



ICT Annex Document

October 2021



Annex A: Policy Comparisons..... 2

Annex B: Call for Evidence questions 8

 Call for Evidence on Intra-Company Transfers: Employers8

 Call for evidence on Intra-Company Transfers: Representative organisations21

Annex C: Employer topic guide for qualitative research..... 36

Annex D: Employee topic guide for qualitative research..... 43

Annex E: Visit Rules..... 50

Glossary of terms and abbreviations..... 52

Annex A: Policy Comparisons

ICT comparison with T2 (General) and Skilled Worker Route

	Tier 2 (General) (up until December 2020)	Intra-Company Transfer Route	Skilled Worker Route (from January 2021)	ICT in the Skilled Worker Route (from December 2020)
Number of visas issued as of end 2019*	71,141	44,551	-	-
Top 3 nationalities 2019	India; Philippines; China	India; USA; Japan	-	-
Top 3 occupations by SOC	2136 Programmers and software development professionals 2423 Management consultants and business analysts 2421 Chartered and certified accountants	2135 IT business analysts, architects and systems designers 2136 Programmers and software development professionals 2139 Information technology and telecommunications professionals not elsewhere classified	-	-
Main Salary Threshold	£30,000	£41,500	£25,600	£41,500 (going rate salary requirement of 100%)
New Entrant ST	Salary of £20,800 or the appropriate rate for the job if the applicant: - is a new entrant - the CoS is for one of the following occupations: • Medical radiographers (2217) • Nurses (2231) (see notes at end of table for nurses in a	Graduate trainees have £23,000 minimum salary and need 3 months overseas experience. (Sponsor must not have assigned more than 20 CoS to Graduate Trainees in current financial year).	Salary threshold of £25,600 An applicant must be awarded 20 tradeable points from one of the following options. A - The applicant's salary equals or exceeds both: • £25,600 per year; and • the going rate for the occupation code.	Graduate trainees have £23,000 (going rate salary requirement of 70%)

ICT comparison with T2 (General) and Skilled Worker Route

Tier 2 (General) (up until December 2020)	Intra-Company Transfer Route	Skilled Worker Route (from January 2021)	ICT in the Skilled Worker Route (from December 2020)
<p>supervised practise placement)</p> <ul style="list-style-type: none"> • Secondary education teaching professionals – subject teachers in maths, science (where an element of physics will be taught), chemistry, computer science and Mandarin only (2314) • Paramedics (3213) <p>- if the applicant is extending or changing employment and their initial Tier 2 (General) leave was granted on the basis of a CoS assigned before 24 November 2016</p>		<p>B - PhD in a subject relevant to the job and the applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £23,040 per year; and • 90% of the going rate for the occupation code. <p>(10 points for qualification and 10 points for the salary).</p> <p>C - Educational qualification: PhD in a STEM subject relevant to the job and the applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £20,480 per year; and • 80% of the going rate for the occupation code. <p>D - Job in a shortage occupation and the applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £20,480 per year; and • 80% of the going rate for the occupation code. <p>E - Applicant is a new entrant to the labour market and their salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £20,480 per year; and • 70% of the going rate for the occupation code <p>F - Job in a listed health or education occupation and the</p>	

ICT comparison with T2 (General) and Skilled Worker Route

	Tier 2 (General) (up until December 2020)	Intra-Company Transfer Route	Skilled Worker Route (from January 2021)	ICT in the Skilled Worker Route (from December 2020)
			<p>applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £20,480 per year; and • the going rate for the occupation code. <p>An applicant with a job in a listed health or education occupation can only be awarded tradeable points from option F.</p>	
Allowances allowed to count towards the salary threshold?	No allowances	Allowances, guaranteed allowances and payments to cover additional costs in UK (including accommodation allowances) are considered in salary calculation. Up to 30% for long-term staff or 40% for short-term staff of gross salary.	Only guaranteed basic gross pay can be included. No other pay and benefits can be included.	No change to existing permitted allowances.
Minimum RQF Level	RQF6+	RQF6+	RQF 3+	RQF6+
English Language Switching	English Language B1+ Permitted	None Permitted - Representative of Overseas Business	English Language B1+ Permitted	None Permitted, except: <ul style="list-style-type: none"> • Short Term Study • Visitor • Parent of a Child Student • Seasonal Worker • Domestic worker in a private household

ICT comparison with T2 (General) and Skilled Worker Route

	Tier 2 (General) (up until December 2020)	Intra-Company Transfer Route	Skilled Worker Route (from January 2021)	ICT in the Skilled Worker Route (from December 2020)
				• Leave Outside the Rules
Settlement	Leads to settlement	Does not lead to settlement	Leads to settlement	Does not lead to settlement
Cooling off Period?	Yes – 1 year cooling off period before returning to the UK	Yes – 1 year cooling off period before returning to the UK (must not have been in the UK as a Tier 2 migrant in the last 12 months)	No cooling off period.	Yes - a continuing limit of 5 years in any 6-year period
RLMT applies?	Yes – Resident Labour Market Test applies	No	No	No
Cap	Yes - had an annual cap of 20,700 since 2011 (doctors and nurses removed from the cap in 2018)	No	No	No
Immigration Skills Charge applies?	Yes, except , if the applicant is: <ul style="list-style-type: none"> • switching from Tier 4 • or the job is a PhD-level occupation listed in Appendix J (codes of practice for skilled work) of the Immigration Rules: SOC codes 2111, 2112, 2113, 2114, 2119, 2150 or 2311 	Yes, except the graduate trainee category, or with a CoS assigned before 6 April 2017 and they are applying for either an extension or change of employment application	Yes, except if any of the following apply: <ul style="list-style-type: none"> • the applicant is seeking entry clearance for less than 6 months • the job is a PhD-level occupation under the SOC codes 2111, 2112, 2113, 2114, 2119, 2150 or 2311 (note this is not the same as the list of occupations which are eligible for PhD points) • the applicant currently has permission, for the purpose of 	Yes, except the graduate trainee category.

