

# Employer and employee use of ICT visas: a qualitative study

Migration Advisory Committee

Revealing Reality

September 2021

**REVEALING REALITY**

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## **Role of the MAC in producing this report**

Members of the Migration Advisory Committee (MAC) and its secretariat met and corresponded with the research team at Revealing Reality to develop and steer this research project. However, the robustness of the analysis is the responsibility of the authors, and the findings and views presented in this report do not necessarily reflect those of the MAC.

## **Anonymity within this report**

Anonymity and confidentiality are important in the reporting of this work. Throughout the report we have taken a standardised approach to ensuring respondents are not identifiable. Each respondent has been assigned a pseudonym—no real names are used throughout the report. In addition, we have provided minimal details on who each person is, limited to their role and/or sector of work.

In some instances, we have changed some small details to provide further anonymity, including aspects about the person such as their gender, age, role.

# Executive summary

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## Background

The Home Secretary commissioned the Migration Advisory Committee (MAC) in September 2020 to assess the efficacy of the Intra-Company Transfer (ICT) visa route. The MAC were asked specifically to explore:

- The salary threshold for entry via the ICT route
- What elements, if any, beyond base salary should count towards meeting the salary requirement
- Whether, as is currently the case, different arrangements should apply to the very highly paid workers
- What the skills threshold for the route should be
- The conditions of the route, in particular those where it differs from the main Tier 2 (General)/Skilled Worker route

The MAC carried out a Call for Evidence, and commissioned Revealing Reality to conduct qualitative research to explore why and how the route was being used in greater depth. Beyond the initial request from the Home Secretary, and bearing in mind the information gleaned from the Call for Evidence, the MAC were particularly interested in generating robust evidence and analysis to understand how organisations are using the ICT visa route and to help them evaluate areas for possible change.

The research involved 30 remote video interviews, with 15 employers and 15 employees using the ICT visa route. The sample was designed to feature a diversity of experiences—including a range of sectors, roles, nationalities, and types of ICT route used.

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## Key findings

### Employers and employees saw many benefits to using the ICT route

The employers in this research had several motivations for bringing employees into the UK to work, including:

- Filling technical roles that they said they struggled to recruit in the UK, and bringing exclusive or specialist knowledge to the UK, including training UK staff.
- Carrying out roles that would not have been possible to do outside the UK, e.g. for data protection reasons, or to manage the implementation phase of projects based in the UK.
- Bringing over employees who can use their skills to act as a point of contact or “bridge” between their home country and the UK team.
- Giving international exposure to employees and promoting employee loyalty.

The ICT route was preferred by many employers over other routes (most notably the former Tier 2 General and current Skilled Worker routes) to fulfil these motivations. Some of the reasons for this included:

- The ability to get the talent required more easily (e.g. not having to hire new employees but making use of existing ones), something which was particularly valued when speed was of the essence. The ICT visa was also considered to be quicker than other routes given the lack of English language requirement.
- The finite nature of the visa (e.g. not having the option of employee settlement).
- The ability for employers to control costs, including pension costs in the home country (owing to the temporary nature of the visa meaning that employees did not have to have a permanent salary uplift which would have had ramifications on their return home).

Many employees also saw benefits to the ICT visa:

- The ICT route gave them the opportunity to live in the UK which in some cases offered them the opportunity to travel, or even to experience a better quality of life. Indeed, while in some cases the impetus for the ICT posting had come from the employer, in others the employee had specifically sought this out.
- Many also cited the opportunity to work in the UK as a positive step for their career prospects—often their company's regional hub would be in the UK, for example.
- Employers tended to oversee and pay for the ICT application, and to support their employees at least on arrival, or to provide accommodation throughout, reducing the administrative burden for employees.

It is worth caveating that while some employees found the ICT route met their needs, some would have preferred the option to settle in the UK. They were often unhappy that their company did not offer them a visa route with this benefit available. It is also notable that some employees were not aware of other available visa routes before coming to the UK. Their employer had pitched the ICT route as an opportunity to go abroad to work and did not discuss other route options. For these employees, however, this was generally not seen as a problem.

Many of the employers in the sample said that there was a skills gap in the UK workforce for some of the roles they needed filling and they were using the ICT route to bring over specialists or senior people to fill that gap on a temporary basis, and often to upskill the UK workforce in the process. For this purpose, employers said the ICT route was working well for them.

## **Some found the ICT route beneficial for reasons beyond enabling the movement of senior staff and specialists**

Within the sample, the ICT route was being used for various roles and levels of seniority and specialism. However, not all employees seemed obviously to be undertaking assignments that could not be done by UK workers. This of course is technically allowed but can be seen to be outside the main purpose of the route (to transfer workers to the UK to do work that would otherwise not be able to be done). As this was a small-scale study, we are of course unable to comment on the extent to which the ICT route was used in this way, and further work would be required in order to understand this fully.

Some employers, for example, had parts of their company outside of the UK (e.g. a 'development hub' outside of Europe), and spoke about bringing employees to the UK on the standard ICT route (as distinct from the graduate trainee route), train and upskill them over a few months, and then send them back to their home country. The main reason these employers stated for doing this was that it was cheaper to outsource that labour to the country the ICT workers came from, rather than hiring workers in the UK to do the same job. Whilst this is not a technical violation of the rules, it is an example of the ICT route being used for reasons beyond those it was designed for.

It is also worth mentioning that some employees who, came to the UK for work rather than training purposes, said that they suspected that they were being paid less than their UK counterparts. This is not a circumvention of the rules of the ICT. However, it again indicates that in some cases the ICT was potentially being used to cut costs for employers.

Additionally, a small number of employees in the sample seemed to be employed in roles that might easily have been filled by members of the UK workforce, such as admin-based roles. Amongst this group, this kind of work appeared often to be "routine" work, from the detailed descriptions given. Again, this is not necessarily against the rules and would only be an infringement if the work was undertaken for a third-party client since such services cannot be routine in nature. However, it does seem to be an instance of employers (and often employees) benefitting from the ICT route and removing an opportunity for the UK workforce to fill the position.

Whilst the above point references employers not necessarily using the ICT route for the precise purposes for which it was designed (facilitating the movement of skilled workers), there was also one example within our sample demonstrating that it is possible for employers to circumvent the rules.

This came in the form of an employee who was in the UK as a graduate trainee, and whose employer was using accommodation allowances to ensure his salary reached the appropriate threshold. On talking to him about his accommodation, it appeared that it was not worth the allocated allowance – suggesting that the employer was using the accommodation allowance to get around the salary threshold. The employee suspected that he might have been recruited in India specifically with this job in the UK in mind, rather than with a focus on his upskilling.

It is also worth mentioning that there was a sense of employer/employee collusion in this bad practice. Whilst the employee said he sensed that his employer was probably getting a good deal from his presence in the UK, he did not mind as he felt he was getting a good deal himself. In other cases, employees were living in company accommodation, and money for this was coming straight out of their salaries, but they did not necessarily know how much this was.

Whilst this does not show anything at scale, it does show that it is *possible* for employers to circumvent the rules in this way, and for employees to be complicit if it suits them.

## The rules and criteria of the ICT route tended to work well for employers

Although those interviewed were all users of the ICT route, most employers said they did not find the route requirements to be difficult to work with.

Many employers reported that their employees already met the salary thresholds, although a few felt that the salary threshold was high and had had to increase employee pay (whether base salary or via allowances) to meet it.

Employers varied in terms of whether they used allowances:

- Those who did use allowances said they did so to meet the salary threshold, or as a means of raising the employee's salary on a temporary basis while they were in the UK, without longer-term implications in terms of factors such as pension liabilities in their home countries. Some employers also said they gave allowances as a benefit to the employee to help them meet temporary costs even where their salary was comfortably over the threshold.
- Those who did not use allowances said this was to allow the employee greater flexibility in terms of how they used their salary, or because of the difficulty in ensuring parity between different employees in different living situations (for example with or without dependants).

## The new Skilled Worker route means the ICT route is becoming less useful to employers

Some employers mentioned that the ICT route had historically been a preferable route to the Tier 2 General route because of the lack of a 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). This meant using the ICT route was quicker to bring workers across to the UK.

However, the changes to Tier 2 General, now Skilled Worker route mean that the comparative advantages of the ICT route are now more limited for the employer (although some continued to value it for expediency or for very short-term working). Also, from the employee perspective, there is nothing that the ICT visa offers that the Skilled Worker route does not, while on the other hand the Skilled Worker route offers a step towards settlement, an attractive option for many employees.

