

# INTRA-COMPANY TRANSFER WORK PERMIT: EU MOBILITY

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## WHAT IS IT?

Across most European member states there is a common work permit option known as Intra Corporate Transfer (ICT) which allows individuals to be transferred within company branches from one country to another. The idea behind this work permit is to offer a more flexible option for multinational companies that want to transfer a highly skilled employees to one of the company's subsidiaries located in the EU.

## WHO NEEDS AN ICT PERMIT?

To put it simply, this is a work permit option for individuals that work for a company established outside the EU and that want an employee to be transferred within the same company. As an example, an individual working in company headquarters in Morocco needs to work on a project in their French branch for 2 years, in such cases they would be eligible for an ICT permit providing they meet all other conditions.

## ELIGIBILITY

There are certain requirements which must be met when assessing eligibility under this route. The below are general considerations, please note that eligibility requirements are subjective to every member state.

- The individual needs to fall within one of the 3 capacities, either as managers, specialists or trainee employees.
- Specific salary thresholds apply, the income requirements vary depending on the member state. Although it is often the case that ICT permit holders should earn a salary similar to what a local hire in the same role/function is earning.
- Requirement of minimum prior employment for ICT permit, in most cases this will be 6 months for trainees and 9-12 months for managers and specialists.
- The employee resides outside the EU, or resides in EU member state on an ICT.
- The employee is transferred within same company to an establishment in the receiving country.
- The employee has the right qualifications and experience for the job they will be doing.

## BENEFITS

- Exemption from Schengen visa obligations to enter, stay and work in other member states without having to apply for another permit for a period of up to 90 days.
- An alternative option for pre-existing employees within companies.
- There are short-term mobility options & also longer-term mobility options available. How each country presents their process requirements has been left to their discretion under the ICT Directive.
- Work at client sites are possible, within the framework of the ICT route, a lot of member states have allowed that activities can be carried out at a client's site.
- Family members are also included in the Directive. These family members will be allowed to apply for their visa/residence permit at the same time as the assignee, and will be permitted to accompany the assignee from the beginning of the assignment. Family members (spouses, registered partners and minor unmarried children) of holders of a residence permit for Intra-Corporate Transferees ( "ICT and mobile ICT") may take up employment if holding a residence permit "family reunification" granting access to the labour

market, if they can prove a legally binding offer of employment from an employer. Depending on the EU member state, dependents are allowed to work without the need to apply for a separate work permit, the rules on right to work varies from one country to another.

## HOW LONG ARE ICT PERMITS ISSUED FOR?

ICT permits can be issued with a validity of between 90 days and three years, depending on the circumstances such as the length of the assignment. There are two types of ICT permits, short term ICT permits (for up to 90 days) and also long term (over 90 days). The validity of the permit issued will be depend on the role the individual will be undertaking:

- **Trainee employee:** 1 year- University graduates whose career development is to be promoted or who undergo industry-specific, technical or methodological training.
- **Managers:** 3 years- Directors of the branch or of a department.
- **Specialists:** 3 years- Skilled workers possessing specialised knowledge essential to the branch with a high level of qualification or specific technical knowledge.

## CAN I APPLY FOR AN EXTENSION?

The extension of the EU ICT permit is not possible, in many EU countries, without a cooling off period. As a general rule after the maximum duration of stay has been reached, member states have implemented the “cooling off period” before the employee is able to apply for another ICT permit again. The cooling off period means that once an individual has reached the maximum duration of stay on their EU ICT permit, they must leave the country for at least 3 months before being eligible for a new EU ICT permit application, although some member states require longer cooling off periods of up to 6 months. Exceptions to this general rule do apply.

## PROCESSING TIMES

- This can sometimes depend on whether the company is a recognised sponsor or not. This means that some countries have a ‘fast-track’ option available.
- Will need to be assessed on a case by case basis, as processing times vary from one member state to another, although this will usually be between 3-15 weeks.

## SSW PROMISE

Whether you are exploring the possibility of transferring an employee within your company or just simply curious about the EU ICT work route, rest assured that SSW are able to provide full support in answering any queries you may have. With the help of our global network, we are able to navigate international law and assist with the processing of ICT permits, and ensure that local immigration rules are met thereafter.

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