ICT comparison with T2 (General) and Skilled Worker Route

Tier 2 (General) (up until December 2020)	Intra-Company Transfer Route	Skilled Worker Route (from January 2021)	ICT in the Skilled Worker Route (from December 2020)
		<p>study, to switch to the SW or ICT route</p> <ul style="list-style-type: none"> the applicant was previously exempt having switched from the Tier 4 (General) route or the student route and is now applying to extend their permission in the same role with the same sponsor the sponsor is the same as on the applicant's previous application and the period covered by the new certificate of sponsorship overlaps the period covered by the previous certificate of sponsorship (the exemption only covers the overlap; the sponsor must pay the ISC to cover any extra time beyond the overlap) the applicant initially entered Tier 2 (General) or Tier 2 (Intra-Company Transfer) with a certificate of sponsorship assigned before 6 April 2017 and has held continuous permission ever since under Tier 2 (General) or Intra-Company Transfer. 	

ICT comparison with T2 (General) and Skilled Worker Route

	Tier 2 (General) (up until December 2020)	Intra-Company Transfer Route	Skilled Worker Route (from January 2021)	ICT in the Skilled Worker Route (from December 2020)
Extra Conditions Specific to ICT route	-	Applicant must be an existing employee with 12 months' employment overseas	-	-

Source: Home Office

Notes: Statistics are provided by Home Office and may not match the main report due to differences in data filtering.

If the CoS states the applicant is being sponsored as a nurse or midwife undertaking the Objective Structured Clinical Examination (OSCE) approved by the Nursing and Midwifery Council, and:

- will be paid at least the appropriate rate for a Band 3 nurse or midwife
- will continue to be sponsored as a nurse or midwife by the sponsor after getting Nursing and Midwifery Council registration
- the applicant's salary will be at least the appropriate rate for a registered nurse or midwife once they have their registration confirmed.

In addition, the applicant must be paid at or above the relevant salary threshold once they have their registration confirmed – Nurses are exempt from the £30,000 threshold, but midwives are not (see above)

Annex B: Call for Evidence questions

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 \(publishing.service.gov.uk\)](https://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 **Tuesday 22nd 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 1: About you

1. What is the name of your organisation?

WRITE IN

2. What is your email address?

WRITE IN

Section 2: 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 3: 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 Q8= No) 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 H or I) 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 4: 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

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)**

	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 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 good rule in general
- Neither good nor bad
- A bad rule in general
- No opinion
- 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 5: Future use and views on ICT policy

(ALL)

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. ASK ALL 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 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

Section 6: 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.

Thank you for taking the time to complete this 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.

Call for evidence on Intra-Company Transfers: Representative organisations

Thank you very much for responding to the Migration Advisory Committee's (MAC) 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 \(publishing.service.gov.uk\)](#). 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 **Tuesday 22ndth 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 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 <u>EMPLOYER QUESTIONNAIRE</u>
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 survey, 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.

- 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 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? **(Please tick one option)**

(More information about the "going rate" can be found at <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

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)**

(More information about the "going rate" can be found at <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

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?

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)

	Strongly agree	Agree to some extent	Neither agree nor disagree	Disagree to some extent	Strongly disagree	Don't now
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: **(Please tick one option)**

- 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?

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

(ALL)

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

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

Section 6: 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 survey?

- 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 survey?

- Yes
- No

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

Thank you for taking the time to complete the survey, 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.

Annex C: Employer topic guide for qualitative research

Introduction

Thank you so much for taking the time to speak to us. We've been commissioned by the MAC for this project to explore employer and employee experiences of the ICT visa route. We are looking into how the ICT route is working and as part of this, we want to speak to people who have used the route themselves in order to find out more about their motivations for using it, their experience, and things that could be improved.

Interview process:

- The interview will last 45 minutes to 1 hour
- It'll be recorded/transcribed, but it will be anonymised.
- You have the right to withdraw at any stage.
- Explain consent form and say we'll send it after the session.
- Nothing will be shared with the employer and nothing will be shared with Immigration Enforcement: there is no way that anything you say can be used to affect any of your dealings with the Home Office, either now or in the future.
- Do you have any questions?
- Check if the participant is happy to continue and be recorded.

Opening/warm up question(s) (5 minutes)

- **Introduce the organisation**
 - What does your organisation do? What market does it serve?
 - What countries does it operate in?
 - Location of head office?
 - How do the company's offices in different countries work together?
 - How does the UK fit into this?
- **Interviewee's role:**
 - Probe on responsibilities in terms of HR/immigration/ICTs

Use of the ICT route (10 minutes)

This section aims to establish:

- Initial basic details about usage of the ICT route, including sub-routes, frequency and purpose of use.

