

MAC Call for Evidence on Intra-Company Transfers: Employers

Thank you very much for responding to the Migration Advisory Committee's (MAC) Call for Evidence on Intra-Company Transfers (ICTs). We are especially grateful for your time as we know that this is a difficult time for many organisations. The MAC has been commissioned to look at ICTs and report back later this year, the commission will look at a number of different elements of the ICT route, and the commission can be viewed using this link: [Home Secretary's commissioning letter to the MAC \(publishing.service.gov.uk\)](#). As part of this process, we are seeking the views of employers on ICTs, we have constructed this Call for Evidence as a short questionnaire. At the end of the questionnaire there will also be an opportunity to attach further information or documents, if you wish to do so.

All identifying and personal information will remain confidential, however, aggregated and anonymised information in the form of summary statistics will be published as part of our final report. We may also use selected quotes from the responses submitted, however, these will not contain any information that would enable either the respondent or their organisation to be identified. For a full description of personal data policy please refer to the "Processing of Personal Data" document published on our website. At any point you may save your response to continue later before submitting.

This form will remain open until **15 June 2021**. We really value your input and would find it extremely helpful if you could respond as soon as convenient so that we can start considering your views and information.

We look forward to hearing from you,

Migration Advisory Committee

mac@homeoffice.gov.uk

Section A: About you

1. What is the name of your organisation?

WRITE IN

2. What is your email address?

WRITE IN

Section B - About your organisation

3. Which industry best describes your organisation/business? (Select one option) If multiple sectors apply, please select the one that best describes the largest component of business/organisation (by employment). For more information about the sectors please refer to the link below:

<http://resources.companieshouse.gov.uk/sic/>

- Agriculture, Forestry and Fishing
- Mining and Quarrying
- Manufacturing
- Electricity, gas, steam and air conditioning supply
- Water supply, sewerage, waste management and remediation activities
- Construction
- Wholesale and retail trade; repair of motor vehicles and motorcycles
- Transportation and storage
- Accommodation and food service activities
- Information and communication
- Financial and insurance activities
- Real estate activities
- Professional, scientific and technical activities
- Administrative and support service activities
- Public administration and defence; compulsory social security
- Education
- Human health and social work activities
- Arts, entertainment and recreation
- Other service activities
- Activities of households as employers; undifferentiated goods-
- Activities of extraterritorial organisations and bodies

4. Approximately how many people does your organisation/business employ in the UK? (Select one option)

- 0-9 employees
- 10-49 employees
- 50-249 employees
- 250-499 employees
- 500+ employees

5. In which region/country of the UK is the largest proportion of your employees located? (Select one option)

- North East
- North West
- Yorkshire and the Humber
- East Midlands
- West Midlands
- East of England
- London
- South East
- South West
- Scotland
- Wales
- Northern Ireland
- England
- UK wide

6. Is your organisation... (Select one option)

- Based at a single site (within the UK)
- Based at more than one site (within the UK)
- Based at more than one site (within and outside of the UK)

7. (If ticked Q6= overseas [third option]), are sites...

(Tick all options that apply)

- In the Republic of Ireland
- In other EEA countries
- In non-EEA countries

Section C – Usage of ICTs

8. Has your organisation made use of the Intra-Company Transfer (ICT) route (Tier 2 (Intra-Company Transfer) or “Intra-Company Transfer”) in the past five years? This is where your organisation would have transferred workers to the UK from other branches or parts of your company, located elsewhere in the world, for a limited period of time. **(Select one option)**

- Yes
- No
- Not sure

9. (If Q8= Yes) What, in your view, are the reasons for your organisation using the Intra-company transfer (ICT) route? This is where an organisation would have transferred workers to the UK from other branches or parts of the company, located elsewhere in the world, for a limited period of time.

WRITE IN

10. Has your organisation transferred workers into the UK from other branches or parts of your company, located elsewhere in the world, on any of the following ICT routes, in the past five years? Please tick all the categories of ICT your organisation has used **(Tick all that apply)**

- A. Intra-company Transfer route (including Tier 2 (ICT) in the long-term staff subcategory) – paid between £41,500 and £73,899, to work for the company directly
- B. Intra-company Transfer route (including Tier 2 (ICT) in the long-term staff subcategory) – paid between £41,500 and £73,899, to work for the company on contracts
- C. Intra-company Transfer route (including Tier 2 (ICT) in the long-term staff subcategory) – paid £73,900 or over, to work for the company directly
- D. Intra-company Transfer route (including Tier 2 (ICT) in the long-term staff subcategory) – paid £73,900 or over, to work for the company on contracts
- E. Graduate trainee route (including Tier 2 (Intra-company Transfer) in the graduate trainee subcategory)
- F. Tier 2 (Intra-company Transfer) in the short-term staff subcategory – paid between £24,800 and £41,499, to work for the company directly
- G. Tier 2 (Intra-company Transfer) in the short-term staff subcategory – paid between £24,800 and £41,499, to work for the company on contracts
- H. No
- I. Not sure

11. (If Q10= F) What are the reasons that your organisation does not currently use the ICT route?

