

Italia Startup Visa

the Italian Government's policy for attracting innovative foreign entrepreneurs

GUIDELINES

Ministry of Economic Development
Ministry of Foreign Affairs

Contents

<i>How we got here: Italy's Startup Law</i>	3
<i>Italia Startup Visa</i>	6
<i>Eligibility requirements</i>	7
<i>Evaluation procedure</i>	11
<i>Follow-up procedures</i>	13

How we got here: Italy's Startup Law

Legal framework and the concepts of innovative startup and certified incubator

On 4 October 2012 the Council of Ministers approved a Decree Law containing "Further urgent measures for the growth of the country" ([DL 179/2012](#)). Section 9 of the Decree (articles 25-32) concerns specific measures to foster the creation and development of innovative startup enterprises, which have now, for the first time, been recognised in Italian law. After the completion of the parliamentary procedure the Decree Law was confirmed, with amendments, as Law 221 of 17 December 2012.

For this type of enterprise, a systematic and detailed framework of reference has now been established. This includes the introduction of significant benefits in areas such as tax, access to bank loans and risk capital investments, the business internationalisation process, and labour law ([summary](#)). These measures encompass the startup's entire life cycle – from birth to growth, development and maturity – and place Italy's legal framework in the forefront with respect to our main European partners.

The law refers specifically and explicitly to **innovative startups** to underscore that its target is not any and all new enterprises, but those whose business is closely and strongly linked to innovation and technology. To benefit from the support measures, the innovative startup must be a **limited company**, including a cooperative, under Italian law, or else a Societas Europaea, and must be **domiciled in Italy** under Article 73 of Presidential Decree 917 of 22 December 1986. Its shares, or securities representing the capital, may **not** be **listed** on a regulated market or multilateral trading system. Moreover, the enterprise must:

- a) **be new or** have been operating for **no longer than 4 years**;
- b) have its **head office in Italy**;
- c) have annual sales of less than **5 million euros**;
- d) **not distribute profits**;
- e) be engaged solely or primarily in **technological innovation**;
- f) **not have been created from a corporate merger or division** or following the divestment of a company or line of business;

- g) meet **at least one of the following** additional criteria:
- a. devote at least **15%** of its expenditure to research and development (**R&D**) activity;
 - b. have at least one third of its team composed of PhD students or graduates, or of personnel who have been working in research for at least 3 years; alternatively, at least **two thirds should hold a master's degree**;
 - c. be the owner, filer or licensee of a **patent, industrial property right, or original software** registered with the Società Italiana degli Autori ed Editori (Italian Society of Authors and Publishers – SIAE).

No restrictions are applied with respect to the entrepreneur's personal circumstances, or the startup's sector or sphere of business, or the region of Italy where it will be located – all with due respect for Italian and EU law.

No less important for the development of a robust ecosystem of innovative businesses is the role played by incubators. These are companies that host startups and support business ideas deemed to offer the potential for a high economic return, but which are not yet ready to receive large-scale funding. Law 221/2012 defined **certified incubators** as capital companies, including cooperatives, that provide targeted incubation and acceleration services designed to support the creation or development of innovative startups.

To obtain certification, these structures must meet certain requirements (defined by the **Minister of Economic Development's Decree** of 22 February 2013). For example, the incubator must have adequate buildings and equipment, and a technical and management structure of recognised competence. It must also be engaged in collaborative relationships with universities, research centres, public institutions and financial partners. Certified incubators must also have sufficient experience in supporting innovative startups.

Certified incubators enjoy some of the special conditions applied to innovative startups.

The on-going impact of the legislation will be monitored through the website of the **dedicated sections of the Business Register** for **innovative startups** and **certified incubators**.

The startup and incubator support policy is intended to foster sustainable growth, technological development and employment, especially youth employment, the development of a new entrepreneurial mindset, and the creation of an ecosystem more conducive to innovation. Other goals are to encourage greater social mobility and **attract foreign capital and talent to Italy**.

The **Italia Startup Visa policy** is designed to help achieve this last goal.

