

CLAPHAM GMBH RELOCATION SERVICES

NEW EU ICT DIRECTIVE

CURRENT NON-PERMANENT PERMIT POSSIBILITIES

Work and residence permit for

- Each country in Europe
- Intra-corporate transfer
- International exchange of personnel

WHAT IS NEW?

European Union's Intra-Corporate Transferees Directive → ICT Card

POSITIVE OR NEGATIVE IMPACT?

Positive, because ICT Cards

- allow more mobility in Europe
- facilitate immigration processes
- increase cost efficiency

WHO CAN BENEFIT?

Businesses with

- regional headquarters in Europe
- employees with the need to work in several countries
- projects in many European States
- trainee programs

GENERAL INFORMATION ICT CARD: GERMANY AS FIRST ENTRY STATE

In order to transfer a Non-EU employee from the same corporate group outside of the EU to an entity in Germany or another EU state, the following conditions must be met:

- The host entity in Germany and the entity in another EU state belong to the same company outside the EU.
- The employee needs to be either a manager, a specialist or a trainee
- The employee needs to be uninterruptedly employed by the company for at least 6 months
- The intra-company transfer lasts for more than 90 days.
- The Federal Employment Agency needs to approve or the work is exempt from approval
- A work contract and an assignment letter for the transfer duration will be needed in order to apply

2 POSSIBLE SCENARIOS: GERMANY AS SECOND ENTRY STATE

SHORT-TERM MOBILITY

- The employee is in possession of a residence permit under the new ICT Directive in another EU state
- Duration of transfer does not exceed 90 days in a 180-day period
- The employee must enjoy equal treatment

= No additional permit for Germany needed

What the entity in the EU state needs to do: Send a notification to the Federal Office for Migration and Refugees

VS.

MOBILE ICT CARD

- The employee is in possession of a valid residence permit in another EU state under the new directive
- The duration of stay exceeds 90 days

The following must be considered:

- Submission of application at least 20 days before entering Germany, but...
- ...the application can be submitted after entering Germany, if the Federal Office has received notification on short-term mobility before entering the country
- The latest submission is 20 days prior expiration of residence within the short-term mobility.

Advantage for Companies:

The assignment to a German entity through the ICT Directive enables the assignee to work for other European entities more easily due to a less complicated and shorter work permit process!

Please note:

Before sending an application, the entity in question needs to be registered with the Federal Office. Applications for Mobile ICT Cards and the notification for short-term mobility cannot be submitted at the same time! Otherwise both will be cancelled.

We can assist with the entity registration, and with both Mobile ICT Card and the short-term mobility notification.

For further information please see the official site of the BAMF - Federal Office for Migration and Refugees <http://bit.ly/2xjIGiS>