Employers also reported a reduction in their use of the ICT route over the COVID-19 pandemic, although usage appeared to be recovering. However, some employers were doubtful over whether they would continue to use the ICT route to as great an extent as previously. Whilst many employers still valued the ICT route, and the temporary nature of the work it allows, some also thought the new changes, such as the ability to switch from the ICT route to the Skilled Worker route were causing significant challenges and could make the ICT route less popular going forward.

As we will explain in the coming sections, there were also several features of the ICT route that most employers did not pay attention to or see as having a particularly big impact on their use of the route. For

example, several employers had internal English language requirements for their employees coming to the UK, and many employers said that speaking English was not a problem for their employees. The fact that the ICT route did not have an English language requirement therefore did not register as a benefit for them. It is worth caveating that if there was an English language test as part of the ICT route, it would add another layer of friction, which may be unpopular with many employers and employees. But for several of those we spoke to, the current absence of the English language requirement did not necessarily register as a benefit of the ICT route.

Similarly, the time limit and cooling off period did not present an impediment to many employers who, again, had their own internal policy about time limits for employees.

These things, combined with the fact that employees are now able to switch to the Skilled Worker route, meant that some employers questioned how much they saw themselves using the ICT route in the future. If the comparative benefits of the route are increasingly unclear, and the Skilled Worker route (which they will be able to switch to anyway) is more attractive to employees, then, for some employers, this means they might use the ICT route less going forward.

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## Conclusion

Most employers currently valued the ICT route, for reasons such as its temporary nature which gave them the control they needed over their employees, and over the company budgets and costs. For employees, the benefits of the ICT route over the Skilled Worker route were less obvious. Many were also keen for the option to settle in the UK, and therefore would have preferred a Skilled Worker visa. The technical rules of the route appeared to be working well for employers, with one or two exceptions. Although employers reported a temporary dip in ICT usage over the COVID-19 pandemic, some reported that they were beginning to use more ICT visas again. However, it appears that there may be a shift, at least to some extent, to using the Skilled Worker route.

Whilst it appeared that the ICT route was mainly being used as intended, in a few cases it appeared that employees were filling roles that may have been able to be filled in the UK. There was also some evidence that allowances were being used to reach or circumvent the salary threshold, but that employees were either not aware of or were not concerned about this situation.

Overall, whilst employers clearly valued the ICT route, there were also aspects that differentiate it from other visa routes that were not necessarily seen as beneficial. This was then compounded by recent changes meaning employees can now switch to the Skilled Worker route. So, whilst most employers were easily able to comply with the requirements of the route, they saw the relative benefits of using it—as explained above—as diminishing. Some even stated that they saw themselves avoiding it altogether in the future.

# Background and methodology

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## Background to the project

The provision of the ICT route is necessary for the UK to meet its international requirement under the World Trade Organisation's General Agreement on Trades and Services. The main ICT route is designed to enable employers in the UK to move existing senior employees and specialists, who have been employed by the company for at least 12 months<sup>1</sup>, from overseas offices to roles in the United Kingdom (with the graduate trainee ICT route allowing the similar movement of those on a graduate trainee scheme and who have worked for the company for at least three months).

The Home Secretary commissioned the Migration Advisory Committee (MAC) in September 2020 to assess the efficacy of the route, and the MAC were asked specifically to look into:

- The salary threshold for entry via the ICT route
- What elements, if any, beyond base salary should count towards meeting the salary requirement
- Whether, as is currently the case, different arrangements should apply to the very highly paid
- What the skills threshold for the route should be
- The conditions of the route, in particular those where it differs from the main Tier 2 (General)/Skilled Worker route

Alongside the Call for Evidence, run internally by the MAC, Revealing Reality were commissioned to conduct qualitative research. The overall objective of the project was to provide the MAC with robust evidence and analysis to understand how organisations are using the ICT visa route and to help the MAC evaluate areas for possible change. The research took a qualitative approach to provide additional, detailed data which would sit alongside the MAC's existing knowledge of how the ICT route is being used (such as from their Call for Evidence and economic analysis).

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## Methodology

The approach taken for this project was qualitative in nature, centred on 30 remote interviews conducted with employers and employees who have used the ICT route.

### **Qualitative research enables exploration of behaviour and drivers of decision making.**

Alongside the Call for Evidence, the qualitative approach used in this project has several benefits for the MAC.

Deciding whether to take a quantitative or qualitative approach requires teams to weigh up the relative strengths and limitations of each approach to meet the overall objective. Whilst qualitative research cannot show scale or allow for generalisations to be made about the behaviours observed in the same way as quantitative methods, it does have a number of benefits that were important for meeting the objective of better understanding how the ICT route is being used.

Most notably, a qualitative approach has enabled the research to:

- Provide clarity on *how* and *why* employers are using the ICT route—with greater clarity on factors driving decision making
- Deliver greater nuance in the understanding of employees' experiences when using the ICT route and the challenges and benefits they experience
- Build a richer picture of the 'on the ground' experiences of using the ICT route

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<sup>1</sup> Those earning over £73,900 are exempt from this requirement

- Explore, in detail, the comparison employers and employees make between the ICT and Skilled Worker routes
- Bringing the voice of the users to life

As with many other research methods, qualitative insight is reliant on self-reported testimony, respondent knowledge and recall. To counteract any potential issues with this, researchers have triangulated this with additional data and information, validating or clarifying information wherever possible.

### **30 remote interviews with employers and employees**

The project centred on 30 interviews with 15 employers and 15 employees who have used the ICT visa route. Fieldwork took place between June and September 2021. These interviews were conducted remotely by a team of researchers at Revealing Reality, using video conference platforms (such as Zoom and MS Teams). They each lasted 45 to 60 minutes dependent on respondents' availability.

These interviews followed a discussion guide (included in the annex), developed in collaboration between Revealing Reality and the MAC. This was used flexibly by researchers to explore and probe on key topics of interest and relevant issues raised by the respondent.

Employer interviews covered topics such as:

- Their motivation for choosing the ICT route for their staff
- Types of role they tend to use the ICT route for and why
- Use of allowances and salary thresholds
- Comparison between the ICT route and other visa routes
- Their overall reflections on the visa route.

Employee interviews covered topics such as:

- Their experience of applying for the ICT visa
- Correspondence with their employer about their visa
- Experience of being in the UK on an ICT visa
- Reflections on the ICT route in comparison with the Skilled Worker route
- Overall reflections on the ICT route.

Throughout the interview, researchers probed areas of interest, but also responded to participants' answers and were to some extent led by these. Researchers also took care to follow up on anything that might indicate any extent to which impacts may differ according to protected characteristics under the Equality Act 2010<sup>2,3</sup> The research found no evidence of protected characteristics having an impact on experiences of the ICT visa route.

The full topic guides can be seen at Annex 1 and 2.

### **A sample that reflects the population of ICT visa users**

The sample aimed to capture a diversity of experiences—it featured a range of sectors, roles, nationalities, and types of ICT route used.

Given that the total population of employers and employees using the ICT visa route is limited, and interviewees were recruited through lists of customers with appropriate consent provided by the Home Office, the sample was given some flexibility to ensure a necessary response rate within the project

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<sup>2</sup> [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>3</sup> Protected characteristics under the Equality Act 2010 are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion and belief; sex; sexual orientation.



timeframes. However, there were several criteria that were critical to ensure the appropriate spread of experiences have been included within the work. These were:

- **Nationality:** A high number of workers in the UK on ICT visas are originally from India. It was therefore important to ensure there was representation of Indian workers and those from other countries.
- **Sector:** Many workers on ICT visas come to the UK in roles within the IT / technology sector. As with nationality, the work therefore actively sought to include experiences from workers in IT and wider sectors.
- **Type of ICT visa:** It was vital that the research reflected employers and employees who were using the ICT visa for contractual roles as well as the standard route.

Sampling criteria	Employers (15 respondents)	Employees (15 respondents)
Type of ICT visa	5 x contractor 10 x conventional	5 x contractor 10 x conventional
'Grade' of ICT visa	1 x focus specifically on grad trainees 14 x used ICT visa for senior/specialist staff and managers	A mixture of senior managers, specialists, and graduate trainees
Sector	8 x IT workers 7 x non-IT workers (often finance, travel or energy industries)	10 x IT role 5 x non-IT role (often finance or travel industries)
Number of employees	2 x under 1000 employees 1 x 1001-5000 employees 0 x 5001-20,000 employees 5 x 20,001-50,000 employees 1 x 50,001-100,000 employees 6 x 100,000+ employees	n/a
Organisation location	5 x with multiple offices across the UK 1 x with multiple offices across England 7 x London based 2 x based outside of London	n/a
Nationality	n/a	8 x Indian workers 7 x non-Indian workers (from 6 different countries)
Gender	n/a	8 x men 7 x women
Age	n/a	2 x 20-30 8 x 31-40

		5 x 41-50
Dependants	n/a	8 x brought dependants 7 x no dependants

### Due diligence around ethics

A number of steps were taken to ensure this work had a rigorous ethical approach.

