for the replacement card will have to be paid. It has been decided to fix the fee in such cases as Rs.5500/- till further orders. This will be reviewed in September, 2015.
- (14) No fee will be levied in cases where the applicant wishes to change the personal particulars viz. passport particulars, address, occupation etc. while submitting the application for OCI card in lieu of PIO card.

5. All authorities concerned are requested to strictly comply with the above mentioned instructions.

6. These instructions shall come into force with immediate effect.

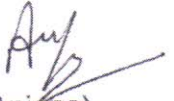
Yours faithfully

  
(Anjana)

Under Secretary to the Govt. of India

Copy forwarded for information and necessary action to:-

1. Joint Secretary (CPV) [Shri P.Kumaran], Ministry of External Affairs – with the request to circulate these instructions to all Indian Missions/ Posts.
2. Joint Secretary (DS) [Shri T.K.Manoj Kumar], Ministry of Overseas Indian Affairs
3. Joint Director [Shri P.K.Bhardwaj], Bureau of Immigration
4. Under Secretary [Shri Shashwat K.Singh], Cabinet Secretariat

  
(Anjana)

Under Secretary (Foreigners)