

# Call for evidence on Intra-Company Transfers: Representative organisations

Thank you very much for responding to the MAC's Call for Evidence on Intra-Company Transfers (ICTs). 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 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk). 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. We have constructed this as a short questionnaire, however, you will be able to complete this over more than one session if you wish. 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 Call for Evidence document published on our website. At any point you may save your response to continue later before submitting.

This questionnaire will remain open until **15<sup>th</sup> 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](mailto:mac@homeoffice.gov.uk)

## Section 1: About you

1. To start with, we'd like to get some details about you and the organisation(s) on behalf of which you are responding.

Please tick one option

I am providing evidence of recruitment within my own organisation	1	RECRUIT TO EMPLOYER QUESTIONNAIRE <a href="https://www.homeofficesurveys.homeoffice.gov.uk/s/ictemployers/">https://www.homeofficesurveys.homeoffice.gov.uk/s/ictemployers/</a>
I am providing evidence as a representative organisation on behalf of other organisations/members	2	RECRUIT TO THIS QUESTIONNAIRE
I am responding in my/our capacity as an immigration lawyer or similar advisor to other businesses, as another organisation (e.g. think tank, government department) or as a recruitment business	3	RECRUIT TO THIS QUESTIONNAIRE
I am responding as an individual in a personal capacity	4	RECRUIT TO THIS QUESTIONNAIRE
Other – Please state	5	RECRUIT TO THIS QUESTIONNAIRE

2. (DO NOT ASK IF INDIVIDUAL, Q1=4) What is the name of your organisation?

WRITE IN

3. What is your email address?

Providing your email address will enable us to send you a link to the questionnaire, should you not wish to complete it in one sitting. You will be able to pause and resume as you please by clicking the link in the email.

WRITE IN

## Section 2 - About your organisation

4. (DO NOT ASK IF INDIVIDUAL, Q1=4) Which of the following best describes your organisation? Please tick one option

- Private sector
- Public sector
- Third sector
- Other (please specify)

- 5. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) How many businesses /organisations do you represent? Please tick one option**
- Under 5
  - 5- 49
  - 50- 499
  - 500- 4,999
  - 5,000+
- 6. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) How have you engaged the businesses/ organisations you represent to inform this consultation response? Please tick all that apply.**
- Ongoing dialogue as part of business as usual
  - Specific events/contact arranged to discuss this consultation
  - Other (please specify):
- 7. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) Thinking of the businesses/organisations you have engaged with, in general are their staff concentrated in specific UK countries/regions or are they UK-wide? Please tick one option.**
- Concentrated
  - UK-wide
  - Don't know
- 8. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) (IF Q7= CONCENTRATED) Following on from the previous question, which region(s)/country(ies) are staff concentrated? Please tick all that apply.**
- 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

**9. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) Thinking of the businesses/organisations you engage with, tick all the relevant sectors they cover from the list below: (Please select all that apply) 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

**10. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) Thinking about the businesses/organisations you engage with and the number of people they employ, please tick all size bands they represent:**

- 0-9 employees
- 10-49 employees
- 50-249 employees
- 250-499 employees
- 500+ employees
- Don't know

## Section 3 – Usage of ICTs

**11. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) Thinking about the businesses and organisations you represent, have these organisations 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 an organisation has transferred workers to the UK from other branches or parts of the company, located elsewhere in the world, for a limited period of time. (Please tick all that apply)**

- Yes, all
- Yes, most
- Yes, some
- Yes, a few
- No
- Not sure

**12. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) Have any of the businesses/organisations you represent transferred in workers to the UK from other branches or parts of their company, located elsewhere in the world, on any of the following routes, in the past five years? (Please tick all that apply)**

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

**13. REPRESENTATIVE ORGANISATIONS ONLY (Q1= 2) For which role/s did the businesses/organisations you represent employ the individual/s who came to the UK on the ICT route?**

WRITE IN

**14. ASK ALL** What, in your view, are the reasons for businesses/organisations using the intra-company transfer (ICT) route? This is where an organisation is able to transfer 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

**15. ASK ALL** What, in your view, are the reasons for businesses/organisations that do not currently use the ICT route not doing so?

WRITE IN

**16. ASK ALL** How easy or difficult do you believe it is to use the ICT application system in the UK? (Please tick 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

**17. Why do you say that?**

WRITE IN

## Section 4 – Your organisation's views on ICT policy

**18. ASK ALL** 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 25<sup>th</sup> 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? (Please tick 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. 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? (Please tick one option)**

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

**21. Why do you say that?**

WRITE IN

**22. 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? (Please tick one option)**

- Yes
- No
- Only in some circumstances (write in)
- No opinion
- Don't know

**23. Why do you say that? (OPEN, NOT COMPULSORY)**

WRITE IN

**24. 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. (Please tick one response on each line)

Allowance	Strongly agree	Agree to some extent	Neither agree nor disagree	Disagree to some extent	Strongly disagree	Don't know
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, e.g. travel to and from the applicant’s country of residence, equipment, clothing, travel and subsistence						

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

WRITE IN



**26. ASK ALL Employers are currently able to count accommodation allowance as part of the salary (currently up to 30% on the main ICT 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: (Please tick one option)**

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

**27. Why do you say that?**

WRITE IN

**28. 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

**29. 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 or which are at a skill level of at least RQF level 6 (RQF6 is equivalent to a bachelors' (first) degree or comparable vocational qualification). Do you consider that the level of skills required is: (SINGLECODE, COMPULSORY)**

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

**30. Why do you say that?**

WRITE IN

**31. Currently employees who are in 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: (Please tick one option)**

- A good rule in general
- Neither good nor bad
- A bad rule in general
- No opinion
- Don't know

**32. Why do you say that?**

WRITE IN

**33. Currently employees 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: (Please tick 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. 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 (Please tick one):**

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

**36. Why do you say that?**

WRITE IN

**37. 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 transfer to the Skilled Worker route. Do you think these rules are: (Please tick one)**

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

**38. Why do you say that? (OPEN, NOT COMPULSORY)**

WRITE IN

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

WRITE IN















**40. 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

**41. Thinking about businesses and organisations that use ICTs, what do you think they would have done if the ICT route had not been available?**

WRITE IN

## Section 5 – Future use and views on ICT policy

COMPARISON OF ICT TO SKILLED WORKER						
 <b>ICT</b> 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
 <b>SKILLED WORKER</b> 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

42. 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: (Please tick one)

- Increase the extent to which organisations use the ICT visa route a great deal
- Increase the extent to which organisations use the ICT visa route a little
- Make no difference to the extent to which organisations use the ICT visa route
- Decrease the extent to which organisations use the ICT visa route a little
- Decrease the extent to which organisations use the ICT visa route a great deal
- No opinion
- Don't know

43. Why do you say that?

WRITE IN

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

WRITE IN

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

WRITE IN

**46. 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

**47. Do you have any views on eligibility criteria (for example experience, skill, education, salary or other characteristics) that workers coming to establish a branch/subsidiary company or office in the UK should fulfil?**

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. Do you have any views on the eligibility criteria (for example workers, businesses, contracts or other characteristics) that businesses sending these workers to the UK should fulfil?**

WRITE IN

**50. Are there any changes that your organisation, or the businesses/organisations you represent, 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

**51. Is there anything else that you would like to tell us about ICTs, or the ways in which businesses and organisations you represent 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. (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, and what they want to see happen, and of other stakeholder views on ICTs.**