

MOBILITY AND MIGRATION PARTNERSHIP AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDIA

AND

THE GOVERNMENT OF THE KINGDOM OF DENMARK

The Government of the Kingdom of Denmark

and

The Government of the Republic of India

both hereinafter referred to as the "Parties",

Recognising the long-standing and historical bonds of friendship between the two countries and wishing to expand cooperation in the field of labour and employment to give further impetus to the Green Strategic Partnership between the Parties,

Reaffirming the intentions to strengthen cooperation in the fields of migration and mobility established in the 2022 Declaration of Intent on Migration and Mobility, including the resolution to revisit the Memorandum of Understanding on Labour Mobility Partnership from 2009 between the Parties,

Acknowledging the benefits managed migration within the meaning of the 2030 Global Compact for Safe, Orderly and Regular Migration have for both Parties and for their mutual economic, social and cultural relations with a special focus on supporting the Joint Action Plan for the Green Strategic Partnership between the Parties, bearing in mind its aim at delivering on the 2030 Agenda for Sustainable Development and the Paris Agreement,

Acknowledging the growing number of Indian students and professionals in the Kingdom of Denmark, convinced that such human exchanges and migratory movements help to bring people together and that their management in partnership is a factor of economic, social and cultural development for both countries,

Resolved to facilitate temporary migration and committed to strengthening the transfer of skills to the home country of the migrants in the interest of fair globalisation and decent work,

Determined to jointly take appropriate steps to prevent and suppress irregular migration, smuggling of migrants and trafficking in human beings, in accordance with respective national legislation,

Reaffirming the obligation of both Parties to identify and readmit persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of the other Party,

Bearing in mind the EU-India High Level Dialogue on Migration Issues and Visa Policy which led to the Joint Declaration on Common Agenda on Migration and Mobility between India and EU and the Member States, signed on 29 March 2016,

Respecting the rights and guarantees set forth in their respective national legislations and the relevant international treaties and conventions,

Have agreed as follows:

CHAPTER 1

Article 1 Scope of the Agreement

(1) This Agreement aims to establish and develop cooperation between the Parties in the following areas:

1.1 The fair mobility of skilled workers to take up employment in either country for economic and professional reasons, in particular to enhance the Green Strategic Partnership.

1.2 The facilitation of mobility of nationals include, but are not limited to students, academics and researchers, to support cooperation on skill building and knowledge exchange, of either party by sharing information on relevant procedures.

1.3 The prevention of and the fight against irregular migration and the exploitation and trafficking in human beings in accordance with their applicable laws and respective obligations.

(2) This Agreement establishes a partnership on mobility and migration between the Parties within the limits of their respective competences and in accordance with applicable national law, procedures and resources and in full respect of international rules and standards.

(3) All actions undertaken by the Parties pursuant to this Agreement shall be consistent with the Parties' obligations under relevant international law including any obligation on the Parties under the WTO.

(4) The provisions of this Agreement shall not substitute deeper engagement of the Parties in respect of the temporary movement of natural persons for the purpose of providing services as a result of the free trade agreement between the Parties. The Parties shall make every effort, consistent with the principles of the World Trade Organization and international law, to achieve deeper and more meaningful outcomes in the context of trade in services.

**CHAPTER II
CIRCULATION OF PERSONS**

**Article 2
Short-stay, multiple-entry visas**

(1) In order to facilitate the mobility between the two countries for regular short stays of persons who make an active and lasting contribution to the exchange between the two countries, the Parties shall, in compliance with their respective obligations and within the framework of the applicable rules of the European Union and national law, regarding the other Party's nationals who hold valid regular passports, consider the issuance of short-stay, multiple-entry visa, valid for at least one year, as early as possible, to categories of persons such as business persons, researchers and other bona fide travellers for short term travel purposes that are permissible under national law.

(2) The Danish Party shall, within the framework of the rules defined by the Visa Code of the European Union and applicable national law, consider the facilitated issuance of multiple-entry visas which allow for stays not exceeding 90 days in any 180-day period to Indian citizens who fall within the categories of persons mentioned in paragraph 1 above. These multiple-entry visas are to be issued with a validity between one year and five years.