[If unsure what the ICT route is - the ICT visa route allows an organisation 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]

- How did you come to use the ICT route?
 - How did you hear about it?
 - When did you hear about it?
 - Did you know much about it before this?
 - Had you been transferring workers between countries before using the ICT route?
 - What's the importance / benefit of transferring workers abroad for your company?
- How does your business typically use the ICT route?
 - How often do you typically use the ICT route?
 - When did your company started using ICTs?
 - **Why** did the company start using ICTs?
 - Number of ICTs used (probe on a) number of specialists – that work directly for the company and that work for clients on behalf of the company; b) number of graduate trainees)
 - **Other routes the company uses**
 - Purpose ICTs serve vs other routes (**note: we will cover vs other routes later**)
 - Extent to which usage of ICTs has changed/stayed the same over time (say last 5 years)
 - How much has **COVID** affected the use and experience of ICTs?

[COVID: less about process, more about the nature of the work & demand for staff – e.g. has your business gone from shops to online so you've needed IT staff? Is this changing how people are using the ICT?]

- How much has **Brexit** affected the use and experience of ICTs?

[Brexit: can they country-hop/move between countries, do EU staff need different visas? Is this changing how people are using the ICT? Has it created a new set of needs?]

The types of employee the company sponsors on the ICT route (5 minutes)

This section aims to establish:

- The extent to which the employer uses the ICT route to bring in similar/different types of people
- At what levels and for what purpose
- Whether the ICT route serves ongoing business needs or facilitates shorter-term, less planned or more specialist exchanges of skills
- To what extent the work they will do is known, predictable and planned for.
- If the company uses ICTs for different groups of people then we should probe any differences in package/treatment later on.

Can you tell me about the people transferred on the ICT route?

Specialist route:

- Talk me through the typical roles you would use ICTs for on the specialist route
- Whether the workers are working directly for the company, or for clients on behalf of the company
- Level of seniority

- Duration of posting (how long will the person stay in the UK)
- What the person will do during their posting (one job or move around, if different projects how many and how long)
- Salaries paid (how compare to UK workers at same level; other allowances paid)
- Extent to which the same employees use the ICT route more than once (in the UK, in other countries)
- If other countries, do they know how they compare to the UK?

Graduate trainee route (if employer uses ICT route for graduate trainees):

- Talk me through the typical roles you would use ICTs for
- Whether the workers are working directly for the company, or for clients on behalf of the company?
- Duration of posting (how long will the person stay in the UK)
- What the person will do during their posting (one job or move around, if different projects how many and how long)?
- Salaries paid (how these compare to UK workers at same level; other allowances paid)
- Extent to which employees use the ICT route more than once?

Determining who is offered the ICT route (5 minutes)

This section aims to establish how the company decides who is needed in the UK.

- Is this a process primarily driven by the desire to share skills/specialised knowledge or to fill a staffing gap in the UK?
- What are the benefits and drawbacks for employees – and what is the balance of these?
- Does level of English matter?
- If it does matter, is this because it enables employers to bring in a different group of employees, or to bring in the same group more quickly or easily?

How do you determine who to sponsor for an ICT visa?

- How much is this led by the skills of the individual versus a vacancy/gap in the UK?
 - PROBE: what kind of roles do they struggle to recruit in the UK?
- What is the process for deciding which workers will be sponsored for an ICT visa? How does this differ between other countries and the UK?
- Are there any types of people that are easier to bring over on an ICT visa? (e.g. different nationalities, ages, roles, genders)
 - PROBE:
- What skills do workers typically have?
- Why are these skills required in the UK?

To what extent do the employees who enter the UK on the ICT route speak English?

- PROBE: extent to which English language skills influence the decision
- How much of a problem would it be if the ICT route required English language skills?

What are the benefits and drawbacks of ICTs for the employee?

- PROBE: benefits of an ICT for the employee
 - Monetary benefits, career benefits, other benefits
- PROBE: drawbacks of an ICT for the employee
- Why do you think people are willing to move to the UK?
- How common is it for people to refuse to go to the UK on an ICT visa?

Pay and allowances (10 minutes)

In this section we are aiming to:

- Get an idea of the practicalities of employing people across borders
- Are there implications arising from pay differentials or from different tax systems in the UK and home country?
- What role do allowances have in the overall ICT strategy
- To what extent are they used as a way of overcoming such difficulties, versus being used as a way of appropriately compensating employees
- Does the balance of this change depending on the seniority of the employee?

Do they use allowances?

From your understanding, how does your business set up the payroll for ICT workers?

- Whether they are paid in the UK or home country?
- Any tax implications of being paid in the UK or home country?
- Other implications if any?
- Whether the home salary that they earn when they are not in the UK changes in any way as a result of the time they spend in the UK as an ICT visa holder?

[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.]

Employers can use allowances as part of meeting the salary threshold for an ICT visa

- Does your company use these allowances?
- What are these allowances?
- **Is it standardised or on an individual basis?**
- **[If necessary] Tell me about the allowances of your last 3 employees who used the ICT**
- Whether employees are given corporate accommodation and whether they pay for this out of their allowances/salary?
- How much of the employee's salary they will typically represent?
 - For example, if someone is paid the threshold salary of £41,500, what would their allowances be?
- Any additional benefits offered to employees on the ICT route?