It is the characteristics of the “system” (macro-economic, bureaucratic, fiscal) that determine a country’s reputation on the global stage of innovative entrepreneurship. The new equity crowdfunding model, the tax relief on seed and venture capital investments and a reduction of red tape are just some of the measures introduced by the Startup Law. They are steps on the road to making Italy a more hospitable place for innovative enterprises, Italian and otherwise.

These provisions can be made more effective by ensuring that any bureaucratic mechanisms involved in issuing self-employment visas to talented non-EU nationals interested in establishing innovative startups in our country are quick and streamlined.

Italia Startup Visa

Measure 44 of the Government's **Destinazione Italia** plan, its policy to attract foreign investment and foster greater competitiveness in Italian companies, refers to "*visas as a means of attraction*". The **Italia Startup Visa** is based on the consideration that visas are a strategic lever to attract and retain talent and innovation. They should be used as an incentive for certain strategic categories of individuals – most notably innovative entrepreneurs – to come to Italy.

The Prime Minister's decree concerning the "*Provisional programming of entry-flows of non-EU workers to Italian territory for non-seasonal work for 2013*" (known as the "**2013 Flow Decree**") incorporates these reflections. The decree, published in Official Journal 297 of 19 December 2013, introduced a new category of entry to Italy for self-employment: "*foreign citizens [intending] to establish innovative startups in accordance with law 221 of 17 December 2012, who meet the requirements envisaged by that same law and who will be entering into a self-employment relationship with the enterprise concerned*" (Article 3).

The guidelines illustrated in the following pages set out the procedures, the documentation required and the requirements of the various Italian public offices concerned so that they can issue entry visas for self-employment purposes in the "startup" category referred to in the Flow Decree. The other relevant legislation is Article 26 of the Consolidated Law on Immigration (Legislative Decree 286 of 25 July 1998), Article 39 of Presidential Decree 394/1999 and Interministerial Decree 850/2011.

Eligibility requirements

Concept of applicant: foreign nationals from non-EU countries who intend to establish an innovative startup on Italian territory as defined by Article 25.2 of Law 221/2012 may apply for an entry visa for self-employment. They may also take advantage of the hosting services offered by certified incubators as referred to in Article 25.5 of the law.

Required documentation: to obtain a visa the applicant must submit the following documentation to the diplomatic-consular mission responsible for his or her region:

1. Certificate of No Impediment issued by the Italia Startup Visa Technical Committee and, for archival purposes, the original documents referred to in points 1.1 and 1.2:

1.1 An Italia Startup Visa Technical Committee, hereinafter **the Committee**, has been set up in the Ministry for Economic Development. The Committee's tasks include evaluating innovative startup proposals by citizens of non-EU countries and certifying that their business models potentially meets the requirements of an innovative startup (i.e. focus on technological innovation, R&D and/or intellectual property) as defined by Article 25 of Law 221/2012 . For evaluation purposes, applicants are required to complete a form (which can be downloaded from italiastartupvisa.mise.gov.it) drawn up by the Committee. They should provide their **educational and employment history and detailed information regarding their business idea and model**, the type of product or service they plan to develop, and their market. They should also provide documentary evidence that they possess the financial resources referred to in point 1.2.

1.2 Documentation demonstrating that applicants possess certified financial resources of at least 50,000 euros to develop their innovative startup.

These resources – documentary evidence of which should be included with the application submitted to the Committee – may encompass funding from venture capital funds or other investors, the investor's own finances, funding obtained through crowd-funding portals as referred to in the consolidated law on financial intermediation (Legislative Decree 58 of 24 February 1998 as amended by Articles 50-quinquies and 100-ter – equity crowd-funding portals); other funding issued by Italian or foreign government or non-government bodies, or a combination of the above.

The documentary evidence that the applicant possesses the minimum funding required must take the form of one or more letters issued by the banks where the funds are held and/or letters confirming that funding has been provided by venture capital funds, other investors and/or equity crowdfunding portals.

In the case of funding from certified incubators, the value of any **services in kind** that the certified incubator intends to provide for the innovative startup may be included in the total amount.

The declaration of possess of financial resources implies that the funding will be used sole purpose of establishing and operating an innovative startup.