2.1 The Danish Party may, in accordance with applicable national law, issue a prior approval to companies, educational institutions, NGO's or other organisations, if the organisation is registered in Denmark, or registered in India and has a department or branch office or the like in Denmark, and it needs to do business with or host visitors from India on a regular basis as part of its normal operations, and if the organisation appoints an individual Danish authorities can contact in order to confirm details about the visit and request more information about the reasons for the visit.

(3) The Indian Party shall consider, in accordance with the applicable national law, the facilitated issuance of such multiple-entry visas, which allow for stays of up to six months on each visit. These multiple-entry visas are issued with a validity between one year and five years, depending on the documents presented, the length of activities planned in the Republic of India and the length of validity of the passport. Persons travelling on a visa referred to in paragraph 1 above with a validity of up to 180 days are not required to accomplish any registration formality upon their arrival in the Republic of India. If the stay will exceed 180 days, prior registration shall be required.

(4) The Danish Party may, in accordance with applicable national law and the rules and procedures defined in the Visa Code of the European Union, agree to ways to facilitate the visa process for frequent or regular travellers, in particular for business purposes, who prove their integrity and reliability.

CHAPTER III
MOBILITY OF STUDENTS, ACADEMICS AND RESEARCHERS, MIGRATION
FOR PROFESSIONAL and ECONOMIC REASONS

Article 3
Green Strategic Partnership

(1) It is a priority to the Parties to facilitate the mobility of skilled workers, entrepreneurs, students and researchers to support the Green Strategic Partnership. The Danish side states that this may include, but is not limited to, workers with higher education and skilled workers covered by the Positive Lists, including engineers, mechanics, plumbers and electricians, as well as students, entrepreneurs, and researchers involved with the development of green energy solutions.

(2) Both parties agree to enhance cooperation in agriculture, animal husbandry and dairy sector by promoting skilled mobility through internships and employment within the framework of applicable national law.

Article 4
Mobility of students; internship

(1) It is a priority for the Parties to facilitate the arrival of students and interns from the other Party who wish to continue their studies in Denmark or India and are enrolled in a recognised higher education institution.

(2) To this end, the Parties shall keep each other regularly informed, within the Joint Working Group referred to in Article 16, of the conditions for entry and residence concerning students and interns and establish bilateral exchange of information on the possibilities and any improvement of procedures for immigration of students and interns.

(3) The Danish Party may issue, in accordance with applicable national law, a residence permit to Indian students enrolled in recognised higher institutions/universities as a rule valid for the standard duration of their studies undertaken in Denmark and renewable according to the terms outlined in Annex E.

(4) The Indian Party may issue Danish students with a long stay visa bearing the word "Student Visa" of appropriate category valid for the duration of their studies or for a maximum period of 5 years, whichever is earlier.

(5) Indian students wishing to supplement their education with initial professional experience in Denmark after successfully completing a programme leading to a diploma at least equivalent to a Danish professional bachelor degree in a Danish higher education institution authorised at national level, may

in accordance with applicable national law be granted a residence permit for up to three years with the purpose of taking up employment in Denmark.

(6) Indian students who wish to carry out a student internship in an enterprise or public entity or duly recognised association in Denmark may, in accordance with applicable national law, receive from the competent Danish authorities a residence permit as an intern for up to 18 months. In the Green sector, residence permit can be granted for up to 24 months if the Indian student supplements the internship by attending a Danish agricultural school or technical school for 6-8 months. The terms of which are set out in Annex A to this Arrangement.

(7) Danish students who wish to carry out a student internship in an enterprise or public entity or duly recognised association in India may receive from the competent Indian authority a temporary long-stay visa dispensing them from a residence permit bearing the word "S-6 Visa" which may be granted to Danish students for pursuing internship in India for a period of one year or internship programme, whichever is earlier. The duration of this visa shall be as stipulated in the student's education programme.

Article 5

Cooperation in vocational education and training (VET) and health sector

(1) The Parties reiterate the areas of cooperation agreed under the Memorandum of Understanding on Cooperation in the field of skill Development, Vocational Education and Entrepreneurship signed between India and Denmark in May 2022 and are willing to cooperate in the field of vocational education and training and share the view that the Danish-Indian cooperation will foster the Indian Party's efforts to establish an innovative system of skills development and vocational education and training.