WRITE IN

12. (If Q10= A - G) For which roles/s did you employ/sponsor or contract individuals/s who came to the UK to work for the company directly on the ICT route?

WRITE IN

13. (If Q10 = any employees on any route A -G) How many ICTs to the UK did your organisation carry out in total last year?

WRITE IN

14. (If Q10 = Intra-company Transfer or Graduate trainee A -G) How easy or difficult do you find the process of using the ICT application system in the UK? **(Select one option)**

- A. Very easy
- B. Fairly easy
- C. Neither easy nor difficult
- D. Fairly difficult
- E. Very difficult
- F. Don't know
- G. No opinion

15. (If Q10= No or Not sure F or G) How easy or difficult do you think it would be to use the ICT application system in the UK, if you needed to? **(Select one option)**

- A. Very easy
- B. Fairly easy
- C. Neither easy nor difficult
- D. Fairly difficult
- E. Very difficult
- F. Don't know
- G. No opinion

Section D – Your organisation’s views on ICT policy

16. The salary threshold for an employee on the main ICT route is currently the higher of £41,500 or the “going rate” for their occupation (the “going rate” is defined as the 25th percentile for their occupation, i.e. 75% of workers in the UK working in the occupation would be getting paid at least that much). What are your views on this salary threshold? **(Select one option)**

For information on what the going rate is for a particular occupation see link below:

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-skilled-occupations>

- Much too high
- Too high
- About right
- Too little
- Much too little
- No opinion
- Don’t know

17. Why do you say that?

WRITE IN

18. The salary threshold for a graduate trainee on the graduate ICT route is currently the higher of £23,500, or 70% of the “going rate” for an experienced employee. What are your views on this salary threshold? **(Select one option)**

- Much too high
- Too high
- About right
- Too little
- Much too little
- No opinion
- Don’t know

19. Why do you say that?

WRITE IN

20. Do you think allowances (*extra payments over and above the basic salary for the job, for example accommodation allowances, bonuses*) should count towards the salary thresholds (the amount which an individual must earn before they can use the route) on the ICT route? **(Select one option)**

- Yes
- No
- No opinion
- Don't know

21. Why do you say that?

WRITE IN

Reference only refer to web link

22. ASK ALL Some employers pay their staff benefits and/or allowances in addition to their salary. Apart from allowances which are guaranteed to be paid for the duration of the applicant’s employment in the UK (such as London weighting) or are paid as a mobility premium or to cover the additional cost of living in the UK, these are not reckonable as part of salary for the purpose of deciding whether or not someone meets the ICT threshold. For each of the following benefits and allowances, please indicate to what extent you agree or disagree that the benefit or allowance should be counted as part of the employee’s salary, for the purpose of deciding whether or not they meet the ICT threshold. **(Select one option for each line)**

Allowance	Strongly agree	Agree to some extent	Neither agree nor disagree	Disagree to some extent	Strongly disagree	Don't know
Allowance						
Accommodation allowance						
Flexible working payments where the nature of the job means that hours fluctuate						
Additional pay such as shift/overtime/bonus pay (whether or not this is guaranteed)						
Employer pension and NI contributions						
In-kind benefits such as equity shares, health insurance, school or university fees, company cars or food						
One-off payments such as “golden hellos”						
Any payments relating to immigration costs, such as the fee or Immigration Health Charge						
Payments to cover business expenses, including (but not limited to) travel to and from the applicant’s country of residence, equipment, clothing, travel or subsistence						

23. Please add any additional information you wish to expand on your answer to the above question

WRITE IN

24. ASK ALL Employers are currently able to count **accommodation allowance** as part of the salary (currently up to 30% on the specialist route and 40% on the graduate trainee route) paid to an employee on the ICT route. As an illustration, for someone being paid the minimum of £41,500 per year, this would mean their salary could be £29,050, topped up with £12,450 in accommodation allowances. Do you consider that this limit on accommodation allowances is: **(Select one option)**

- Much too high
- Too high
- About right
- Too low
- Much too low
- No opinion
- Don't know

25. Why do you say that?

WRITE IN

26. Thinking about allowances as they relate to ICTs, what (if anything) do you think the consequences of not allowing employers to include allowances in the salary, for the purposes of meeting the salary threshold, would be?

WRITE IN

27. In order for an employer to use the ICT route, the role the employee will carry out must be on the list of eligible occupations, all of which are at a skill level of at least RQF level 6 (RQF6 is equivalent (RQF6 is equivalent to a bachelors' (first) degree or comparable vocational qualification). Do you consider that the level of skills required is **(Select one option):**

- Much too high
- Too high
- About right
- Too low
- Much too low
- No opinion
- Don't know

28. Why do you say that?

WRITE IN

29. Currently employees who are transferred to the UK on the ICT route can work for third party clients (other organisations who purchase services from the sponsoring employer) provided that this is part of a service that the sponsoring employer is providing to that client. It can't be an open-ended or routine service: for example, ICT workers can work on developing a particular IT project

for a client but can't work in general IT support. In your opinion, is the ability to work for third party clients: **(Select one option)**