- Extent to which these benefits/allowances vary for different jobs

What do you think (if anything) would be the consequences of removing the option to use allowances to meet the salary threshold?

Comparison of the ICT route with Tier 2(General)/Skilled Worker route (10 minutes)

This section explores the choice to use ICTs rather than other routes.

- What are the benefits and drawbacks of the ICT route compared to previous or current work routes, particularly longer term work routes such as Tier 2 (General) and the new Skilled Worker route?

What do you know about these different visa types?

- **STIMULUS:** names of these routes to see what respondents know about them before showing them details
- Which have you considered?
- Why?
- Pros and cons of each?

What are the advantages of the ICT route in relation to other immigration routes?

- PROBE: Tier 2 General, Skilled Worker route, short term work visas
- PROBE: criteria, process, length of visa etc
- PROBE: How easy it to apply for ICT compared to other routes? Could it be made easier (particularly if employers intending to bring people to the UK for a short period of time)?

What are the disadvantages of the ICT route in relation to other immigration routes?

- PROBE: Tier 2 General, Skilled Worker route, short term work visas
- PROBE: criteria, process, length of visa etc

What other immigration routes does your company use for employees?

- If not mentioned, probe on Tier 2 General/Skilled Worker route and short term work visas

Compared with the Skilled Worker route, what does the ICT route allow you to do that the Skilled Worker route does not?

- **STIMULUS:** slide with detail of both routes

Are there any circumstances in which you are likely to use the Skilled Worker route over the ICT route?

- What would make you do this?

The Skilled Worker route is open to graduates and middle skill occupations, but this is not the case for ICT workers – does this matter/represent an advantage or disadvantage?

The ICT route has a higher salary threshold than the Skilled Worker route – does this matter?

- Has this had an impact on your use of the ICT?

Since January 2021, the ICT route allows individuals to switch to the skilled worker route – do you think this change has been helpful /unhelpful?

- Probe why/why not?

Subsidiaries (5 minutes)

This section aims to:

- Establish views on subsidiaries (i.e. interviewees' thoughts on what would happen if the government expanded its mobility offer to enable overseas business to send teams of workers to establish a branch/subsidiary or to undertake secondment in relation to a high-value contract for goods services, this is currently not part of the ICT route).
- While all the interviewees for this project will have been selected because they are already employers in the UK (and hence this will not apply to them) it would still be interesting to explore both thoughts on this, and any experience they have of setting up subsidiaries overseas.

Do you have any experience of setting up a subsidiary (a new branch/office of the company) elsewhere in the world?

- (If so) can you tell me about your experiences of setting up a subsidiary?
- Which country/countries?
- How easy/difficult was it to do?
- What was your motivation for doing it?
- How long did it take to set up?
- What was the value of investment? How does this compare with other subsidiaries you know of or have set up elsewhere?
- How big was the potential for job creation?
- What were the benefits to the company?
- How do you think setting up a subsidiary in the UK might compare?

(If no) If you were to set up a subsidiary in another country, what would you want the process to be like?
(probe around above points)

Do you think subsidiaries are a good idea?

- Would you use them in the future?
- What are the pros and cons?

What do you think of the prospect of using the ICT route to help businesses set up a branch in the UK?

- PROBE: pros and cons
- PROBE: impact on the economy, business, their organisation etc

Future use of the ICT route (5 minutes)

This section asks respondents to look ahead at:

- What they envisage their company's future usage of the ICT route to be
- How they expect this will, or could, be affected by other pressures such as Brexit
- Any future shift to home working or changes to other parts of the immigration system.

How do you envisage your company using ICTs in the future?

- Do you expect your use to increase, decrease, or stay the same?
- How much of an influencer does the new Skilled Worker route have on this?
- How much of an impact will COVID-19/increase in remote working have?
- How much of an influence will Brexit have?

Improving the ICT route (5 minutes)

Is there anything you would like to improve on the ICT route?

- For employers?
- For employees?
- PROBE: criteria, process, ICT as a whole

Do you know of any other countries that have a similar visa and do it well?

- Have you ever used another visa route?
- How did it compare?

Thank and close

Annex D: Employee topic guide for qualitative research

Introduction

Thank you so much for taking the time to speak to us. We've been commissioned by the MAC for this project to explore employer and employee experiences of the ICT visa route. We are looking into how the ICT route is working and as part of this, we want to speak to people who have used the route themselves in order to find out more about their motivations for using it, their experience, and things that could be improved.

Interview process:

- The interview will last 45 minutes to 1 hour
- It'll be recorded/transcribed, but it will be anonymised.
- You have the right to withdraw at any stage, (explain consent form and say we'll send it after the session).
- Nothing will be shared with the employer and nothing will be shared with Immigration Enforcement: there is no way that anything you say can be used to affect any of your dealings with the Home Office, either now or in the future.
- Do you have any questions? (Check if the participant is happy to continue and be recorded).
- To help us share your story with the rest of the researchers on the team, it can be useful to have some photos of yourself, your place of work, etc. If you have some photos that you'd be happy to share with the project, please email them through to the researcher. The photos will be kept internal to the project and won't be published.