(2) Both Parties agree to expeditiously explore potential for recruitment of Indian qualified professionals for employment in the **healthcare and medical services sector** with the aim of assessing whether bilateral cooperation can be expanded in the sector. The work will be anchored in the Joint Working Group on Health and Medicine, under the purview of the Memorandum of Understanding between Ministry of Health and Family Welfare of India and Ministry of the Interior and Health of Denmark on cooperation in the field of health and medicine.

The Joint Working Group established under this Agreement may explore additional specialised sectors for which similar bilateral cooperation can be expanded.

Article 6

Encouraging the mobility of skills and talents

(1) Both Parties undertake to encourage the mobility of skilled workers between the two countries and towards this create optimal conditions for establishing contacts and the exchange of knowledge between employers' and workers' organisations in different sectors of the economy.

(2) The opportunities available for Indian nationals regarding residence and work in Denmark are outlined in Annex B. The Danish Party states that there are many opportunities for both professional and skilled Indian workers to access the Danish labour market under the applicable conditions of its rules on entry, stay and work. These could in accordance with applicable national law include yoga and traditional medicine professionals and chefs as well as other professionals covered by non-sector-specific schemes with no requirement of a labour market test.

(3) In the agricultural sector, Indian nationals may within the framework of applicable national law be granted a residence and work permit in Denmark. The details of this provision are outlined in Annex B.

(4) To this end, the Parties shall keep each other regularly informed, within the Joint Working Group referred to in Article 16 of the conditions for entry, residence and work in their country and of the situation on their respective labour markets and of the possibilities it offers and establish a bilateral exchange on the possibilities and any improvement of procedures for immigration of skilled workers.

(5) The Danish Party may within the framework of applicable national law, upon application under the Fast Track scheme, allow Indian nationals employed by Danish certified companies to start their employment quickly. The details of this provision are outlined in Annex B.

(6) The persons to whom the provisions of this Article apply shall benefit from equal treatment as accorded to host-State nationals in all matters relating to the enforcement of laws, regulations and customs governing working relations and conditions, social protection, health, hygiene and workplace safety. Their salary and terms of employment must correspond to host State standards. As regards the Danish law on social pensions, equal treatment shall be ensured in

accordance with the agreement between the parties of 17 February 2010 on social security.

Article 7

India – Denmark Mobility for professionals, including young professionals (ID – MAPs)

(1) Both Parties agree to facilitate between each other skilled mobility and exchange of Danish or Indian young professionals aged 18 to 35 already in employment or entering working life, who wish to improve their career prospects through the experience of salaried work. The details of this provision are outlined in Annex C.

(2) The Joint Working Group established under Article 16 shall examine and give advice on the facilitation of the mobility of young professionals within the framework of applicable national law. If within one calendar year the number of young professionals coming to Denmark lies significantly below 650, the Joint Working Group shall analyse the situation and endeavour to find possibilities to enhance the exchange of young professionals.

Article 8

India-Denmark Information Exchange

(1) The Danish Party shall endeavour to provide user oriented and coherent information on immigration rules for Indian nationals who wish to enter and reside in Denmark, as well as their family members, employers and educational institutions, on the internet portal “new to Denmark” managed by the Danish Immigration Service and the Danish Agency for International Recruitment and Integration.

(2) The Danish Party shall also endeavour to provide online information and guidance to Indian nationals who wish to seek a job in Denmark, as well as information on job vacancies, on the internet portal “Work in Denmark” managed by the Danish Agency for Labour Market and Recruitment.

(3) The Joint Working Group established under Article 16 shall be mandated to examine and give advice on the functionality of the internet portals as well as the information provided on them, in order to ensure that best possible guidance is available for Indian nationals wishing to seek and take up employment in Denmark.

Article 9

Working Holiday Programme

(1) To enhance cooperation in favour of cultural exchange and enable young people to learn about the other Party's culture and ways of living, the Parties agree to explore the possibility of establishing a Working Holiday agreement between the Parties, which allows for a stay in the country of the other Party with the primary purpose of holiday and secondarily to work for the purpose of supplementing travel funds. The details of the Working Holiday agreement will be the subject of a separate Memorandum of Understanding between the Parties.