Prior to the research, the MAC conducted a full Data Protection Impact Assessment and consulted the Home Office Ethics Panel.

The MAC went on to contact a random selection of users of ICT Certificate of Sponsorship and respondents of the Home Office's customer satisfaction survey, who indicated that they had used the ICT route and had given permission to be recontacted for further research. The MAC wrote to these users, advising them of the research, and transferred the contact details for those who either opted-in or did not opt out of being contacted to Revealing Reality, using an encrypted connection on secure, password-protected spreadsheets with time-limited deletion dates.

Revealing Reality sent an email outlining the research process and interview topics to respondents, and then conducted pre-interview screening calls with those who responded, during which the research, consent and anonymity processes were explained further. This information was repeated at the outset of each interview, where ongoing consent was gained in order to proceed. Following the interview, Revealing Reality sent each respondent a consent form and information sheet about the project outlining the data protection processes, which respondents returned electronically.

# Section I: How were employers using the ICT route?

We spoke to employers from a range of sectors who were using the ICT visa route to bring employees to the UK. In some cases, these employees were clearly filling skills gaps and bringing unique knowledge or skills that employers reported as being at a high premium in the UK. However, employers reported a range of additional reasons for using the ICT route, such as: knowledge transfer and training for their overseas workers, employees acting as a point of contact between their home country and the UK, and giving employees exposure to the UK, which is in line with responses raised in the MAC's Call for Evidence. Their motivations for using the ICT route often included valuing the temporary nature of the ICT route and the ease and speed of applying compared to other routes.

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## Many employers were using the ICT route to fill senior and specialist roles and bring exclusive knowledge to the UK

Some employers mentioned the difficulty in finding the skills they needed in the UK market. They said that the relevant skill sets required were often few and far between, and hard to source within the UK workforce. A few employers also said there was an additional problem of domestic candidates often looking right on paper, but lacking relevant skills in reality, meaning that employers would spend time interviewing unsuitable candidates. For some employers, therefore, ICT visas were seen as a reliable way to fill temporary skills gaps in the UK and bring over specialised employees who could upskill UK nationals. For example, Linda (Employee, Customer Success Manager, Software Organisation) said that she had specialised knowledge of the specific software that her organisation used. She believed she was brought to the UK because, unlike someone external to the company, she would be able to quickly upskill employees in the UK branch.

One employer at a large technology company said they felt that the UK recruitment team can struggle to find the right talent for a new project locally. If there was no immediate candidate in the organisation inside the UK, they would broaden the search by looking overseas with the organisation, because existing employees are “known entities” and providing these opportunities can help maintain long-term employee loyalty. They said that they often found it easy to bring people over from their office in South Asia as they described the organisation as having ‘floating pool’ of resource there; people would be employed not necessarily with a project in mind, but because they have valuable technical skills, and with the view to them potentially moving to an office abroad, both in the UK and other countries in which the company was based, should a relevant project arise.

Likewise, an employer at a large IT company said that they mainly used the ICT route to move people over to the UK for two to five years to carry out the implementation stage of projects (they could develop and test solutions overseas but needed to be on hand in the UK to implement and support clients). The roles they used the ICT route for included solution designers, software consultants, business analysts and data analysts.

In some cases, employers claimed that there were technical and legal reasons for bringing employees to the UK on the ICT route, which extended beyond skills. For example, two employees reported that data protection rules meant the data they were working with could not legally leave the UK—and so they were required to come to the UK by their employer. Similarly, an Immigration Specialist at an engineering firm reported that some of their work required employees to have a specific security clearance, which was only available overseas and took six to nine months to gain, and that it therefore seemed logical for employees from abroad with this clearance to come to the UK.

## Some employers appreciated the ease and speed of applying for the ICT visa, compared to other routes

Many employers said that they saw ICT visas as the easiest and quickest way of filling vacancies in the UK. There were a number of reasons that contributed to this:

- Firstly, many employers said it was faster and easier to recruit from within the organisation. They saw existing employees as ‘known entities’, and so they would not need to invest as much time into assessing whether they had the right skill set as they would for a UK national external to the organisation.
- Some employers also mentioned that they had historically found it preferable to bring existing employees in on the ICT route, rather than new foreign employees on the Tier 2 General Work visa, as the resident labour market test for the Tier 2 General visa had been time consuming. Employers said they had become used to using the ICT route for this reason.
- Some employers and employees, though not all, cited the ICT route as being particularly fast as a result of not having certain steps that other visa routes have, such as the English language test. For an employer at a large IT company, the speed of getting the employee team together for client projects was vital, as she felt that many clients needed the ‘*job done yesterday*’.

### **Employers valued the temporary nature of the ICT route.**

For most employers, the ICT route was synonymous with a more temporary posting of employees to the UK, and they liked it for that reason. This was particularly true for cases in which employees worked on fixed-term or temporary client projects, or where companies had policies of rotating employees between roles and locations.

Many companies did not use the full time allowance the ICT visa permits. Several of them had internal policies imposing specific time limits on employees coming to the UK (e.g. two or three years). For many employers, the ICT was seen as a visa route for which long term stays in the UK were never an option. These employers liked this aspect of the ICT visa.

For example, an employer at a global energy organisation we spoke to said that the ICT route worked for them perfectly because they would only ever offer short secondment placements in the UK, and the ICT visa was in line with this.

## **Bringing employees over on the ICT route had further business benefits, such as acting as a communications bridge**

### **Employees could act as a point of contact between their home country and the UK team.**

Some employers said that the real benefit in bringing employees over on the ICT route was to create a point of connection between UK-based and international teams, improving communication and the spread of organisation-specific knowledge, similar to what respondents said in response to the MAC’s Call for Evidence. For example, Sara (Employee, Finance and Admin Director, Airline) stressed the importance of having someone from her home country, with knowledge of the airline policy and procedures specific to her country, in the UK team. Flights would go between her home country and the UK, so she explained it was important to have someone who could understand the logistics from both sides.

Chang (Employee, Auditor, Accounting firm), described how his presence in the UK was helpful, partly because he could act as a linguistic bridge between his team in the UK and the team in his home country, who were both working with the same client. He described how he tended to be the one who would have conversations with his home country’s team whenever these needed to happen, as he was one of the few in the UK office who could speak the necessary language.

### **Giving international exposure and promoting employee loyalty.**

Some employers said they were using the ICT route because they were keen to give their employees international exposure. These employers said they thought it was beneficial to facilitate employees working in other countries, as it would provide new professional development opportunities. Some employers and employees suggested that it also presented some linguistic development opportunities. Whilst there was a general consensus that employees coming over on the ICT route were comfortably above the BI standard (which is the necessary requirement for other workers coming over on the Skilled Worker route) there was often room to improve their fluency and confidence.

*“We do use English as one of our official written languages in my home country, but we don’t really speak it everyday... so language-wise and career-wise the organization wants us to have exposure and experience to different things.”* Chang (Employee, Auditor, Accounting firm)

Employers said they were also aware that many employees wanted the chance to work in another country—both for career progression purposes, and for more holistic travel experience—and thought that providing this ‘perk’ with the ICT visa could help with employee loyalty.

Some employers said that they were aware that the UK, and London in particular, was a particularly desirable location for secondments. They believed that employees saw it as a desirable location to live and where employees could make good money.

*“You’ll find that people coming into London for some reason, they all absolutely love London, they love working in London, they absolutely thrive in London... When you come to London, Europe is so close for holidaying... They love the working environment. And I mean, our assignees are paid very, very well.”* (Employer, large international bank)

### **For some employers, bringing people over on the ICT route was a way to control costs and salaries.**

Most employers and employees said that employees tended to be on a higher salary in the UK than they would have been in their home countries doing the same role. However, a few employees believed that they were being paid less in the UK than their UK national counterparts.

This means that the cost benefit of the ICT route could potentially be two-fold: employers could fill roles in the UK at a cheaper rate and the temporary nature of the ICT route meant that employees would go back to their home country before their salary expectations in the UK had raised excessively.