Opening/warm up questions (5-10 minutes)

This section is aimed primarily at establishing a rapport with the interviewee, but also to gauge more about what they are doing in the UK:

- What does their job consist of and what are the requirements for doing the job in terms of skills, experience, qualifications?
- What is the reason they are needed in the UK?
- Are they working for the employer directly or as a contractor, and for a single project or a succession of projects?
- How specialised is the work they are doing and the skills they bring?

Can you tell me a bit about yourself?

- Where are you from originally?
- How long have you been living in the UK?
 - How are you finding life in the UK?

- How does it compare to your life in your home country?
- Where are you currently living?

Can you tell me a bit about your current job?

- Probe on work history, qualifications/skill sets, area of expertise
- Are they working directly for their employer or do they do work for other clients?
- Who do they work with in the UK?
 - How does this compare to their job in their home country?
- How many hours they work and how this compares to home country?
- If they work long hours, why is this?
- Are they working just on one project or on different projects?

Becoming aware of the ICT route (15 minutes)

This section is aimed at finding out who instigated the ICT transfer

- Are there positions where it is known that the individual will have to spend periods of time working in the UK or was the ICT visa occasioned by a specific piece of work that needed to be carried out?
- To what extent does the individual have a choice about whether or not they take up an ICT and what are the benefits to the employee?
- How much help and support do companies give the individual, and to what extent is this offered as an incentive/compensation, vs expected to be repaid at a later date?

Thinking about your current job or assignment in the UK, how did this come about?

Probe on:

- Aspirations:
 - Why they were interested/why they agreed?
 - Any benefits they expected for themselves (probe on career benefits, monetary benefits, experiential benefits)?
- Applying:
 - Was the prospect of working in the UK advertised to you when applying for your job?
 - Whether transfer/s to the UK was part of their initial agreement or contract with the employer when they were recruited?
 - Whether they were asked to come/selected, if so by whom, or did they volunteer or apply, if so how?
 - Extent to which they had previously worked with the UK team/office(s)
- Benefits to employer:
 - Difference they expected to be able to make to the employer
 - How their job/assignment/skills in the UK benefits their employer?
 - What them being in the UK adds for their employer?

How did you feel about coming to work for your employer in the UK?

- Probe on things they were looking forward to, concerns

Did you have any prior knowledge of the ICT route?

- Probe on whether have ever used the ICT route before (whether in the UK or elsewhere)
- Probe on whether they knew others who came through this route, or have family/friends living in the UK.

Why did you / your employer choose the ICT route rather than another visa? (e.g. Skilled Worker route, temporary worker)?

Researcher to probe in particular respondents coming to UK for shorter periods of time – why not apply for shorter term visa?

- Does your employer offer other visa types/routes to employees?
 - If yes, which and why
 - If no, why only ICT?

Before moving to the UK what expectations were set out by your employer on what you would do?

Probe on:

- How long they were expected to remain in the job and salary,
- What expectations were set out in terms of the work they would do
- What expectations were set out in terms of the benefits to the employee
- Whether these expectations have been met (or whether anything has been different to /expectations)

Before moving to the UK what expectations were set out by your employer on the terms and conditions of your employment?

Probe on:

- Salary
 - What was their salary in their home country?
 - What is their salary now?
 - How do these compare? Why are they the same/different?
- Allowances
 - Do they receive allowances?
 - What allowance do they receive?
 - How proportion of the what they receive from their employer is made up of allowances
- Expectations in terms of how you were going to live and pay for accommodation
- How they were going to be paid – UK or home bank account, whether salary was more or less what they were getting, how this translates after higher living costs
- Any other benefits offered by the employer
- Any practical help offered by the employer, e.g. help to find accommodation or schooling

Will your home salary (that you earned, or will earn, when not in the UK) be affected in any way by the fact of being assigned to work in the UK?

- Will you have to repay anything on your return to your home country?
- Extent to which initial expectations have been met (or whether anything has been different to their expectations)

What were your aspirations, what did you hope to achieve by taking up this role?

- Probe: work/life balance, lifestyle, experiences of the job

Visa application process (5 minutes)

How did you find the process of getting your ICT visa application?

- Who did the work involved?
 - Probe for how much was done by the individual vs the company
- Do they know how the process would have been if they had come on a different visa route (probe on need to SELT etc) (Secure English Language Test) etc)?
- Who paid the fees (health surcharge, application fees)?
 - Probe for what paid for by individual and what paid for by the company

[If applied since March 2020 / during Covid]

- To what extent did Covid affect your visa application?

[If applied in lead up/after Brexit]

- To what extent did Brexit affect your visa application?

Arrival in the UK (5 minutes)

This section further explores:

- The extent of support and help available from companies
- Any initial difficulties or tasks that the individual had on arrival in the UK
- Whether the tasks or expectations initially set out by the employer changed after arrival

When you arrived in the UK, how long was it before you started work?

- Probe on any factors that influenced this decision
- If they did not start straight away, how did they use the time
- (If employer didn't provide accommodation), *how did they find a place to stay for you (and family if applicable)?*
- Any other things that had to be organised on arrival?
 - Extent to which employer supported/helped with these

(If they brought family) How did family feel on arrival in UK?

- How easy or hard did you find it to bring family with you?
- Probe on any support given by the employer to the family

Any other support given on arrival/settling in by employer?

Did expectations or terms set out by the employer in terms of employment, tasks involved, or allowances change at any point?