Article 10

Employees seconded between enterprises of the same group

(1) The Danish Party undertakes to encourage the international mobility of Indian employees on secondment between enterprises of the same group by facilitating the issuance of residence and work permits in accordance with applicable national law.

(2) To that end, the other Party's national, seconded by an employer of the other Party, where such secondment takes place within the same company or among companies of the same group may, in accordance with applicable national law, receive a renewable visa/residence permit with a validity of up to 4 or 5 years depending on the scheme.

(3) Reciprocally, the Indian Party undertakes to facilitate the issuance to Danish employees seconded to India between enterprises of the same group of an "employment visa" giving rise to the granting of a residence permit valid for two years, renewed in India for a maximum period of 10 years from the date of issue of the initial employment visa, on a year to year basis, on production of the necessary documents in support of continued employment and income tax compliance by the individual concerned.

(4) Indian and Danish nationals, holders of an academic degree and employed by companies of the same group established in the two countries under an employment contract dating back to at least three months earlier who, for the purpose of career development or training in business techniques or methodologies, wish to come to the other country to be trained in the partner company, may receive a visa/residence permit, for up to 12 months with the possibility of extension under conditions set by the relevant national legislation.

Article 11
Start-up schemes

(1) The Danish Party undertakes under its Start-up Denmark scheme to encourage the visit of Indian nationals wishing to place their skills at the service of the bilateral relationship and to contribute via their innovative business ideas to the economic development and influence of Denmark and India. To that end, it may issue a residence permit for a maximum of two years with the possibility of extension for up to three years to Indian entrepreneurs in accordance with applicable national law. Provisions detailing implementation of this paragraph are set forth in Annex D to this Agreement.

(2) Reciprocally, the Indian Party undertakes in accordance with applicable national law to encourage the issuance of an "employment visa" giving rise to the granting of a residence permit valid for three years and renewable to Danish nationals with projects of an economic, scientific, technological, cultural or humanitarian nature likely to make a significant contribution to the development of relations between the two countries.

Article 12
Researchers and academics

(1) Both Parties undertake to encourage the mobility of researchers and doctoral students.

(2) For Danish and Indian nationals wishing to carry out research or university level teaching in a public or private research or higher education institution in the other country, the Parties shall facilitate the issuance of a residence permit valid for the duration of their research or teaching activities in accordance with applicable Danish or Indian laws. The Danish rules regarding residence and work for researchers, guest researchers and PhD students are outlined in details in Annex F.

(2.1) Indian Researchers who have been offered employment at a research institute or company in Denmark may be issued residence and work permit for up to four years with a possibility of extension.

(2.2) A residence permit may be granted to Indian nationals participating in a PhD programme in Denmark.

(2.3) Indian PhD students who will complete a PhD programme in Denmark may be issued a residence permit for up to 3 years allowing the student to seek employment in Denmark after completing the PhD programme.

(2.4) Indian Researchers, Guest researcher and PhD students may take up sideline employment in Denmark.

Article 13
Family members

(1) Spouses, cohabiting partners and registered civil partners and their minor children may, subject to the prerequisites defined by the applicable national law, be granted a residence permit, which shall depend on (e.g. in terms of duration) the residence permit of the main applicant referred to in Articles 3, 4 (3)-(5), 6, 7 and 10-12, allowing access to the labour market in accordance with applicable national law.

Chapter-IV

**COOPERATION RELATING TO THE PREVENTION AND COMBATING OF
IRREGULAR MIGRATION OF AND TRAFFICKING IN HUMAN BEINGS**

Article 14
Return of Persons in an Irregular Situation

(1) Both Parties agree to the mutual obligation to identify and readmit their nationals who do not fulfil the conditions for entry to, presence in, or residence on the territory of the other Party.

(2) Both Parties will promote voluntary return for nationals of the other Party subject to a return decision.

(3) Where the nationality of a person to be returned needs to be verified, the requested Party shall communicate that the nationality of the person is conclusively established to its satisfaction, if the readmission request meets the requirements normally expected by the two Parties to verify the nationality of a person in a return position.

(4) With regard to a person in an irregular situation whose nationality is validly assumed to be that of the other Party, on the basis of the documents, the requesting country shall request a nationality verification, in view of possible issuance of a consular Laissez-Passer/Emergency Certificate. To this end, at the request of either party, the person shall be interviewed without delay by officials of the diplomatic mission of the requested Party in order to initiate nationality verification process in this Article's subsection (3).