*“The ICT route helps us also to have sort of like a rotation scheme going on where people can come and have this short-term experience here. We can bring someone that stays here for up to a maximum of five years or two years or three years, not more than five years. They can gain a whole lot of experience. They can go back and we can bring another junior person here, to start that cycle again... on a project going up to 19 years salary expectations get high... so [the rotational nature of the ICT route] gives us a bit of leeway and break... we can sort of keep the salaries at a particular level and try to focus on career development for more employees, rather than just having one bottleneck of people that are here for a long period of time.”* (Employer, medium sized IT Consulting firm)

## **Employees were aware of the benefits the ICT route had for their employer**

Employees were generally aware of the benefits that their coming to the UK brought to their employer. Many of the reasons they mentioned aligned with those mentioned by employers, such as:

- Acting as a bridge between home country and the UK, either in a linguistic or knowledge capacity
- Bringing specialist skills or knowledge to the UK
- Upskilling UK nationals
- Being cheaper than a UK national for certain jobs/roles

There were also things that employees hoped to gain personally by coming to the UK, such as work experience, the cultural experience of being in the UK, the opportunity to meet new people and financial gains. Indeed, coming to the UK was often seen as ‘a perk’, meaning that most employees we spoke to were keen to make the move when offered by their employers. This is perhaps unsurprising as we spoke to employees who had made the move to the UK, and were therefore all somewhat motivated to move here, but many gave the sense that secondments in the UK were desirable amongst others in their home country as well. Padma (Employee, Software Engineer, IT solutions organisation) explained that for people like her from a ‘small town’ in her home country, there was a great sense of prestige and excitement around the opportunity to come to the UK, and that it was something to be seized.

*“It was a ‘wow moment’ in the first instance because I was travelling for the first time... everybody at my home, my parents, was excited because I come from a very small family... everybody was excited, me coming*

*from a small village growing up, and then again moving to an I.T. company, and then moving to this location which is out of the country.”* (Padma, Employee, software engineer, IT solutions organisation)

Some employees wanted the experience of interacting face-to-face with their colleagues and clients. Nagesh (Employee, Project Manager, IT organisation) was already working on the account with this particular client but wanted to get more interaction with clients. He felt that working onsite in the UK added value to his CV, and the hours would be better as he was required to work on UK hours in his home country, where there was a significant time difference.

Similarly, Madesh (Employee, Sales manager, IT organisation) felt he gained a lot from interacting with customers face to face:

*“You talk to a customer over a phone call or a video chat, and you don't get to know them personally.... you don't sit across the table with them or share lunch with them or go out on a walk with them. So that kind of bonding that you can create with the person actually happens when you work close to them in their office or you meet them often.”* Madesh (Employee, Sales manager, IT organisation)

As well as the work experience, some employees were excited by the prospect of experiencing the culture and meeting new people in the UK. For example, Yim (Employee, Team Head, International Bank) said that the improvement in his quality of life and getting to experience life in London were big motivations for moving to London. Kaasni (Employee, Software Engineer, IT organisation) had previously lived in Edinburgh, so she was eager to repeat the experience by moving back to the UK on an ICT visa.

Some benefits to the employer seemed more aligned with the interests of the employee than others—such as employees acting as a bridge between their home country and the UK for employers, whilst giving employees the opportunity to experience working with UK nationals. Despite this, the employees we spoke to generally did not question the benefits of the ICT route.

There was a sense of complicity between some employers and employees, as whilst employees knew they may not be getting the best deal possible, it was better than if they were to stay in their home country. This includes Aditi (Employee, Functional architect, Software company) who felt that the ICT was not the route to use if employees wanted to make money, but this was outweighed by the benefits of experiencing the culture and enjoyment of life in the UK:

*“If you're coming only for money, look at the normal visa. Take the normal visa route instead of the ICT. But if you want to live here... and enjoy your life, then use the ICT, which is pretty easy.”* Aditi (Employee, Functional architect, Software company)

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## **There were employees on the ICT route who were not obviously working on senior/specialist assignments**

As illustrated by many of the individuals we spoke to, most employees and employers in the sample seemed to be using the ICT visa route in the way in which it was intended: to facilitate the short-term movement of skilled staff as permitted by the UK's international commitments on Intra-Company Transfers under the World Trade Organisation's General Agreement on Trades in Services.

Indeed, many employees in the sample were clearly highly skilled, experienced and seemed to be filling roles that couldn't be filled by the UK workforce. Mia (Employee, CFO, Manufacturing organisation), for example, came to the UK as a Chief Financial Officer for a UK subsidiary of an international group. She stayed in the UK for 3 years using her specialist knowledge to help the subsidiary grow financially and returned to her home country in August 2021. Her post has since been filled by a UK national.

However, whilst all employees were skilled and educated to degree level, in some cases employees were not obviously fulfilling specialist assignments or bringing specific knowledge to the UK. In fact, sometimes, it was the other way around. Some employers spoke of using the ICT route as a means to upskill inexperienced employees before sending them back to their home country to deliver future work there, meaning that eventually they would be able to outsource the work outside the UK at a cheaper rate. For example, an employer at a financial software and technology company said:

*“It's...a cost-cutting exercise. The average annual salary of a developer in the UK is 65k... [compared to] 6-8k [when outsourced]”* (Employer, Financial software and technology company)

So, when a long-term employee at this company in the UK moved back to their home country full time, the company opened a development hub there and started using the ICT route to send over graduate level workers, who were not yet doing specialised work, to work and be trained up in the UK on a short-term basis, to then be sent back, upskilled, and working at a cheaper rate than UK workers.

*“They weren’t specialists yet, but they would have been identified as potential specialists”* (Employer, Financial software and technology company)

Similarly, an employer at an insurance company explained that one of the ways they used the ICT route was to bring employees from their office outside the UK on the standard route for a couple of months at a time, to pick up skills and knowledge which they could take back to their home country.

It is important to note that these employers were not infringing any rules of the ICT route: guidance around what the standard ICT route can and cannot be used for are not specific on the type of employment that can be done (outside the parameters of the skill and salary threshold, and that the work—if a contractor—cannot be routine in nature<sup>4</sup>). However, given that other immigration routes for skilled work aim to bring *in* knowledge and skills, bolster the economy, and support rather than compromise the interests of UK workforce, usage of this type may outside of some of the broader aims of skilled migration policies in the UK. This is perhaps unsurprising, as UK interests do not always align with employers’ commercial priorities, and one of the purposes of the ICT route is to facilitate movement for business.

The research also indicated that the graduate trainee ICT route was not always used in the way it was intended: bringing employees over on a rotational scheme which gives them exposure to different skills and roles. One graduate trainee came to the UK on an ICT visa three months after having started work with his employer. He worked in the UK for 18 months in the same admin-based role. He was under the impression that the company hired him with this role in mind, rather than for his long-term progression, given that he travelled to the UK with four other employees who all did the same task and who were all employed in their home country at the same time. The employee also had the impression that UK workers may have been undercut in this process. The graduate trainee thought that other employees in the UK office had the skills to do the job that he was doing, but they did not have the time and he was a cheaper option.

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## **There were a number of ways in which employers supported employees in their move to the UK**

**In some organisations employees were selected by their employers to come over on the ICT route, while in others the impetus came from the employee themselves.**

The selection process for employees coming into the UK on the ICT route varied between organisations. There were a number of scenarios in which employers were driving the use of the ICT visa. Some were looking to fill specific roles on an ad hoc basis, as the need arose. In the case of Mia (Employee, CFO, Manufacturing organisation), her organisation had struggled to find volunteers to fill the post after advertising it internally. They then approached Mia, as they believed she had the specific skillset and experience needed for the role. Mia originally turned down the position but was convinced the second time round to take it.

Other employers had formal employee rotation systems and would therefore regularly invite employees to go on secondment to the UK. For example, an employer at an IT company reported that they have a ‘rotation culture’—predominantly for non-UK workers—whereby there is an expectation that employees will go abroad at some point during their employment. They generally have employees come to the UK for 2 years, before the next employee comes over to be trained up by the existing employee, and responsibilities are then handed over.

On the other hand, sometimes the impetus for travel came from the employee, who would search for upcoming secondment opportunities. In these scenarios, coming to the UK was often highly competitive. Aulia’s (Employee, Office Manager, International Bank) company rotates employees from her home country every 3-4 years. Only the ‘best’ employees are able to go to the UK, so she had to go through a rigorous internal application process involving an interview and English language test.

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<sup>4</sup> [Immigration Rules Appendix Intra-Company Routes - Immigration Rules - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-intra-company-routes)

### **Employers tended to oversee and pay for the ICT visa application.**

Employees often gave their employer the relevant documentation and details, and their employer then completed and paid for the application, including the NHS surcharge. In some cases, employees paid themselves and employers had reimbursement schemes. Some employers used external recruitment partners to manage visa applications.

