

# ASSOCIATION OF AMERICAN COLLEGE AND UNIVERSITY PROGRAMS IN ITALY

## EIGHT GOOD REASONS FOR BECOMING "LEGAL" IN ITALY

- 1) **IT IS MANDATED BY ITALIAN LAW:** under the current Italian legislation (art. 2 of law n. 4/1999, the so-called "Barile Law") ALL foreign academic Programs, operating in Italy, either directly (i.e. with their own local study center) or indirectly (i.e. by sending students at someone else's place or through faculty-led programs) must follow the "authorization procedure" dictated by said law, in order to be considered legally operating in Italy. This procedure is applicable REGARDLESS of the number of students or faculty effectively coming to Italy in any given academic or calendar year, or the duration of the Program (that means, for example, that even a "Summer Program" is subject to the above provisions, if it is a Program that is held every year or anyway on a regular or recurring basis).
  
- 2) **IT IS REQUIRED FOR NONBRANCH PROGRAMS, TOO:** The Italian and EU authorities have been tolerating non-branch programs, which have not registered, for a number of years. (A non-branch program is a foreign institution that does not have a dedicated study center in Italy but which sends faculty and students on a recurring basis and awards academic credit to such students). Recently, the Italian Government has launched a compliance campaign given the high number of foreign institutions and students present in Italy. Security has also been a factor leading to the enforcement of the registration requirements.
  
- 3) **IT GIVES A FULL AND CLEAR LEGAL STATUS TO THE PROGRAM:** only by complying with the above law can any US or Canadian academic Program in Italy can be recognized by the Italian Authorities (of all kinds: Police, Universities, Immigration, Tax Offices, Social Security Administration, local Municipalities, etc.) as a legal and authorized entity, operating in Italy; this is also the essential first step to be registered with the local Register of Legal Entities, at the local "Prefettura", a formality absolutely necessary, under Italian law, to be legally able to purchase a property. Last but not least, this is also essential for the purposes of Italian and EU immigration law (for example, for faculty), see below.

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- 4) **IT GIVES A FULL AND CLEAR TAX STATUS TO THE PROGRAM:** only by complying with the above law will any US or Canadian academic Program in Italy will have the same non-profit tax status as the home office in the US or Canada; this will mean no income taxes to be paid in Italy on any funds sent by the home office to finance the Program, no income tax specific records or tax books in Italy, etc.  
Any tax or social security obligation still applicable to the Program in Italy (for example, when hiring personnel) would be precisely the same as those applicable to Italian non-profit entities (foundations, State Universities, etc.).
  
- 5) **IT IS NEEDED FOR IMMIGRATION PURPOSES:** under the current Italian immigration legislation, visas for students and faculty (study and work visas) will be issued by the Italian Consulates abroad only if the individual will be staying at a "recognized" institution in Italy; the Barile Law authorization gives the appropriate status to convince the Italian Consulates (and any other competent authority for these purposes, i.e. the local Labor Offices) that the Program is qualified.
  
- 6) **IT ALLOWS STUDENTS STAYING LESS THAN 150 DAYS TO AVOID THE COMPLEX AND EXPENSIVE BUREAUCRACIES OF THE STAY PERMIT:** thanks to the specific provisions of the newly approved art. 38-bis of the Italian Consolidated Act on Immigration, students of programs recognized under the Barile Law and staying in Italy for study purposes up to 150 days, will not be required to file for the stay permit ("Permesso di Soggiorno"), but will be allowed to simply file a much easier declaration of presence (accompanied by a declaration of guarantee signed by the Program's representative). This means great simplification, huge savings in time and money!
  
- 7) **IT ALLOWS THE STIPULATION OF FIXED-TERMS EMPLOYMENT CONTRACTS:** all Programs duly authorized under the Barile Law can apply a specific provision of the Italian Jobs Act that allows them to stipulate Italian fixed-term employment contracts instead of open-ended employment contracts for faculty, with no restrictions on the overall number of contracts of this kind for teaching activities.

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- 8) IT WILL ALLOW THE RECOGNITION OF ACADEMIC TITLES AT THE EUROPEAN UNION LEVEL:** to date the "diplomi di laurea" or equivalent academic titles granted by the home office are not recognized by the Italian University system; there are proposals and studies at the European Union level to come to an harmonized legislation in this field, which will be applicable to non-EU authorized and recognized academic institutions only. The Barile Law status will be the Italian formal condition to be met by non-EU institutions operating in Italy.

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