Work in the UK (10 minutes)

This section looks at:

- The work the individual is doing (building on the earlier questions in the introductory section about what they do, their skills/qualifications/work history, and whether they work directly for their company or for third party organisations on behalf of their company)
- How their ICT visa fits into their career path/life plan.
- To what extent they were able to do their job in the UK straight away and what they bring to the business in terms of work that would not be possible for them to do in their home country.

How would you describe your typical day: what are your daily tasks?

- How the work/tasks compare with tasks in home country.
- Probe on whether they adjusted immediately into their role or required training
- Are there other people doing the same job as they are?
- How does your work compare to other people in your team? (is there a niche of work?)
- Who do you work with (Probe: ICT? Non-ICT? Mix? Which nationalities?)
- How do you think your role/responsibilities compare to an English national who has the same job title as you?
- Which elements of the job are they able to deliver in the UK that they aren't in their home country?
- Probe on what this is and why
- Is there anything you're doing that can't be done remotely?
- How have the events of 2020 (Covid, Brexit) affected your time in the UK?

Are you responsible for managing staff or a team or leading on delivering a project?

Probe on:

- whether this was similar to the work done in home country
- was this a promotion/sideways move?

Return to home country (5 minutes)

In this section we ask the individual to take a forward look towards the time when they will return to their home country.

- What they expect to have achieved at work (further exploring the issue of the impact made and the extent of specialism)
- Any career or other impacts they can expect as a result of their time in the UK
- To what extent the ICT is envisaged to be a one-off or a repeat experience, and why

The ICT visa allows individuals to stay in the UK for a temporary period: how did you feel about this?

- Probe on whether would have preferred to have been in the UK for longer or to settle
- Whether they discussed with their employer options (i.e. SW route) that would allow them to settle and their understanding of why their employer did not pursue this option
- Whether they have plans to try to stay long term, e.g. switching to a SWR visa with this or another employer
- Do you intend to go back/visit home during your ICT visa?
 - What are their plans re the cooling off period?
 - Have they planned when this will be?
 - When did they plan this?
- [If returning home] Thinking ahead, when do you envisage returning to your home country and what do you hope to have achieved/accomplished in your work by then?
- When you return to your home country, will you be doing the same job as you did previously, or will this change?
 - Probe on salary, job role/level of seniority
- [If planning to stay] What are your next steps in terms of plans to staying in the UK?
 - Why are you wanting to stay?
 - What are you going to do in terms of work?
 - Stay in the same role? At the same company? Etc
 - What are your plans in terms of visas?
 - What are you hoping to achieve by the end of the ICT?

Do you anticipate repeating this experience?

- Probe on whether they would do so in the UK or elsewhere
- Probe on whether this is likely to be at the instigation of the employer or employee
- If you were offered the opportunity to take on another role on the ICT route would you take up the opportunity?

Final questions (10 minutes)

This section wraps up the interview, asking the individual for their final reflections on the route and their feelings about departure.

- Ask about the potential for exploitation.
- What they think other people should know about the ICT route, as a way of gauging whether there was anything that surprised them (whether positively or negatively) or that they were not prepared for.

What are your reflections on using this route?

- Extent to which they are happy with the time they have spent in the UK/will be here or would they have preferred to have stayed longer
- Is there anything the UK could improve about this route
- Is there anything more employers could do to help staff coming to the UK on this route?

How has your time in the UK on the ICT visa compared to what you expected it to be?

What do you think are the benefits of the ICT route are to workers?

- Probe on any drawbacks

What do you think the benefits of the ICT route are to employers?

- Probe on any drawbacks (or potential drawbacks that other employers might exploit)
- Probe on idea of employees being 'tied' to company – why is this? Visa itself or employment terms?

Do you think the ICT route is something that mainly benefits employers or employees?

How has your experience of apply and getting the ICT compared to other people?

- Anyone else in your company (if you know anyone who has applied for it)?
- How does it compare to anyone you know who has come to the UK on another type of visa?

Do you know anyone who wanted to come to the UK on an ICT visa but couldn't?

- What were the barriers for them?

If you could advise other people who were considering whether to come to the UK on the ICT route, what would you tell them?

- Is there anything you'd change/improve about the process?
- If you were applying again, would you have done anything differently?

Thank and close

Annex E: Visit Rules

The main visitor rules are set out in Chapter X of the report. However, there are also several other permitted activities that are detailed below. Full details of the visit guidance can be found [here](#).

Other permitted activities include:

- An employee of a foreign manufacturer may install, dismantle, repair, service or advise on equipment, computer software or hardware, where such manufacturer has a contract of purchase or supply or lease with a UK company or organisation.
- A client of a UK export company may be seconded to the UK company in order to oversee the requirements for goods and services that are being provided under contract by the UK company or its subsidiary company, provided the two companies are not part of the same group. Employees may exceptionally make multiple visits to cover the duration of the contract.
- Individuals employed outside the UK may visit the UK to take part in the following activities in relation to their employment overseas:
 - a translator and/or interpreter may translate and/or interpret in the UK as an employee of an enterprise located overseas; or
 - personal assistants and bodyguards may support an overseas business person in carrying out permitted activities, provided they will attend the same event(s) as the business person and are employed by them outside the UK. They must not be providing personal care or domestic work for the business person; or
 - a tour group courier, contracted to a company with its headquarters outside the UK, who is entering and departing the UK with a tour group organised by their company; or
 - a journalist, correspondent, producer or cameraman gathering information for an overseas publication, programme or film; or
 - archaeologists taking part in a one-off archaeological excavation; or
 - a professor from an overseas academic institution accompanying students to the UK as part of a study abroad programme, may provide a small amount of teaching to the students at the host organisation (however this must not amount to filling a permanent teaching role for that institution); or
 - market researchers and analysts may conduct market research or analysis for an enterprise located outside the UK.
- Drivers on a genuine international route between the UK and a country outside the UK may:
 - deliver or collect goods or passengers from a country outside the UK to the UK; and
 - undertake cabotage operations.
- Drivers must be employed or contracted to an operator registered in a country outside the UK or be a self-employed operator and driver based outside the UK. The operator must hold an International Operators Licence or be operating on an own account basis.
- Overseas graduates from medical, dental or nursing schools may undertake clinical attachments or dental observer posts provided these are unpaid and involve no treatment of patients