- A. A good rule in general
- B. Neither good nor bad
- C. A bad rule in general
- D. No opinion
- E. Don't know

30. Why do you say that?

WRITE IN

31. Currently employees who are in the UK on the main ICT route (unless they earn over £73,900) must have worked for the business overseas for 12 months before coming to the UK. In your opinion, is this **(Select one option)**:

- Much too long
- A little too long
- About right
- A little too short
- Much too short
- No opinion
- Don't know

32. Why do you say that?

WRITE IN

33. Currently employees who are in the UK on the **graduate trainee** ICT route must have worked for the business overseas for 3 months before coming to the UK via the ICT route. In your opinion, is this **(Select one option)**:

- Much too long
- A little too long
- About right
- A little too short
- Much too short
- No opinion
- Don't know

34. Why do you say that?

WRITE IN

35. The ICT visa currently allows the employee a maximum stay of 5 years in 6 (9 years in 10 for those earning over £73,900 and 1 year for graduate trainees). This means that after five years in their job, an employee on the main ICT route would have to go back to their home country for a year before returning to the UK, if they wanted to remain on the ICT route rather than switch to the Skilled Worker route. Do you think these rules are **(Select one option)**:

- Much too strict
- A little too strict
- About right
- A little too lenient
- Much too lenient
- No opinion
- Don't know

36. Why do you say that?

WRITE IN

37. How, if at all, should the rules around the ICT route vary for graduate trainees, compared to the main ICT route?

WRITE IN















38. Currently there is no English language requirement for the ICT route. What, if anything, would be the consequences of requiring language proficiency for ICT holders?

WRITE IN

39. Thinking about your organisation, what would you have done if the ICT route had not been available to you?

WRITE IN

Section E – Future use and views on ICT policy

COMPARISON OF ICT TO SKILLED WORKER							
ICT	 Salary threshold of £41,500 (lower for graduate trainees)	 Jobs must be at RQF level 6 or above	 No English language requirement	 Existing employee with 12 months' employment overseas	 Switching now permitted, but route still does not lead to settlement	 Flexible cooling-off period allowing up to 5 years in a 6-year period	 No Resident Labour Market Test or annual limits
SKILLED WORKER	 Salary threshold of £25,600 (lower for new entrants)	 Jobs must be at RQF level 3 or above	 Must have English Language skills to level B1	 Any worker who is qualified for the job (including new recruits)	 Switching to Tier 2 General is permitted & the route leads to settlement	 No cooling off period.	 No Resident Labour Market Test or annual limits

Home Office

40. The Home Office has recently introduced the new Skilled Worker route, which replaces the old Tier 2 (General) route. The main characteristics of the route are shown above, along with the main characteristics of the ICT visa route. Do you consider that the introduction of the new Skilled Worker route will: **(Select one option)**

- Increase the extent to which your company uses the ICT visa route a great deal
- Increase the extent to which your company uses the ICT visa route a little
- Make no difference to the extent to which your company uses the ICT visa route
- Decrease the extent to which your company uses the ICT visa route a little
- Decrease the extent to which your job company uses the ICT visa route a great deal
- No opinion
- Don't know

41. Why do you say that?

WRITE IN

42. Is there anything that the ICT visa route allows you to do, that the new Skilled Worker route will not? Please give details if so

WRITE IN

43. Are there any circumstances in which you will now use the Skilled Worker route, rather than ICTs?
Please give details if so

WRITE IN

44. Currently it is only possible for employers to send one person to the UK in order to establish a branch, subsidiary company or office in the UK (under a separate route known as the Representative of Overseas Business route). If the rules were changed in order to allow companies to send a small team for this purpose, alongside the ICT route, what (if anything) do you think would be the consequences?

WRITE IN

45. Have you or your business ever used a similar route to this (using ICTs to send a small team for the purpose of establishing a branch or subsidiary) in another country? **(Select one option)**

- Yes
- No
- Don't know

46. Which country/route?

WRITE IN

47. How would you describe your experience of using this route?

WRITE IN

48. Where a business with no UK presence wants to send workers to the UK in connection to a contract for products or services, they can only do so in very limited circumstances that are covered by UK trade commitments. If rules were changed to allow workers to be seconded to the UK in connection to high value contracts, what (if anything) do you think would be the consequences?

WRITE IN

49. Are there any changes that you would like to see to the ICT route? Please give as much detail as possible, including the reasons that such change/s would be helpful

WRITE IN

50. Is there anything else that you would like to tell us about ICTs, or the ways in which you use the ICT route?

WRITE IN

Closing section

A1 Would you like to be added to our stakeholder database so we can send updates on MAC work?

- Yes
- No

A2 Would you be happy for us to recontact you in the next 12 months to invite you to take part in follow-up research regarding similar issues covered in this questionnaire?

- Yes
- No

A3 And would you be willing for us to contact you if we needed to clarify or supplement responses you have given to this questionnaire?

- Yes
- No

A4 If there is any additional evidence that you would like us to consider, please attach it here. (Add attach button)

Thank you for taking the time to complete the questionnaire, we really appreciate your contribution. The information you have provided today will help us to build a clear picture of how businesses use ICTs.