(5) Persons in an irregular situation whose nationality is conclusively established after following due procedures in this Article's subsection (3) and (4), by the requested Party to be that of the said country will be immediately returned on behalf of the requesting Party in accordance with procedures set out by its

national regulation/legislation and a consular laissez-passer shall be issued immediately.

(6) Both Parties agree that the requesting Party shall cover the costs associated with the return.

Article 15

Technical and operational cooperation to combat irregular migration

(1) Both Parties undertake to develop technical and operational co-operation within the framework of respective laws with the aim of combating irregular migration.

(2) The Parties undertake to ensure coordination between relevant personnel responsible for dismantling irregular migration and migrants' exploitation networks.

(3) The fight against organised irregular migration is based on the acquisition, centralisation and analysis of intelligence in order to identify criminal organisations, on the physical and technical surveillance of networks and on the gathering of evidence. Exchanges of relevant personnel and attachment courses in specialist units will be planned as per the respective regulatory framework in order to enable exchanges of professional experience in this area.

(4) The Parties undertake to cooperate by way of exchange of expertise in order to increase the level of security of their nationals' identity and travel documents and to design new documents as per agreed international norms.

(5) Both Parties shall exchange information relating to falsifications and forgeries of travel documents and help to identify suspect documents.

(6) The Danish Party is willing to share its expertise to train specialists in the fight against document fraud and to provide its expertise in the field of detection equipment.

CHAPTER-V FINAL PROVISIONS

Article 16 Joint Working Group

(1) Both Parties decide to assume and strengthen the cooperation of the Joint Working Group established by the Memorandum of Understanding on Labour Mobility between the Parties of 2009, comprising representatives of both Parties' administrations. The Joint Working group shall meet at least once a year in

either country alternately, or as necessary at the request of either Party and shall have the following mandate:

1.1 Evaluate the implementation of the provisions set forth in this Agreement and frame all appropriate proposals to improve it, as necessary.

1.2 Create guidance material on rights and duties concerning legal pathways/legal migration.

1.3 Recommend measures to prevent misuse of visit visas by unscrupulous employers and recruiting agencies.

1.4 Recommend measures to strengthen the cooperation on document and ID related issues between the Parties.

1.5 Recommend initiatives to address any issues that might arise in the context of this agreement.

1.6 Constitute expert sub-groups if required.

(2) Any difficulties relating to the interpretation and implementation or application of this Agreement shall be settled amicably within the Joint Working Group referred to in this Article or otherwise through diplomatic channels.

Article 17

Duration, Renewal, Termination and Amendment of the Agreement

(1) The Agreement shall remain valid for a period of 7 years from the date of coming into force.

(2) Thereafter, this Agreement shall be automatically renewed for similar successive periods at a time unless terminated by either party.

(3) This Agreement may be terminated in writing by either Party subject to three months prior notice served through diplomatic channels.

(4) Such termination of the Agreement shall not affect the Parties' rights and obligations resulting from the implementation of this Agreement, unless otherwise agreed by the Parties.

(5) This Agreement may be amended at any time by the mutual written consent of the Parties.

Article 18
Entry into Force

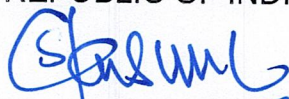
This Agreement shall not apply to the Faroe Islands and Greenland. The provisions of this Agreement may be extended to the Faroe Islands and Greenland with any amendments as may be agreed between the Contracting Parties in an Exchange of Notes.

This Agreement shall enter into force on the first day of the second month following the date of receipt of the last notification, through diplomatic channels, of the completion by each of the Parties of the required constitutional and legal procedures.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

Done at New Dechi, on 22 Feb, 2024, in two originals each in the English, Hindi and Danish languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

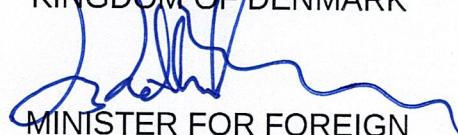
FOR THE GOVERNMENT OF THE
REPUBLIC OF INDIA



MINISTER FOR EXTERNAL
AFFAIRS

Name:

FOR THE GOVERNMENT OF THE
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