



## German ICT-Card Based on the Implementation of the ICT Directive 2014/66/EU for Intra-Corporate Transferees



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The implementation of the EU ICT Directive in Germany, which became effective as of August 1, 2017, has changed the immigration landscape in Germany with regards to intra-company transfers (i.e., intra-company assignments) of foreign nationals. In Germany, the new legislation is applicable to intra-corporate transferees in the Specialist and Manager categories.

### Applicability

If the assignee (Specialist or Manager) is transferred from a company outside the EU to a company in Germany for a period of more than 90 days and up to three years, and if both companies belong to the same corporate group, the assignee may be eligible for a German ICT-Card. The ICT-Card is a combined work and residence permit with limited EU intra-mobility rights.

### Entry and Stay in Germany

The German ICT-Card can only be obtained at the German Embassy or a German Consulate in the country where the assignee currently resides.

Even though certain nationals (e.g., nationals of USA, Canada, Australia, Japan) can generally enter Germany and apply for a work and residence permit in-country, the ICT-Card requires an entry visa, and therefore, a visa application must be filed with the German Embassy/Consulate abroad.

Once the entry visa is issued by the German Embassy/Consulate, it allows the assignee to start working in Germany directly upon arrival.

### General Requirements

- Temporary assignment (more than 90 days to a maximum of three years) from home entity to host entity (home and host entities must be more than 50% owned by the mother company)
- University degree or sufficient work experience
- Salary: must conform to the market and therefore must be comparable to the salary of a German employee in a similar position in the same branch
- 6 months previous employment at home company
- Foreign national must have main residence outside the EU at time of application

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- Employer must be able to confirm extensive corporate compliance information

## Document Requirements

In addition to the documents usually requested for intra-company assignments, German authorities require extensive additional documentation for the German ICT-Card. In particular, the application package generally must also contain the following:

- Home Employment Contract
- Assignment Agreement
- Overview of the corporate structure, as proof that the sending and receiving company entities belong to the same corporate group

## Processing Times

- 3-4 weeks application processing from date of filing with Federal Employment Agency
- 3-4 weeks application processing from date of filing with German Embassy/Consulate
- Work/travel ready in 6-12 weeks

## Red Flags

- The ICT-Card can be obtained for a maximum of three years, after which a cooling-off period of 6 months outside of Germany is required before a new ICT-Card can successfully be obtained.
- All documents must be translated into German for submission to the German authorities.
- A German ICT-Card is not available if the anticipated stay in Germany will be shorter than any stay in another EU Member State based on the ICT-Directive.
- A German ICT-Card is not available if the stay in Germany will be shorter than three months (in that case, another legal basis for the stay might be available).

## Intra-EU Mobility

- The ICT-Card allows stays in other EU Member States for 90 days in a 180-day period per the EU Member State (excluding UK, Ireland, Denmark).
- Work activities in other EU Member States might be allowed; however, a notification process or a second permit from the other EU member country might be required. The specific requirements vary depending on the EU Member State involved.