For example, Aditi's (Employee, Functional architect, Software company) company has an internal immigration team. They told her what type of visa to apply for, she then completed a 'simple form' on their internal portal with her details and documentation and they sorted the visa:

*"I didn't have to do anything, just provide them with photographs and a couple of documents, that's all."* Aditi (Employee, Functional architect, Software company)

In a slightly different vein, Nagesh (Employee, Project Manager, IT organisation) paid for his ICT visa application on a company card and expensed the cost, and his employer gave him detailed instructions for him to follow to do the application himself.

### **Employers tended to support employees when they first arrived in the UK.**

Many employees we interviewed reported that they had received some form of initial logistical or financial support from their employer upon their arrival in the UK, to help them to settle into the UK and find accommodation for the early weeks of their placement in the UK. This level of support varied across the sample—in some cases, this support was intended for the first weeks only, but in other cases, employers provided and paid for accommodation throughout the entirety of employees' time in the UK.

*"They paid for accommodation for 14 days after I landed in the UK. They were worried I wouldn't be able to get a place straightaway."* Chang (Employee, Auditor, Accounting firm)

*"I got my full salary... none of it was allowances... and my employer helped with accommodation on top of my salary... I paid for my accommodation, and then they reimbursed me."* Mia (Employee, CFO, Manufacturing organisation)

Unsurprisingly, those employees bringing dependants to the UK with them had more to organise, such as schooling for their children, accommodation suitable for their family needs, and work for their partners. Some employers helped with this organisation. These employees generally found the process of bringing over dependants easy and enjoyed the opportunities that this brought their families.

For example, Aulia (Employee, Office Manager, International Bank) had support from her employer throughout her ICT route posting and has enjoyed the benefits of bringing her family to the UK with her. Aulia's employer arranged and paid for accommodation for her and her family for the duration of this ICT visa posting through allowances. She was pleased that her husband and daughters were able to come to the UK on her ICT route, as her daughters could receive education in the UK, and they were all able to experience the culture of the UK.

By contrast, Nagesh (Employee, Project Manager, IT organisation) arranged his own accommodation before he came to the UK as his company did not offer accommodation. Linda (Employee, Customer Success Manager, Software Organisation), who had previously been to the UK on a Tier 5 Work visa, was able to arrange to stay in the accommodation she had when previously in the UK.

In many cases, employees were expected to begin work quite quickly following their arrival in the UK. For example, Aditi (Employee, Functional architect, Software company) began working as soon as she reached her hotel as she was quarantining after arriving in the UK, but said that her company would usually give employees 48 to 72 hours to settle in before beginning work.

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## **COVID-19 and Brexit had differing levels of impact on employers' use of the ICT route**

**Many employers saw a dip in their use of the ICT route during the COVID-19 pandemic.**



Unsurprisingly, many employers said that COVID-19 had an effect on their use of the ICT route. Many employers described seeing a dip in the number of ICT visas they were applying for in 2020, principally due to factors such as travel restrictions and client projects being put on hold.

For example, an employer in an IT consulting firm said that her firm brings people over on the contract route, and said that she had seen a massive dip during the pandemic due to clients putting projects on hold and travel restrictions. While she said they had applied for 25-30 ICT visas in the month of April 2019 alone, she said that in April 2020 they had applied for less than five. Things have started picking up since in April 2021, the organisation completed 20-25 ICT visa applications.

Similarly, an employer at a large international bank said that they experienced a large dip in ICT visas due to COVID-19 as international assignees were put on hold for a period, during which time the only ICT visas processed were in-country extensions. An employer at a finance organisation also reported that some of their rotation programmes were put on hold due to travel restrictions, which meant that the organisation put forward fewer applications. They said that they had had some issues getting ICT visas processed during this time.

There were also numerous examples of employees on ICT visas doing more home-working in the UK during the pandemic and a small number of employers reconsidering whether there was a benefit to these workers being brought to the UK, which has the potential to impact on ICT visa usage in the longer term.

However, employers generally expressed the sense that the effects of COVID-19 on their use of the ICT route was temporary. Whilst employers said they had seen a dip in applications, this appeared to be more due to temporary factors such as travel restrictions and projects being put on hold, rather than any permanent change to the nature of work which would render use of ICT visas redundant. However, it is important to note that interviews happened whilst employers were still somewhat feeling the effects of COVID-19, so the long-term effects of the pandemic on their use of the ICT route are still somewhat unknown.

### **Employers had little to say about the impact of Brexit on their use of ICT visas.**

Most employers felt that Brexit would make little difference to their usage of the ICT route. Principally, the employers we spoke to were not bringing many people to the UK from Europe, so the change would not affect them much. For the few workers they were bringing over from Europe, it just meant an extra layer of admin that was relatively easy to deal with.

There were a couple of exceptions where employers said they might use the ICT route for bringing over people from Europe who would previously have been able to travel to the UK under Freedom of Movement. For example, an employer at a finance organisation expected there to be a large volume of EU citizens that they would now need to sponsor, which could be expensive for the company.

*“With Brexit, what’s really only now starting to kick in is the need to apply for visas for EU citizens. That’s going to have a huge impact on our bottom line, ultimately, because visas are expensive and for the sheer volume of visas we’ll need to do for EU citizens.”* (Employer, finance organisation)

Similarly, an employer at a financial organisation felt that there was now a lot more investment needed up front for some employees—one employee from Sweden was requiring a £10-12,000 investment for the cost of the Skilled Worker visa and relocation costs. For her, it is now a question of: *‘How urgent is the role?... are we able to afford another £10-12,000 on top of that [salary] just for the visa costs?’*

# Section 2: Key features of the ICT route and comparisons with other visa routes

Employers and employees shared their reflections on and behaviours in relation to the key features and requirements of the ICT route. There were often comparisons to the Skilled Worker route (formally Tier 2 General Work route), particularly in light of the January 2021 change to the ICT visa which gave individuals the ability to switch to the Skilled Worker visa.

This section discusses how key features of the ICT visa have impacted the experience of employers and employees. It then explores their thoughts on the Skilled Worker route, which for some felt increasingly like a viable alternative for bringing over workers into the UK. Whilst other work visa routes were mentioned in passing, the Skilled Worker route was the main point of comparison and discussion in depth interviews.

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## Key features of the ICT route

### Salaries and thresholds

Employees on the ICT route need to meet a minimum salary requirement, varying depending on the seniority and situation. Those on the standard route have to be receiving a minimum of £41,500 in the UK and those on the graduate trainee route a minimum of £23,000. There is also a higher earner threshold of £73,900 per year, which allows employees to come to the UK even if they have been working in their organisation for less than 12 months, and also allows a longer stay of nine years in 10, as opposed to five years in six.

#### **Many employers reported that their employees' salaries were already meeting the salary threshold, and so they did not need to use allowances.**

Most employers reported that they were fairly satisfied with the salary threshold of the ICT route. It was straightforward for them all, especially those who operated in the IT or technology sectors, to fill roles with employees that were at or above the minimum RQF level 6 and were therefore adequately skilled to achieve the minimum salaries. An employer at a large IT consulting firm, for example, described the threshold as "perfect", and mentioned how the threshold was comparable to the SOC code going rates for the roles they were bringing people over for, such as senior technical architects.

There were a few examples where employers had the opposite opinion. They said they felt that the threshold was higher than the industry standard for the role they were employing and had felt the impact of the threshold having been increased over the last few years.

*"We've had to increase some salaries recently because the threshold is higher than the occupancy code for most of the roles we bring people over for. That's normally about the £35-38k mark. So we have to raise salaries to make them eligible for the visa." (Employer, large IT company)*

So, whilst it is not directly stated in the rules, the example from this employer might indicate that some employees on the ICT route are not meeting the seniority/specialist threshold that the £41,500 works as a proxy for. This particular employer felt that the threshold made the ICT route more 'expensive' than other visa routes.

#### **Some employees' salaries were increased either to meet the salary threshold or to align with the UK market.**

A large proportion of the employees were receiving higher salaries in the UK than they had been receiving in their home country. Linda (Employee, Customer Success Manager, Software Organisation) was earning the equivalent of £35-40,000 in Australasia. This was increased to £40-45,000 to meet the threshold for the ICT visa in the UK (approx. 20% increase). Aulia (Employee, Office Manager, International Bank) similarly said that she experienced a rise in salary when she came to the UK. She had been earning the equivalent of £1-2,000 a

month in her home country, which was increased to a base salary of £2-300 per month, and a total package of £4-5,500 per month when allowances were added.

Many employees expected their salaries to decrease upon their return to their home country. Most were expecting it to be returned to their original level in their home country, or to a slightly higher level, given that they had gained new skills and experience whilst working in the UK.

