

ITALY

BUSINESS VISITORS AND WORK PERMIT GUIDELINES

EU citizens: Italy is a member State of the European Union. Under the EU principle of freedom of movement and establishment, EU citizens can live and work in Italy without need of a work permit. The only formality for any EU citizens who is willing to stay in Ital for more than 90 days is the registration with the local Town-hall.

Non EU citizens: Italian immigration procedure for work or business purposes varies depending on:

- a) the length of the foreign citizen's intent to stay in Italy; and
- b) the nature of the activities the individual is asked to carry out.

Short Term Stay (up to 90 days every 180 day period): An individual willing to stay for less than 90 days to carry out activities which cannot be qualified as "business" should obtain a specific work permit and work visa. Italian law does not provide clear definition of the activities which can be carried out while "on business". Business visitors are allowed to travel in Italy (and visit the other Schengen countries) for "carrying commercial activities, to conduct negotiations and stipulate agreements, to attend seminars, to install, check and repair products and equipment sold or purchased on the basis of commercial and industrial cooperation". Also movie, TV and Radio crews, models are allowed to enter on business up to 90 days. Any "business" trip should be for the benefit of the sending company as opposed to the Italian sponsor company, the visitor should be paid by the sending company and take directions from the sending company, not the Italian sponsor.

Visa nationals: if the individual is Visa National, he will need to obtain a business visa which must be requested at the Diplomatic Italian Authority (Italian Consulate/Embassy) in the individual's country of residence. Processing time: 5 to 15 days from the application date;

Non Visa nationals: can enter on business, without need of a visa.

Long Term Stay – If the foreigner needs, on the other hand, to work and stay in Italy (i.e. if the activities cannot be qualified as “business” or in any event if the assignment is for more than 90 days), Italian Law mainly distinguishes between three kinds of work permits: subordinated workers, autonomous workers, and assigned workers.

1) Subordinate workers (“*lavoratori dipendenti*”)

Subordinate workers (i.e., employees) are those whose services are hired by a company or an employer operating in Italy. The issuance of a Visa for “lavoro subordinato” is subject to the specific quotas released annually by the Government for the intake of foreign workers. When quotas are issued, the Italian company will need to obtain a work permit (issued by the Immigration Office, after having obtained the clearance from the Labour Authority and from the Police) in order to be authorized to hire the applicant.

Processing time: issuance of quotas (number and timing of issuance) is hardly predictable and processing time can be very long (6-.8 months)

2) Autonomous workers (“*lavoratori autonomi*”)

Autonomous workers are those who set up in Italy to independently work as a consultants, to practice a licensed profession (i.e., doctors, architects or attorneys), set up a company or be appointed as legal representative of an Italian company. The procedure for consultants and those who intend to carry out a licensed activity is more lengthy and the work permit is issued subject to the availability of quotas. The issuance of the visa for those appointed as officers of Italian companies is faster (provided that they are assigned to work at the Italian branch of the foreign company for which they are working) but the Italian company must be in good standing and provide sufficient financial guarantees for the applicant (the law, however, does not indicate any threshold and this is left to the office’s discretion).

Processing time: 1 to 3 months

3) Assigned workers (“*lavoratori distaccati*”)

The “assignment procedure” can be followed when a worker is assigned to work at an Italian company for a fixed period of time (initially no more than 2 years, that can be extended up to 5 years), though remaining on the payroll of the foreign company. The Italian Immigration law provides for different

kinds of assignment procedures, depending on the relationship between the foreign and Italian company and the job to be carried out.

Processing time: varies from 2 to 8 months, depending upon the city where the application is filed.

3(i) Intra-company transfer

According to this procedure, the foreign worker can be transferred from the foreign Parent Company to an Italian affiliate. This kind of assignment procedure is applicable to highly specialized personnel or managers who have been working in the same sector for at least 6 months. This is the most common permit use by multinational groups because the obtainment of the work permit is not subject to the availability of quotas.

3(ii) Service agreement assignment

This procedure requires that a service agreement is executed between the worker's foreign company and the Italian company, that do not need to be affiliated and part of the same company Group.

3(iii) Highly qualified workers

This procedure allows companies or entities operating in Italy to transfer highly qualified workers in Italy for a determined period in order to carry out a specific task or activity.

4) Special categories of workers

(a) In addition to the categories listed above, there are a number of special categories of workers who can work in Italy on assignment for temporary periods, e.g., journalists, athletes, artists, nurses.

(b) Individuals who have a work permit (and who are hired locally) issued by another EU country can be transferred to Italy based upon a service agreement between their employer and an Italian company. In such a case a work permit is not need but it is sufficient that the Italian company sends a notice to the local immigration office.

(c) Workers who meet the conditions for an intra-company assignment (i.e., 6 month seniority in the same filed, the host and sending company are part of the same Group) who carry out some "free lance" activities also for the

benefit of the Italian host company, can obtain a "self employee" work permit which is issued by the Police rather than by the Immigration Office;

Procedure

Even though there may be slight variations from one category to the other, the basic procedure for obtaining a work permit is the following:

- 1)** Online application which needs to be filed with the Immigration Office (generally, with the Immigration office of the city where the worker shall be posted). Applications can be found on <https://nullaostalavoro.interno.it/Ministero/Login>
- 2)** When the work permit is issued, the original is sent to the applicant who needs to apply for the working visa at the Italian Consulate which has jurisdiction over his place of residence. All information for the visa application can be found on http://www.esteri.it/visti/index_eng.asp
- 3)** After obtaining the visa, the individual can enter the country and within 8 days must inform the Immigration Office ("Sportello Unico per l'Immigrazione") and execute the contract of stay ("contratto di soggiorno")
- 4)** After executing the contract of stay, the worker can file the application of permit of stay (Police Registration) at the Post Office. The Police will summon the individual for fingerprinting and after this step the individual will be granted the permit of stay ("permesso di soggiorno").
- 5)** Any individual who intends to live permanently in Italy, must also register with the Town-hall of the place where he/she is resident. Town Hall registration brings to the foreign national several benefits, i.e lower fees on bank accounts, possibility of purchasing a car, possibility of registering with National Health Service, duty free importing etc.

Additional remarks

Social Security: Italy has reciprocal social security agreements with approximately 40 countries (including all EU countries, Canada and the US) whereby expatriates may remain under their home country's social security scheme for a limited period. Agreements normally apply for a maximum of two years and may usually be extended for up to five years. Under the rules of the agreements an employee of a non EU company who is transferred to Italy for up to five years can continue to pay social security contributions abroad and the company will be required to pay in Italy only the minimum social security charges (approx. 9% of the salary) . The company is required to provide evidence that social security contributions continue to be paid abroad during the period of assignment. For countries with which no agreement is in place, the company must pay social security contributions in Italy through a social security representative.

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