

No express lane: EU Gateway Office won't give preferential treatment for Indian visa applications, say lawyers

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Summary

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The EU's new Legal Gateway Office in India will serve as an information hub for Indian citizens seeking opportunities in Europe. It does not grant special immigration rights or fast-track visas, with decisions remaining under national laws of EU member-states.

The European Union's (EU) decision to set up a "Legal Gateway Office" in India under the EU-India Comprehensive Framework of Cooperation on Mobility, announced alongside the conclusion of the India-EU free trade agreement, will not create any special immigration rights or fast-track visas for Indians seeking to work or study in Europe, lawyers told Mint.

Decisions on long-term visas for employment, education and research will continue to rest with the 27 EU member-states under their respective national immigration laws.

The proposed office does not form part of the binding text of the free trade agreement, and it cannot mandate faster processing, preferential treatment or guaranteed entry. It is expected to function primarily as a facilitation and information hub.

"The Legal Gateway Office is intended to be a one-stop platform to centralize information, guidance and initial support for Indians looking to study, work, conduct research or take up seasonal and highly skilled roles in the EU," said Veena Gopalakrishnan, a partner in the labour and employment practice at Trilegal. "It does not create new visa rights or override the immigration laws of member-states."

"We will facilitate the movement of students, researchers, seasonal and highly skilled workers," European Commission president Ursula von der Leyen said on 27 January, when the FTA announcement was made. "This is also why we are launching the first EU Legal Gateway Office in India. It will be a one-stop hub to support Indian talent moving to Europe, in full alignment with EU member states' needs and policies."

A joint India-EU statement issued earlier this month described it as a pilot project that will function as an information and facilitation hub for worker mobility, beginning with the ICT (information and communication technology) sector. However, no detailed legal framework for the office has yet been made public. Lawyers say this limits its role to coordination and information-sharing rather than decision-making.

Facilitation hub

"In the absence of a binding commitment, the office will, at best, facilitate existing procedures for Indian citizens aspiring to work and live in the EU," said Arjun Goswami, director, Public Policy, Cyril Amarchand.

Rishabh Gandhi, founder of Rishabh Gandhi & Advocates, said the office should be viewed as a coordination mechanism, not an authority.

"Legally, it means facilitation, not permission. It cannot issue visas, relax eligibility criteria or direct member states to approve applications. Sovereignty over immigration remains entirely with national governments," he said.

The broader India-EU Comprehensive Strategic Agenda and the mobility framework provide for temporary entry and stay of business visitors, transferred company officials, contractual service suppliers and independent professionals. The framework seeks to ease the movement of employees of Indian companies established in the EU, along with their spouses and dependents, across services sectors including information technology, business and professional services.

Where the Gateway Office could make a practical difference, lawyers say, is at the procedural level. By centralizing information, standardizing documentation guidance and coordinating with national authorities and consulates, it could help reduce errors, rejections and delays caused by incomplete or inconsistent visa applications.

For Indian nationals, EU visas broadly fall into five categories: short-stay Schengen visas for tourism, business, conferences, medical treatment and family visits; study and research permits; work and skilled-migration permits, the EU Blue Card, intra-corporate transferees and seasonal workers; business and professional mobility categories; and family reunification and permanent residence.

Yash Vardhan Singh, counsel at Sarvaank Associates, said such a Gateway Office is expected to mainly interface with student, researcher and skilled-worker routes, rather than tourist or asylum visas.

Gopalakrishnan of Trilegal noted that the real impact of the initiative would depend on how mobility provisions in the India-EU FTA are implemented and aligned with domestic immigration laws of member states. Until the agreement is fully ratified and operationalized, the office will remain a facilitation and coordination mechanism rather than a source of enforceable rights or preferential visa treatment.

The new framework gives Indian professionals and students a more predictable option than travelling to the US. In addition to visa interviews being pushed into 2027, mandatory social-media screening,

the end of third-country stamping, rising scrutiny and refusal rates, a proposed \$100,000 fee for new H1B applicants and changes to the lottery system have added to the uncertainty of travel to and working in the US.