Nagesh (Employee, Project Manager, IT organisation) earned the equivalent of £15-20,000 in his home country. In the UK he was paid £55-60,000. This was increased to £62-65,000 over the time he spent in the UK. When he returned to his home country, he was paid the equivalent of £25-30,000—an increase on his original home country salary.

*“At home, before I went to the UK, I would take home about £100 to £200 a month. Then I went over to the UK and I would get about £2200 a month. And then after I came home again, I’m back on the same as before. I get about £100 – £200 a month now”* (Hari, Employee, Non-contract, IT services organisation)

There was no indication that once people returned to their home countries there was any repayment of salary they had received in the UK (although the sample of employees included in the research were mainly those who had not yet returned to their home countries so there is insufficient data to draw firm conclusions here: nevertheless, none expected to have to do so, when specifically asked whether this would be the case).

**Whilst most employees thought they were paid the same as UK hires in a similar role, some thought they were being paid less.**

A few employees had the perception that they might be being paid less than the market rate in the UK. This often stemmed from hearsay among colleagues and/or friends, guess work around what others within the company were being paid, and sometimes from online research about similar roles in other companies.

*“I think that people in my role who aren’t on the ICT are getting paid a lot more. More like £11,000 or £12,000 a month. While I’m on £3,500 a month.”* Aditi (Employee, Functional architect, Software company)

*“I think the other project managers, the ones from England, are probably paid more than I am. I don’t know why. It’s just the impression I get from talking to people here. I know that some of them are charged out to clients at a higher rate than I am, so I assume that means they’re paid more.”* Nagesh (Employee, Project Manager, IT organisation)

In one case, an employee thought that other people who do a similar job to her in other companies do not get paid as much as she does. She knew that her salary had had to be increased in order for her to be able to gain an ICT visa.

**Employees said they were usually paid through the UK payroll, rather than the payroll in their home country.**

In some cases, being paid on the UK payroll offered financial benefits for employers and employees. For example, an employer at a large technology company reported if employees were not paid on the UK payroll, the increase in their salaries could have an impact on the social security payments they were required to make in their home country.

A few employers reported tax benefits if their employees were on the UK payroll. For example, there was one employer at an IT consultancy who received tax relief if employees were registered with it as their temporary workplace.

## Use of allowances

Employers are allowed to make up a portion of the ICT route salary threshold through accommodation allowances. For the standard route, accommodation allowances can count towards 30% of the salary threshold, whilst for graduate trainees it is up to 40%.

**Many employers said they were not using allowances.**

As stated earlier, many employers reported not using allowances at all. The main reason was to give employees flexibility with their money and to avoid complicated calculations when employees had different accommodation set-ups from each other, such as if some were also bringing dependants.

*“We try to keep life simple. Using allowances gets too complicated when everyone on the ICT has a different housing and family set up. You can get lost in complicated sums. And it means our employees can just choose how to spend the money.”* (Employer, large IT firm)

An employer at a small-medium software organisation similarly suggested that her organisation’s choice to not use allowances was motivated by giving employees the freedom to use their salaries as they wished and avoid complications in paying employees.

**When employers did use allowances, it tended to be to meet salary thresholds or protect themselves from high costs in the future.**

Some employers said that they would, very occasionally, need to increase salaries in order to bring employees to the UK more quickly on an ICT visa, if that employee had not been working with the company in their home country for long enough. This took place with an employer at a medium IT consulting firm, in exceptional circumstances:

*“If someone is very very critical to a project that we’re struggling to find and they haven’t been with the company for the 12 months that they need for the ICT we’ll go for the high earner category... if their salary doesn’t meet the £73,900, we’ll bump it up with allowances... We’ll also use allowances in certain cases for promotions. We have an annual promotion cycle and cap salary increases to 5%, because if we increase someone’s salary outside of that, that means on the next cycle when we’re calculating the percentage, it’s going to be higher...in rare cases where the employee negotiates above 5%, anything that is over the 5% will be made up in allowances.”* (Employer, medium IT consulting firm)

In a similar vein, some employers wanted to minimise the pension contributions they would have to make, as well as any pay-outs that they would have to make if employees were to leave the company. For example, an employer in a large IT consulting firm described how his organisation would typically give £20-25,000 as a base salary and use allowances to meet the threshold, including a relocation allowance.

*“This gives us so much more flexibility. We can increase salaries in future years much more easily and also means that the pension contributions we make are lower”* (Employer, large IT consulting firm)

Similarly, an employer at a financial company reported:

*“Allowances are a really important part of how we pay staff on the ICT route, especially when they come to the UK for 6-12 months. There are implications for how we pay exit salaries if people leave the company while they’re in the UK if their base salary is too high”* (Employer, medium financial firm)

Specifically, the salary in their home country was £10-12,000 a year, but the employer wanted the employees to have the right living standard in the UK and so increased their salary to £50-55,000. However, the employer said that if the employees resign whilst in the UK, their home country’s law states that the company had to pay an exit salary three times their salary—and to pay three times £50-55,000 would be too much for the company. To avoid this risk, they tended to give employees a £10-12,000 basic salary and make this up to £50-55,000 with allowances.

The types of allowances that employers used included accommodation allowances, cost of living and travel allowances. Employers did not express any concerns or considerations around particular types of allowances.

**Some employers were offering allowances, but for reasons not specifically related to the ICT route.**

Some employers were offering allowances to employees based more on company policy than related to the ICT visa requirements. For example, an employer at a global organisation said they use the ICT route on strictly a two-year basis. They would bring people over from their ‘members’ (institutions that are affiliated with them, from other countries) on secondment for a two-year period. These people are highly paid, and the salary threshold would never be an issue.

*“It’s our company’s policy to give everyone £50,000 in allowances as well as their salary. As they are coming over here temporarily, they are most likely also trying to maintain a property and support their family at home at the same time. So that’s just what we do.”* (Employer, large organisation)

An employer at a large international bank said she would also offer allowances to employees who were already comfortably above the salary threshold (ranging from £60-65,000 for associate level to £600-700,000 for senior leadership). They would still receive an additional £6,000 accommodation allowance. This allowance

would be given to both employees on the ICT route and British nationals, and additional allowance could be given to employees based on the merit of their work.

**Employees generally did not question the allowances they received, even if they were not being used appropriately.**

In a small number of cases, allowances did not seem to be used appropriately, and employees were living in accommodation where the quality did not (from the information supplied) seem to match the amount that was supposed to be being paid towards it. Hari (Employee, Non-contract, IT services organisation) described how his employer was using £800 a month out of his total salary of £2,000-£2,500 per month as an accommodation allowance. They organised for him and several other colleagues to each have their own studio apartment for the first six months of their stay, based in a UK city outside of London. Hari and his other colleagues then moved into a gated two bed apartment for the remaining 12 months of his stay, in which one colleague had a room to herself, and Hari and the other men shared one bedroom.

Whilst Hari was not necessarily getting value out of the £800 that his employer was using for accommodation allowances each month, he was highly positive about his living situation and his stay in the UK. Whilst seemingly aware this was not right, he was relatively happy with the deal he was getting, and thus not concerned about his company doing anything wrong. He was aware that his employer was motivated to bring people from his home country into the UK as they could pay them less than UK nationals to do a same job.

*“There are employees in the organisation who have the skills... but they have to work on some important tasks and their salaries are high. They hire graduate trainees [from his country] so they can pay less.”* Hari (Employee, Non-contract, IT services organisation)

Hari felt no resentment about his employer’s use of the ICT route and in fact was positive. He described the living situation as “very good”, appreciating the safety of his accommodation and its central location. He also appreciated the fact that he earned far more in the UK than people in his home country and had even been able to finally pay off loans that he had not been able to pay off for a number of years. He said he would come to the UK again on the ICT visa if he was offered the option.

## English Language Requirements

**Many employees had a sufficient level of English to pass an English language test.**

Many of the employers and employees reported that they already had internal company requirements around English language testing. Therefore, employers thought that if the ICT route was to have an English language requirement in the future, it would not have a significant impact.

*“All of our training is done in English. Any qualifications we give are given in English. It’s the universal IT language. So our staff have to be able to speak English well in order to work here, regardless of the visa requirements.”* (Employer, large IT company)

Therefore, if the addition of an English language requirement were to have any impact, rather than an intrinsic barrier or issue with the threshold, it would be to slightly increase the friction – and therefore the total time taken – of the application. For example, another employer at an IT company, said that the English language level of employees is always sufficient, but that she would rather not have an English language test as it would slow down the ICT visa application process by adding an additional step.

Similarly, an employer at a large telecommunications company felt that the Skilled Worker route costs them more than the ICT route in terms of time.