- Overseas graduates from medical, dental or nursing schools may also undertake the following tests in the UK:
- Professional and Linguistic Assessment Board Test (PLAB)
- Objective Structured Clinical Examinations from Overseas (OSCE)
- Employees of an overseas company or organisation may receive training from a UK based company or organisation in work practices and techniques which are required for the visitor's employment overseas and not available in their home country.
- An employee of an overseas based training company may deliver a short series of training to employees of a UK based company, where the trainer is employed by an overseas business contracted to deliver global training to the international corporate group to which the UK based company belongs.
- Permitted Paid Engagements, such as:
 - an expert coming to give lectures in their subject area, where they have been invited by a higher education institution; or a UK-based research or arts organisation, and this does not amount to filling a teaching position for the host organisation; and
 - an overseas designated pilot examiner coming to assess UK-based pilots to ensure they meet the national aviation regulatory requirements of other countries, where they have been invited by an approved training organisation based in the UK that is regulated by the UK Civil Aviation Authority for that purpose; and
 - a qualified lawyer coming to provide advocacy for a court or tribunal hearing, arbitration or other form of dispute resolution for legal proceedings within the UK, where they have been invited by a client.

Glossary of terms and abbreviations

APS

The Annual Population Survey is a continuous household survey, covering the UK, with the aim of providing estimates between censuses of main social and labour market variables at a local area level.

ASHE

Annual Survey of Hours and Earnings is a comprehensive source of information on the structure and distribution of earnings in the UK.

ATAS

Academic Technology Approval Scheme. The worker where required must obtain this certificate. This is where study is allowed on the ICT route.

BEIS

Department for Business, Energy, and Industrial Strategy is the government department responsible for business, industrial strategy, science, research and innovation, energy and clean growth, and climate change.

BREXIT

The withdrawal of the United Kingdom from the European Union.

CAGE

CAGE Research Centre, University of Warwick. The CAGE Research Centre at the University of Warwick is funded by the Economic and Social Research Council (ES/L011719/1).

CEO

Chief Executive Officer

CfE

Call for Evidence to submit information and evidence to the MAC. This usually takes the form of an online questionnaire, and the submission of written evidence.

CoS

A Certificate of Sponsorship must be assigned to each foreign worker that a UK company employs. It is an electronic record rather than a physical document. Each certificate has its own number, which (once the CoS is issued) a worker can use to apply for a visa.

DA

The Devolved Administrations (Scottish Government, Northern Ireland Executive and Welsh Government)

DCMS

The Department for Digital, Culture, Media and Sport is a ministerial department which exists to protect and promote the cultural and artistic heritage of the UK.

DFE

The Department for Education is responsible for children's services and education, including early years, schools, higher and further education policy, apprenticeships and wider skills in England.

DN

The devolved nations of the UK (Scotland, Northern Ireland and Wales)

D7

Visa used in South Korea for the Intracompany Transfer Visa. It is for a migrant employee of a branch or liaison office of a foreign parent company who is being transferred to Korea by the foreign parent company.

D-8

This is for individuals who wish to start up small businesses in Korea.

EB3

This is an Employment Based visa for the United States of America, for skilled workers, professionals and 'other workers' (for persons performing unskilled labour requiring less than 2 years training, education, or experience, not of a temporary or seasonal nature).

EB-5

Is a visa for the United States of America, similar to the UK Innovator visa, where the individual must invest in a new commercial enterprise.

EEA

Throughout this report we use the term 'EEA' migrants to include European Union (EU) countries plus Iceland, Liechtenstein and Norway. We also include Switzerland as part of our definition, but exclude migrants from the Republic of Ireland, as it remains part of the Common Travel Area once the UK leaves the EU

EFTA

European Free Trade Association

ELR

English Language Requirement

EU

The European Union: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

EU ICT

The EU Intra-Company Transferee Visa allows migrants to come to or stay in the UK to do an eligible job at their UK branch.

EY

Ernst and Young

E-1 Visa

A US visa. The E-1 non-immigrant classification allows a national of a treaty country (a country with which the United States maintains a treaty of commerce and navigation, or which the United States maintains a qualifying international agreement, or which has been deemed a qualifying country by legislation) to be admitted to the United States solely to engage in international trade on his or her own behalf.

E-2 Visa

A US visa. The E-2 non-immigrant classification allows a national of a treaty country (a country with which the United States maintains a treaty of commerce and navigation, or with which the United States maintains a qualifying international agreement, or which has been deemed a qualifying country by legislation) to be admitted to the United States when investing a substantial amount of capital in a U.S. business.