To obtain a Certificate of No Impediment, applicants should send the documentation referred to in points 1.1 and 1.2 to the Committee via email.

Once obtained the Committee's Certificate of No Impediment, they should submit the original documents referred to in points 1.1 and 1.2 to their diplomatic-consular mission along with their visa application and the documents referred to points 2 and 3 below.

1.3 In cases where a certified incubator is willing to host the non-EU national on its premises to establish an innovative startup, and has certified and demonstrated this willingness through an **undertaking signed by its legal representative**, this undertaking is **sufficient for the Committee to issue its Certificate of No Impediment**. The form to be signed by the incubator's legal representative can be downloaded from italiastartupvisa.mise.gov.it. In such cases, the Committee's Certificate serves, essentially, to validate and monitor the establishment of startups, since it is the certified incubator that evaluates the startup proposal itself.

In such cases, applicants are still required to provide the certifying Committee with the documentary evidence of their financial resources as referred to in point 1.2.

The aim in giving certified incubators a decisive role in the selection procedure, is to concentrate the function of attracting foreign talent in a clearly-defined number of hubs of proven reliability.

A full and up-to-date list of certified incubators can be found on the website of the **dedicated section** of the Business Register.

Applicants should submit the Certificate of No Impediment issued by the Committee, together with the documents referred to in points 1.2, , 2 and 3, to their diplomatic-consular mission along with their visa application.

1.4 Acting on the applicant's behalf, the Committee also undertakes to obtain via email a **provisional Certificate of No Impediment for entry purposes** from the local police headquarters (Questura) responsible for the locality in which the applicant intends to set up his or her business.

The Committee can only issue its Certificate of No Impediment once the Questura has issued its own provisional Certificate. Indeed, **the Committee's Certificate states that the Questura has issued a provisional Certificate of No Impediment for entry purposes.**

1.5 The Committee must reach its decision and either issue (or refuse) its **Certificate of No Impediment within 30 days of the date of submission of the complete documentation described in these guidelines.**

As soon as the technical evaluation has been completed, the Committee issues a Certificate of No Impediment and sends it to the applicant via email. It also informs the Italia Startup Visa contact points in the Ministry of Foreign Affairs (head of the Visa Centre), the Interior Ministry (Public Security Department, Central Immigration and Border Police Office) and the Ministry of Employment and Social Policy (Director General for Immigration and Integration Policies) at the same time.

2. Evidence that they have suitable accommodation, in accordance with Article 26 of Presidential Decree 445 of 2000 (including the form of a hotel booking or an offer of accommodation from a third party).

3. Evidence of income earned during the previous financial year in their country of residence (i.e. income tax return). Said income must be **higher than the minimum level envisaged by the law on exemption from co-payment of health costs (8,400 euros).**

Applicants should submit these documents to their Visa Office for evaluation when they submit their application.

Once the diplomatic-consular mission has received the visa application from the non-EU national, complete with the originals of the above-mentioned documents, it should carry out the checks for which the Ministry of Foreign Affairs and its consular offices abroad are responsible and issue a **self-employment startup visa** with all due speed. The visa, which is

valid for **one year**, is included in the quotas envisaged by Article 3 of the “Flow Decree” for 2013/2014 (or subsequent decrees) for entry for self-employment.

For each innovative startup, a Certificate of No Impediment may be issued to a **maximum of 5 individuals**. In exceptional circumstances, depending on the nature of the proposed business, the Committee may authorise a higher number of Certificates (but in any case **no more than 10**).

Evaluation procedure

The Italia Startup Visa Technical Committee was set up in the Ministry for Economic Development by a decree issued through the relevant Directorate. The Committee's tasks are to:

- certify that applicants meet the criteria for entry to Italy by non-EU citizens to establish an innovative startup;
- conduct an objective evaluation of innovative startup proposals submitted by foreign applicants;
- obtain a provisional Certificate of No Impediment for entry purposes from the Questura responsible for the locality in which the startup will be established;
- obtain “undertaking to host” declarations from certified incubators.