*“The Skilled Worker [route] is definitely more time intensive because of the language test. And then you have issues where some employees do the wrong test and they also have to submit more documentation than for ICTs”.* (Employer, large telecommunications company)

## Opportunities for settlement

For many individuals in the sample, the fact that time spent in the UK on an ICT visa does not directly lead to or count towards settlement, was an important feature of the ICT route that shaped their decision about using it. For some employers, it was a positive thing, allowing greater control over the movement of employees. For employees however, opinions were more mixed.

Some employees were accepting of their time-limited role in the UK and wanted to go back to their home country at the end of their placement. These employees were often appreciative of the personal and professional experience gained by coming to the UK, and some hoped that this experience would improve their prospects when they returned to their country of origin.

*“My time in the UK has been hugely valuable for my career and prospects when I go back home. Being able to talk about the UK clients and colleagues I’ve interacted with and some of the tasks I’ve had to do here will be great for getting paid more when I get home.”* Aulia (Employee, Office Manager, International Bank)

*“Coming to the UK has always been a temporary plan. I had never thought I would stay here. I’m not completely sure how much longer my visa might be extended but I’ve always wanted to go home. I still pay rent and insurance at home”* Madesh (Employee, Sales Manager, IT organisation)

In a slightly different experience, Nagesh (Employee, Project Manager, IT organisation) came to stay in the UK for five years and had considered bringing his wife and daughter over too. However, his first ICT visa was for less than a year and was then extended by six months and then by eight months.

*“The extensions were only ever last minute, so they never came here to join me even though I’ve been here for so long. All the decisions were made too short term. But now, my daughter is doing exams at home, so I want to go back there to be part of that. In that case, it works well for me.”* Nagesh, (Employee, Project Manager, IT organisation).

Many employees, however, wanted the *option* to settle in the UK – even if they were not specifically planning to do so. Some employees explicitly expressed a desire to settle in the UK longer-term, and others, who were not planning to do so, saw it as a nice-to-have opportunity should they change their minds.

There were a number of reasons why employees wanted to stay in the UK, including building personal ties in the UK. Another key motivation outlined by many was the financial benefit. For some, knowing that their salary will be lower again when they return to their home country was a motivation for staying in the UK longer term. For example, Padma (Employee, Software Engineer, IT solutions organisation) knew that her employer had converted some of her fellow contract employees onto a Skilled Worker visa – and said that she would accept if this was offered to her. She initially did not intend to settle, but since coming to the UK, she became more interested as she was able to earn far more in the UK than her home country; she is now earning £45-50,000 compared to £8-10,000 in her home country.

*“Living is more expensive in the UK but you definitely take home far more money”* Padma, (Employee, Software Engineer, IT solutions organisation)

### **Some employers only offer the ICT route and do not tell employees about alternative routes with settlement options.**

Many employees did not know about the rules for or design of the ICT visa, or how it compared to other visas available for working in the UK. Many reported that they were only offered the ICT visa by their employer, and so they also had a low awareness of alternative visa routes.

*“When I went to the application portal, I could only see the ICT. That was the only option given to me, it was not my choice actually... My employer was not sponsoring for the skilled visa.”* Aditi (Employee, Functional architect, Software company)

*“I know other people who have worked abroad from our company. I have no idea about what visas they were on or what they were or were not able to do.”* Nagesh (Employee, Project Manager, IT organisation)

*“I had never heard of the ICT before this. I know other people have been transferred to other countries to work, but I don’t know what visa they have. Are there other types of visa available to work in the UK then? Could I have been on a different type of visa?”* Madesh (Employee, Sales manager, IT organisation)

However, more recently, employers said that their employees were more aware of the Skilled Worker route and more actively considering this as an option. This new awareness was recognised by both employers and employees.

## How do employers view the ICT visa in relation to the Skilled Worker route?

**For some employers the ICT route had historically been preferable to the Tier 2 General Work route.**

Our research with employers indicated that in the past there had been a perception that the ICT route was faster to apply for than the Tier 2 General visa, and many employers said they liked the time-specific nature of the ICT route.

Employers had found the resident labour market test required for the Tier 2 General Work route time-consuming and raised concerns about meeting the requirements. They said that they had generally found the ICT route allowed them to fill posts more quickly than the Tier 2 General Work route. For example, a Global mobility consultant at a large international bank said they had avoided using the Tier 2 General Work route where possible because of the condition of having to advertise the job in the UK for at least 28 days beforehand. The ICT route had allowed the company to fill the post more quickly, with fewer barriers to cross.

The time-limited nature of the ICT route appeared to give a greater sense of control over the location and movement of employees, which some employers valued. Some employers used the ICT route to bring employees to the UK for specific, temporary projects for clients, with the intention that they would return to their home country following its completion.

For example, an employer at a large IT consulting firm reported that some employees have unique knowledge that is difficult to replace, as they have been trained offshore for a particular project and have been working for a specific client for a few years.

*“When we need to deploy a product, we really need to bring staff over to the UK really quickly. So the ICT visa has been so much better for that. We can do it within 15 days. And it also has always worked well because we only want people here for a temporary period around that product release. While they’re here, we train up other people across the world for the next project.”* (Employer, large IT consulting firm)

**The changes to the now Skilled Worker visa route have limited the comparative advantages of the ICT route.**

Some employers felt that the reduced skill and salary threshold within the Skilled Worker route, and the added flexibility around the length of employees’ postings in the UK, had made it easier to apply for the Skilled Worker visa. Indeed, for some employers the Skilled Worker route was becoming an increasingly preferable option. Employees preferred it too because it offers the opportunity of eventual settlement.

The removal of the resident labour market test was reported to have made the Skilled Worker route easier to apply for than when this was a requirement for the Tier 2 General Work visa. An employer in a large international bank, who had attested to the difficulty in applying for Tier 2 General Work visa before the resident labour market was abolished, spoke of how positive a change this was in her eyes:

*“The Tier 2 was a cumbersome process... I really welcome the Skilled Worker route and it’s working really well. I have no complaints... I see us using the Skilled Worker route more in the future, rather than ICTs. Particularly because English language isn’t a problem for us.”* (Employer, large bank)

Indeed, this participant said that her organisation has already seen a move away from ICT visas to Skilled Worker visas, whereas before they would often choose the ICT visas over a Tier 2 General Work visa. She said that whilst in an average year prior to COVID-19 they would have applied for between zero to five Tier 2 General Work visas and 25-30 ICT visas, in the first eight months of 2021 they had applied for 15-20 Skilled Worker visas and only 10-15 ICT visas.

The Skilled Worker route gives employees the option to stay in the UK longer term. Many employees liked to have the option to settle, and some employers reported that if they did not give employees this option, some who are particularly motivated to settle in the UK could become a “flight risk”, leaving their employer for a Skilled Worker visa elsewhere.

*“I think now we use more Skilled Worker visas and less ICT [visas]. It’s a lot easier to meet the requirements for Skilled Worker than it was for Tier 2 and there isn’t as much difference between it and the*

*ICT one. Skilled worker also seems like a better deal for employees, it's got a slightly better pull for them"*  
(Employer, large technology consultancy)

## **What was the impact of the ability to switch to the Skilled Worker route?**

The impact of the January 2021 change in the conditions of the ICT route, allowing individuals to switch from the ICT visa to the Skilled Worker visa, has varied between employers. For some employers it has been a welcome change as they can now look for talent in other companies and offer them the switch. Whilst for others, particularly those bringing over contract workers on the ICT route, it has raised a new set of challenges.

Some employers spoke positively about the change, appreciating the level of flexibility it provided. This was particularly the case for employers who wanted to have their employees stay in the UK longer term, which had previously been made difficult by the ICT visa's mandatory cooling off period. The ability to switch to Skilled Worker route represented an opportunity to avoid the cooling off period and help employees to settle in the UK branch of the organisation.

Some employers appreciated the flexibility of the ICT route because while they expected their employees to stay in the UK on a short-term basis, they wanted to be able to support an employee to stay in the UK if they proved a particularly good fit.

An employer at a large telecommunications company, for example, found the cooling off period within the ICT route frustrating. He said that employees had to go back to their home country and the company would have to find them a job in their home country for a year before bringing them back. Occasionally they would send them to another country in Europe for a year on a temporary visa to meet the cooling off period. They are happy that they can now switch employees to the Skilled Worker route and avoid this.

An employer at a large international bank has a policy of bringing employees over on the ICT route for two years. However, she said that some employees would want to stay in the UK long-term. Before the recent ability to switch to Skilled Worker route was introduced, these employees could often be seen as "flight risks" to the company – they would return to their home country for the cooling off period and try to switch employer in a bid to get a chance to return to the UK. She believed the ability to switch to the Skilled Worker route allows the organisation to hold on to these employees:

*"If we repatriate someone to their home country and that's not where they want to be, that's not what we want... we've spent all that time investing in them, and they may resign and move to another company"* (Employer, large bank)

### **Some employers were losing employees to other companies.**

For some employers, the recent ability to switch to the Skilled Worker route was said to have presented new challenges. This was particularly the case for employers who highly valued the short-term nature of the ICT route and did not want their employee to stay in the UK long term.