FoM

Freedom of Movement. Within this report this is used to describe the reciprocal travel rights that existed for citizens of the UK and the EU prior to 31st December 2020.

FTA

Free Trade Agreement. An FTA or treaty is an agreement according to international law to form a free-trade area between the cooperating states.

GATS

The General Agreement on Trade in Services is a treaty of the World Trade Organisation which entered into force in January 1995.

GDP

Gross Domestic Product measures the total value of all the goods made, and services provided, during a specific period in a country. It is used to show whether, and by how much, the economy is growing.

HMRC

Her Majesty's Revenue and Customs is a government department responsible for the UK's tax, payments and customs.

HMT

Her Majesty's Treasury is the government's economic and finance ministry.

Home Office

The Home Office is the lead government department for immigration and passports, drugs policy, crime, fire, counter-terrorism and police.

ICT

Intra Company Transfers refers to people who work for multi-national companies and are transferred by their employer from an overseas location to a UK branch of the company.

IDBR

The Inter-departmental Register is a comprehensive list of UK businesses used by government for statistical purposes.

IE

Immigration Enforcement

ILR

Indefinite leave to remain in the UK (also known as settlement)

IT

Information Technology.

IHS

Immigration Health Surcharge is a fee paid by non-EEA nationals coming to live in the UK for longer than 6 months to gain access to the NHS.

ISC

Immigration Skills Charge is an additional charge for each foreign worker recruited by a UK employer.

KPMG

One of the Big Four accounting organisations.

LFS

The Labour Force Survey is a study of the employment circumstances of the UK population. It is the largest household study in the UK and provides the official measures of employment and unemployment.

LOTR

Leave outside the Immigration Rules. A discretionary type of leave for cases not covered by the immigration rules. Usually where there are compelling compassionate grounds.

L1

Visa used in US for the Intracompany Transfer Visa. This is similar to the UK RoBR route, the visa is time limited, but can lead to permanent settlement.

L-1A

A sub-category of the US L-1 visa, for executive or managerial staff.

L-1B

A sub-category of the US L-1 visa, for migrants who have specialised knowledge.

LTIM

Long-term International Migration are the official government statistics on migration to and from the UK, produced by ONS by adjustments to the International Passenger Survey.

MAC

Migration Advisory Committee

MWS

The Migrant Workers Scan contains information on all overseas nationals who have registered for and allocated a National Insurance Number (NINO).

NARIC

The UK NARIC Statement of Comparability is an officially recognised document that confirms the recognition of an overseas qualification and its comparable level in the UK

NINo/NI

National Insurance Number: a unique set of identifying numbers given to all people born in the UK and to non-UK nationals over 16 who are planning to work and/or claim benefits in the UK.

NICs

National Insurance Contributions

NMW

National Minimum Wage

Non-EEA

Countries outside of the EEA.

OBR

The Office for Budget Responsibility gives independent and authoritative analysis of the UK's public finances. OBR is an executive non-departmental public body, sponsored by HM Treasury.

OECD

Organisation for Economic Co-operation and Development is an international organisation of 33 countries, mostly in North America and Europe. It defines itself as a forum of countries committed to democracy and the market economy.

ONS

Office for National Statistics is the executive office of the UK Statistics Authority, a non-ministerial department which reports directly to Parliament. It produces official statistics on immigration, emigration, and net migration, amongst other areas.

OSCE

An Objective Structured Clinical Examination (OSCE) is a type of examination often used in health sciences. It is designed to test clinical skill performance and competence in a range of skills. It is a practical, real-world approach to learning and assessment.

PBS

Points-based system

PRAU

Performance Reporting and Analysis Unit, a team which provides management information reports within the Home Office.

PhD

Doctor of Philosophy

ROW

Rest of the world.

RLMT

The resident labour market test required a UK employer to advertise a job domestically for 28 days, before it can be offered to a foreign worker, if it was not on the shortage occupation list.

ROBR

Representative of an overseas business route

RQF

Regulated Qualifications Framework, England

SME

Small and Medium-sized Enterprise

SOC

The Standard Occupational Classification Code system is a statistical standard used to classify workers into occupational categories for the purpose of collecting, calculating or disseminating data.

SOL

Shortage Occupation List

S Africa

South Africa

STEM

Fields of Science, Technology, Engineering and Maths

SW

Skilled worker

TCS

Tax collected at source

Tier 2/Tier 2 (General)/T2(G)

Prior to 01 December 2020, all routes for skilled work in the UK were under Tier 2 of the immigration system. These routes now come under the skilled worker route and others.

Tier 4

Tier 4 allows migrants to enter the UK as a student usually at college, school or university.

Tier 5

Tier 5 is a temporary worker/government authorised exchange visa if migrants want to come to the UK for a short time for work experience or to do training, an overseas government language programme or research or a fellowship through an approved government authorised exchange scheme.

T & M

Time and Material Engagement

TPN

Trade Partner nationals

UK

United Kingdom comprising: England, Northern Ireland, Scotland and Wales

UKVI

UK Visas and Immigration, a directorate of the Home Office

US

United States of America

VAT

Value added tax

WTO

The World Trade Organisation deals with the global rules of trade between nations.