

GMS Flash Alert

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Italy – New Statute Governing Intra-Company Transfers

A new statute in Italy transposes European Union (EU) Directive 2014/66/EU¹ into Italian national law and provides for new rules around the “ICT Work Permit” for managers, specialists, and trainees who will be able to work cross-border between Italy and other EU member states according to the terms of each member state's rules and regulations for intra-company transfers (“ICTs”).

Italy's government approved Legislative Decree n. 253 on 29 December 2016, regulating intra-company transfers of non-EU workers.² The Decree entered into force on 11 January 2017, implementing the aforementioned EU Directive. The Directive aims to create a consistent EU regime for “extra”-EU nationals (or “non”-EU nationals) sent on assignment within a group of companies to EU member states. The Directive does not apply to the United Kingdom, Ireland, and Denmark.

For prior coverage, see [GMS *Flash Alert* 2017-001](#), 3 January 2017.

WHY THIS MATTERS

The new procedures for obtaining the ICT Work Permit within Italy – and the rest of the EU – simplify and speed-up entrance to Italy for non-EU citizens who are already working at an affiliate of their multi-national company in another EU member state (other than those above-mentioned three states not taking part). The new Decree's provisions aim to facilitate the mobility of workers within the EU, without having them subject to the standard – and often time-consuming – immigration procedures.

It should be noted, there will be new/additional fees tied to the processing of documentation and issuance of permits.

New Provisions in Italian Immigration Law

Obtaining a Residence Permit in Italy can be difficult and time-consuming. The new Decree modifies and updates Italian Immigration Law (*Testo Unico sull'immigrazione* – Legislative Decree n.286 of 1998), with the intention of accelerating the process around immigration for work purposes. It introduces two new articles:

- Art. 27 – quinquies: intra-company transfer to Italy;
- Art.27 - sexies: intra-company transfer Residence Permit issued by a member state.

According to these new provisions, non-EU assignees with ICT permits are allowed to work in Italy and in one or more EU countries (other than those not participating under the ICT rules), in accordance with the provisions set forth by the relevant member state issuing the permit.

An Italian company can apply for the ICT Permit directly online through the portal of Italy's Ministry of Internal Affairs. Within 45 days, the Work Permit (Nulla Osta) is released, if the company submits all the required documentation and fulfills all its obligations under the rules.

Main Features of Legislative Decree n. 253

The new provisions apply to third country nationals temporarily seconded from an "extra"-EU or non-EU company to an Italian company or another company of the same group. The rules apply to employees employed by the home company for a minimum period of three months, and qualified as:

- Managers ("dirigenti");
- Specialists (workers possessing specialized knowledge essential to the host company to carry out a specific task);
- Trainees (graduates who are workers sent on assignment for career development).

The procedure to obtain an ICT Permit is, in general terms, set out below.

Host Company Initiates

- The ICT Work Permit request is sent electronically by the host company through the portal of the Ministry of Internal Affairs;
- The host company must provide the required documentation to the Immigration Office (*Sportello Unico per l'Immigrazione*) within 10 days from the sending of the application;
- The Immigration Office will issue the ICT Work Permit within 45 days if the requirements are met.

Home Company Initiates

- In cases where the visa has been obtained in the worker's home country, he or she can enter Italy freely and within 8 days has to submit the application for the ICT Permit to the appropriate Immigration Office;
- Authorities will release the ICT Permit within 45 days.

Period of Validity

The ICT Permit has a validity of three years for managers and highly-skilled workers. Trainees can stay in Italy for a maximum of one year. The permit can be renewed; however, once the first permit has expired, the company must wait three months before applying for a new one.

- For periods of up to 90 days, a holder of an ICT permit from another participating EU state can work at a company group entity in Italy without asking for a new visa and only has to notify of his/her presence to the Police;
- For stays exceeding 90 days, the assignee will have to obtain an ICT permit and a Residence Permit from the local Immigration Office.

Assignee's Family

The family of the assignee can ask for a Residence Permit independently from the duration of the ICT Permit of the assignee. The Resident Permit has the same validity as the ICT Permit.

FOOTNOTES:

1 The ICT Directive's official name is: [Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014](#) on the conditions of entry and residence of third-country nationals in the framework of an intra-company transfer; for related information, see the following issues of GMS *Flash Alert*: [2017-021](#) (3 February 2017) and [2017-003](#) (10 January 2017).

2 See the text of the legislative decree (*Decreto legislativo n. 253 del 29 dicembre 2016*) as published in the Italian government gazette (*Gazzetta Ufficiale n. 7 del 10 gennaio 2017*).

See the text of the (Draft) [legislative decree](#) (*Decreto legislativo recante attuazione della direttiva 2014/66/UE sulle condizioni di ingresso e soggiorno dei dirigenti, lavoratori specializzati, lavoratori in formazione di Paesi terzi nell'ambito di trasferimenti intra-societari*) and related documentation on the Italy's Senate website.

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Italy:



Pierluigi Zucchelli

Tel. +39 02 67645916

pzucchelli@kpmg.it



Stefania Quaglia

Tel. +39 02 67644944

squaglia@kpmg.it

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