The Committee is composed of representatives of recognised national associations who have close links, each for their own area of expertise, with the startup ecosystem. Its members include:

- the Chair of the venture capital committee of the Italian Private Equity and Venture Capital Association (AIFI);
- the Chair of the Association of Italian Science and Technology Parks (APSTI);
- the Chair of the Italian Business Angels Network Association (IBAN);
- the Chair of the Network for the Exploitation of University Research (NETVAL);
- the Chair of the Association of Incubators and Italian Academic Business Plan Competitions (PNICube);
- a representative of the Ministry of Economic Development, who coordinates and organises the Committee secretariat.

The Committee is chaired by the Ministry's Director General for Industrial Policy, Competitiveness and Small and Medium-Sized Enterprises.

Once it has received the required documentation, which should be set out in a form containing the applicant's CV, business idea and business plan, and evidence that the applicant has the

minimum financial resources required (point 1.2), the Committee issues its **Certificate of No Impediment**.

The evaluation conducted by the Committee (point 1.3) may be replaced by an undertaking by the certified incubator stating that it is willing to host and help the innovative startup.

Acting on the applicant's behalf, the Committee also undertakes to obtain a **provisional Certificate of No Impediment for entry purposes** from the Questura responsible for the locality in which the applicant intends to set up his or her business. This procedure takes place via email.

The electronic application forms for the Committee's Certificate of No Impediment or – as an alternative – the form to be used by the certified incubator undertaking to host the innovative startup, along with any other forms required for the various procedures, are available on the website set up by the Ministry for Economic Development: italiastartupvisa.mise.gov.it.

The forms will also be available on the websites of the Ministry of Foreign Affairs, the Ministry for Economic Development and the Ministry for Employment and Social Policy (www.integrazionemigranti.gov.it/).

Follow-up procedures

How to get a residence permit

Within 8 days of their arrival in Italy, holders of startup visas must submit a formal application for a residence permit for self-employment purposes, following the same procedures as for standard self-employment visas. The residence permit will have the same duration as the startup visa (one year).

The request should be addressed to the Questura responsible for the locality where the applicant intends to live.

In order to verify the startup visa holder's identity, the application for residence permit for self-employment should be submitted in person. The documents are available at the local post office, where the candidate must pay the following:

- a 16.00 euro revenue stamp;
- a 27.50 euro dedicated postal bulletin for the issue of a residence permit in electronic format;
- 30.00 euro as a service commission;
- in addition, the request for issuance of a residence permit for stays longer than three months and less than or equal to one year is subject to the payment of 80.00 euro.

The post office will issue a receipt of the application and notify the startup visa holder of the day he or she needs to go to the Questura to register his or her fingerprints, bringing 4 passport photographs and the receipt.

If more documents are required, the startup visa holder will be informed by sms or letter.

Numerous municipalities have set up a free-of-charge support service aimed at assisting the applicant during the compilation of the residence permit form.

The post office will issue a receipt of the application, to be provided to the Questura.

For further information on the application procedure, please visit the following websites:

- www.poliziadistato.it, in order to check the application status;

- www.portaleimmigrazione.it, for general information on the process, for contact details for the municipalities providing the above-mentioned service and the post offices entitled to issue residence permits, as well as to check the application status.

The standard conditions for family re-unification apply, as set out in the Consolidated Law on Immigration.

How to renew your residence permit after one year

The residence permit for self-employment purposes may be renewed, again following the same procedures as for standard self-employment visas. To renew their residence permit, applicants must submit an application to the Questura for their locality, complete with the following documentation:

- certificate of incorporation and articles of association of the innovative startup, and file search report from the dedicated section of the business register as referred to in Article 25.8 of Law 221/2012 (which confirmed Decree Law 179 of 18 October 2012), demonstrating that the startup meets the requirements of Article 25.2 of said law;
- evidence that the applicant has an adequate annual income from lawful sources.

If, after the visa has been confirmed, the startup is no longer able to meet one or more of the requirements of Article 25.2 of Law 221/2012, this will not lead to the residence permit being withdrawn.

For the purposes of healthcare provision for holders of startup visas, the standard regulations currently in force apply.