



## ICT Directive implementation in Lithuania

10 July 2017

### [New rules on intra-corporate transfer permits](#)

On 1 September 2017 amendments to the Law on Legal Status of Foreigners come into force in Lithuania implementing EU Directive 2014/66/EU (ICT Directive) and replacing former regulation on the issue of temporary residence permits for intra-corporate secondment cases.

New regulation is aimed at ensuring smooth intra-corporate transfer of employees (third-country nationals residing outside the territory of the EU) to subsidiaries, branches and representative offices in Lithuania. It will also facilitate mobility of intra-corporate transferees among several host entities within the European Union.

Please find below an overview on the novelties introduced by the new amendments to the law.

*Note: This summary is compiled for informational purposes only and cannot be treated as binding advice.*

## 1. Key terms and conditions of ICT permit

Third-country nationals employed by non-EU entity and residing outside the territory of EU are eligible for ICT permit, if the following conditions are met:

### 1.1. Requirements for position

Employee should be posted/seconded to the host entity in Lithuania as:

- 1) a manager (a head of the entire company or its department/structural unit);
- 2) a specialist; or
- 3) a trainee.

The employee must have qualifications and experience required by the host company to which he/she is seconded as a manager or specialist. If the individual is seconded as a trainee, a university degree and training agreement are required.

### 1.2. Minimum duration of employment

All employees must have been employed by the home company for at least:

- 1) 6 months – for managers and specialists;
- 2) 3 months – for trainees.

### 1.3. Maximum duration of assignment

The maximum duration of the assignment in Lithuania/EU cannot exceed 3 years for managers and specialists (1 year for trainees). After 3 years period, employee is required to leave Lithuania/EU for at least 3 months. Thus, there should be a break of at least 3 months before a new ICT permit application for the same employee may be submitted.

### 1.4. Short term mobility

Employee holding an ICT permit issued by another EU country will be able to work in Lithuania up to 90 days within a period of 180 days. If employee holds an ICT residence permit in another EU country that is not a part of Schengen area (e.g. Bulgaria, Romania, Croatia, Cyprus, UK, Ireland), the host entity in Lithuania is required to submit a specific notification to the Migration department.

### 1.5. Family members' status

Family members of prospective ICT permit holder will be able to apply for the temporary residence permits as well. Residence permits for family members will be issued for the same duration as the ICT permit.

Temporary residence permit enables family members of ICT permit holder to be employed in Lithuania without additional work permits/approvals of state authorities.

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## **2. Processing terms**

### **2.1. Application submission**

According to the new regulation, there will be a possibility for the host company in Lithuania to submit the ICT permit application on behalf of the employee, thus, employee will not be required to be in Lithuania personally in order to apply for ICT permit.

However, it should be noted that the law does not entitle the host entity in Lithuania to submit residence permit applications on behalf of family members of the employee.

### **2.2. Timeframe**

Migration department should adopt a decision to issue ICT permit for manager/specialist as well as for his/her family members within 2 months as of application submission (in case a fast-track procedure is preferred - within 1 month).

After decision of the Migration department is adopted, employee is able to complete immigration formalities in Lithuania and apply for ICT permit card. Please note that employee will be able to start working in Lithuania only after the receipt of ICT permit.

## **3. Transitional rules**

### **3.1. Applications submitted before 1 September 2017**

New regulation on the issue of ICT permit will be binding for applications submitted after 1 September 2017, thus, all applications submitted before this date will be examined and issued under the current laws of Lithuania.

### **3.2. Validity of current visas and temporary residence permits**

New regulation will have no adverse effect on validity of national visas and temporary residence permits issued under the laws applicable before 1 September 2017.

### **3.3. Possibilities to apply for ICT permit after the expiry of current residence permits**

Third-country nationals who currently hold intra-group transfer temporary residence permits in Lithuania will be able to apply for ICT permits provided that the entire duration of their assignment does not exceed the maximum period of 3 years.



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