



OFFICE OF THE JUDGE ADVOCATE GENERAL **LEGAL ASSISTANCE POLICY DIVISION**



DEPENDENT EMPLOYMENT – ITALY

This handout has been prepared to answer frequently asked questions regarding dependent employment in Italy.

1. Can I accept a job working for an Italian or American business off-post?

U.S. military members, government civilian employees, contractors, and their dependents in Italy live here pursuant to the NATO Status of Forces Agreement (SOFA). U.S. military members on orders do not need a passport or a visa to enter and remain in Italy. However, U.S. Government civilian employees and all family member dependents who are not European Union citizens are required to have a Missione Visa and Missione Soggiorno Permit. The Italian government gives these documents to those individuals who are here solely for the purpose of the U.S. military mission and, therefore, have “SOFA protected” status. With a Missione Visa and Missione Soggiorno Permit, most persons are eligible for employment on base with the U.S. Forces. The jobs available on base are divided between those offered to persons with a Missione Soggiorno Permit and Italian civilians, as stipulated in the NATO SOFA and other applicable international agreements.

To be employed in Italy by someone other than the U.S. Forces (U.S. Forces would include GS, NAF, and U.S. Government contracted positions) an individual is required to have an Italian Work Visa and Work Permit. This is true for both Italian businesses and American-based corporations.

If you choose to obtain an Italian Work Visa and Work Permit, you are declaring to the Italian government that you desire to be considered an ordinary resident of Italy. You cannot have both ordinary resident and “SOFA protected” status at the same time, regardless of whether you are a military member, civilian employee, or a dependent. If you get a job on the Italian economy as an ordinary resident, you will no longer be entitled to any “SOFA protected” privileges, including shopping in the PX and commissary, sending mail through the Military Postal System, driving SETAF-AF registered vehicles, and purchasing tax free gas. You are also responsible for all of the additional expenses that ordinary Italian residents incur, such as Italian income taxes, contributions to the Italian social security system, and the Italian television tax – to name a few. Perhaps most importantly, ordinary residents cannot avail themselves of foreign criminal jurisdictional assertion or waiver rights under Article VII of the NATO SOFA – this means that if you are accused of committing a crime in Italy, you’re on your own within the Italian legal system.

2. Where can I find more information about Italian work visa requirements?

General information and instructions for Italian visas can be found on the website for the Italian Ministry of Foreign Affairs: <https://vistoperitalia.esteri.it/home/en#BMTitolo>.

3. Can I maintain skills by providing my service for free but be reimbursed for supplies - like baking cakes or coloring hair?

Activities such as baking cakes or coloring hair would not be considered a “profitable enterprise” so long as any reimbursement is limited to the cost of supplies. When calculating profit, “tips” or “donations” should be included because such remuneration is considered payment/income for the goods or services provided. It is important to note, though, that any payment for your time, labor, or expertise would be considered profit and would require a valid work visa and permit.

4. Can I operate a home-based business (e.g., MaryKay, Scentsy, etc)?

If you are generating profit by work performed while living in Italy, Italian law mandates that you have a valid work visa and permit. Furthermore, using the APO for home-based businesses is prohibited. If you choose to obtain an Italian Work Visa and Work Permit, you are declaring to the Italian government that you desire to be considered an ordinary resident of Italy. You cannot have both ordinary resident and “SOFA protected” status at the same time, regardless of whether you are a military member, civilian employee, or a dependent.

5. Can I telework from my home office for a U.S. based business?

Recently, the U.S. and Italian governments have reached an agreement allowing dependents with SOFA status to engage in remote work (also referred to as telework). For this purpose, remote work is defined as work for a U.S.-based employer, with payment in U.S. dollars, deposited to a US bank account. View: <https://myseco.militaryonesource.mil/portal/article/remote-work-in-italy-agreement> for more details.

If you have any questions, please contact your local legal assistance office to set-up an appointment.

References

NATO SOFA: The NATO SOFA (signed 19 June 1951) provides the basis for the legal status of military, U.S. civilian employees, and dependents living in Italy on orders. This agreement affects status, entry and departure from the host nation, military training within host nation territory, jurisdiction, law enforcement, taxation, import and export laws, driving privileges, employment, mail, schooling, housing and much more. Although the SOFA determines your legal status, it is important to understand that Italian law applies to U.S. personnel both on and off base. U.S. installations are **not** U.S. soil. The full text of the agreement can be found at https://www.nato.int/cps/en/natohq/official_texts_17265.htm.

Farnesina – Visa for Italy: <https://vistoperitalia.esteri.it/home/en#BMTitolo>.

Updated Nov 24