From the employee perspective, it often seemed that there was nothing the ICT route offered that the Skilled Worker route did not, and in fact, the Skilled Worker route offered far more, particularly in terms of settlement options. As previously discussed, many employees wanted the option to settle in the UK (whether or not they had a firm intention to do so), and so some employers in the sample explained that, as a result, many were becoming more demanding in wanting to come over on the Skilled Worker route rather than the ICT route.

An employer in a large IT consulting firm described a strong demand from employees now for the Skilled Worker route, because it gives them the option to switch employer, options to settle and an ability to access public funds.

*"The tone has completely changed from employees now. They are essentially demanding to be on Skilled Worker visas and refusing to come over on the ICT. Then we have people who say they are happy with it, then at the last minute they say they want a Skilled Worker one instead. We don't have enough time to replace them and basically don't really have a choice but to give it to them"* (Employer, large IT consulting firm)



It should be noted, of course, that people's work and migration plans can change over time, and therefore some flexibility in the visa they are granted would be valuable to them.

Some employers were unwilling to budge in the face of employee pressure and would not sponsor them on a Skilled Worker visa. For some of these employers, this recent change to the ICT route has meant they have lost some employees to other organisations who are willing to sponsor them on the Skilled Worker route.

An employer at a medium-sized IT consulting firm described how they had a policy of only sponsoring existing employees on the ICT visa route. For them it was important to be able to continuously rotate employees into and out of the UK, in order to keep control of salary expectations in the UK. This cost factor was prioritised over employee desires for settlement:

*"They often want settlement but we can't offer it to everyone... it is not a priority for us".* (Employer, medium IT consulting firm)

As a result, the consulting firm has seen some employees moving to the client organisation to which they were contracted, as these clients were willing to sponsor them on the Skilled Worker route. Between January and July 2021, the organisation lost eight employees to clients in this way.

One employee had recently switched from an ICT visa with one organisation, to a Skilled Worker visa in a new organisation. Aruna (Employee, Website designer, IT organisation) came to the UK on an ICT visa but had recently switched to a Skilled Worker visa, as the experience she gained in working with clients on the ICT visa allowed her to move to a higher paid role. Her motivations for this were that she would receive a pay rise in a new role at a new company on the Skilled Worker route, from £40-45,000 on the ICT route to £60-£65,000 on the Skilled Worker route, with a more senior job title. Although she had not considered settling in the UK before this became an option through the ability to switch to the Skilled Worker route, the possibility of now settling 'excited' her.

We saw evidence in the sample of some employers trying to prevent their employees "jumping ship". Indeed, some employers have decided to put additional contracts in place to prevent employees from leaving in this way. Chang (Employee, Auditor, Accounting firm), for example, came over on an ICT route for three years. He really liked living in the UK and would settle here if he could, having even bought a property here, but contractual obligations with his employer impeded this:

*"I have to go back as I have a contractual commitment with my home country... they sent me to the UK to benefit my career... so that's why I signed a contract stating that after finishing this I need to go back to work for them for at least two years. Otherwise I have to compensate them for investing in me... it's quite a lot. In pounds it's about £20k."* - Chang (Employee, Auditor, Accounting firm),

However, allowing employees to switch from the ICT to the Skilled Worker route also appears to have opened up opportunities for the employers. There was evidence in the sample of the same employers who had lost staff on ICT visas to other organisations, choosing to hire particularly valuable employees who have come over on an ICT route with other organisations, by sponsoring them on a Skilled Worker route. A medium IT consulting organisation that lost eight employees to clients sponsoring their existing employees in the space of six months, in fact "poached back" 11 employees in the same space of time. Whilst their policy is to not convert existing employees onto the Skilled Worker route, they are happy to sponsor external employees, who had come over on an ICT visa through a different company and were before unattainable, on the Skilled Worker route. The recent change to the ICT route for these employers was therefore not wholly negative, but rather served to "open up the market" and increase movement.

## Reflections around use of the ICT route in relation to other work visa routes

Despite there still being some commercial benefits to the ICT route from the employer perspective, including the speed of the application process and setting expectations for employees to stay in the UK on a temporary basis only, there seems to be a change in dynamic around the use of and attitudes to the ICT route.

With the recent changes to the Tier 2 General Work /Skilled Worker route, particularly around the removal of the resident labour market test, and the change in the ICT route allowing the switch to the Skilled Worker route, the boundaries and distinctions between the two routes have become less defined. For employers that do not prioritise the short-term nature of the ICT route, and the large number of employees who want the option to settle in the UK, the Skilled Worker route seems to offer everything the ICT route offers and more.

Whilst some employers said they would still apply for the ICT visa, there was a sense amongst some that the Skilled Worker route may become an increasingly desirable option for the ease and flexibility it offers.

# Conclusion

As discussed throughout this report, most of the employers using the ICT route saw value in it, and many of the employees we spoke to said it worked well for them, too.

**Employers** valued the temporary nature of the ICT route: filling skills gaps and bringing exclusive knowledge for short periods of time. They valued giving international exposure and promoting employee loyalty. And the biggest benefit was the fact it is still slightly quicker than other mechanisms for hiring staff in the UK (for several reasons such as not having to hire new people, and already knowing they have the skills).

**Employees** valued the opportunity to work abroad and gain experience. The UK offers a good quality of life and has a cultural pull that other countries may not have. At the point of being offered a placement abroad, many were not aware there were different options in terms of visa-types. Some, as mentioned earlier, remained unaware of alternative routes.

It is within the **UK's** interests to have highly skilled people working in the UK for numerous reasons, including to benefit the economy, and to present itself as open to business by facilitating the movement of key staff needed by the businesses that set up here (in addition to this being a requirement under the UK's international obligations).

## **There is some evidence of additional benefits of the ICT route for employers, beyond the movement of senior and skilled staff**

It has become clear that there were few instances of employers not complying with the spirit of the rules associated with the ICT route, there are examples where its use went beyond the movement of specialist and senior staff. This may be because the guidance around the route is fairly non-specific.

There were a few examples in the research where employees were not obviously filling senior, specialised or technical roles, and were specifically recruiting overseas to fill these roles. In some cases, companies had outsourced parts of their business abroad because it made more commercial sense. In these cases, they were sending employees to the UK to be trained and upskilled, in order to then return to their home countries to work from there and to train others there outsourcing this labour outside of the UK for commercial purposes.

In addition, there were some employees who seemed to be working in roles that appeared to be more routine, and it is therefore possible that these roles might have been able to be filled in the UK. More research would be needed to understand the extent to which this was the case.

Some evidence also showed that it is possible for employers to circumvent the rules of the ICT visa. Speaking to one employee made it clear that, through the use of accommodation allowances, it was possible for employers to circumvent the salary threshold. In this particular case, the employee was essentially complicit as the deal worked for him too. Whilst only one example of this was found, it shows what is possible.

## **There are indications that the ICT route is becoming less useful to employers**

While the value of the ICT route to employers and employees has been outlined above, there are also many for whom certain features of the ICT route – features which differentiate it from other visa routes such as the Skilled Worker route – are becoming less beneficial as changes to the other routes come into place.

Many, for instance, did not see much benefit from the lack of English language requirements, or the flexible cooling off period, because their internal company policies dictate that these things would have happened in a certain way anyway – a way determined by the company. As stated earlier, it is worth caveating that if these features were part of the threshold, they would add a layer of friction, meaning the application would take employers and employees more time. Notwithstanding, the lack of these requirements – which for some has historically been seen as beneficial – is becoming less important to employers and employees.

There is also an increasing concern from some employers over the fact that employees are now able to switch to the Skilled Worker visa and are moving companies to do so. This means that the Skilled Worker route – some employers attest – appears to be starting to be used a kind of bargaining chip by employers in an effort

to poach employees. Not all employers saw this as inherently bad, but many recognised the impact it might have going forward.

The combination of the issues mentioned above prompted some employers to report that there is some doubt about how useful the ICT route will be going forward.



# Annex I – Employer topic guide

## 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

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## 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?]*

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## 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?

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## 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?

- Are 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?

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## 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?

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## 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 2 – 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.

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## 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?

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## Becoming aware of the ICT route (15 minutes)

- 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



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## 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?

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## 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?

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## 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?

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## **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?

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## **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**

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