



European-American Business Council

"Investment ~ Innovation ~ Integration"

June 10, 2009

Kim Darroch

Ambassador Extraordinary and Plenipotentiary Permanent Representative Permanent
Representation of the United Kingdom

85 rue d'Arlon / Aarlenstraat

1040 Brussels

Belgium

Re: UK revision of the Intra Company Transfer and Resident Labour Market Test routes

Dear Ambassador Darroch,

On behalf of the European-American Business Council, I am writing to express our concern regarding the impact of restricting employer-sponsored immigration as currently being considered by the Migration Advisory Committee (MAC). The EABC has 70 EU and US member companies, all of whom operate within the UK. Moreover, among our member companies are seven with global Head Quarters in the UK.

It is our understanding that the UK's MAC was asked by the Government to report on whether the employer-sponsored immigration categories should be restricted to Shortage Occupations only. This proposal is likely to be made in July, potentially affecting the Intra Company Transfer and Resident Labour Market Test routes to working in the UK from September 2009.

There are currently four routes into the UK for those requiring work permits:

1. Existing employees transferring from other countries,
2. New employees applying for roles in the UK,
3. Students who have completed a degree in the UK entitled to work in the UK for 2 years after graduation, and
4. Candidates applying for roles on the skills shortage list.

The EABC supports proactive policies to develop appropriate skills and competences in the UK population. A healthy and dynamic British economy will also attract highly skilled personnel from beyond the EU and we recognise that the UK will continue to adapt its immigration policy

to reflect the needs of the British economy and the desirability of attracting highly skilled immigrants as appropriate.

The proposed changes currently being considered by the MAC, however, would go beyond migration related concerns and severely hamper the shorter term and temporary mobility of skilled personnel within corporations operating in Great Britain. Most large corporations operate on a global level and regularly bring the appropriate expertise and skills from around the world to address the needs of their local subsidiaries and customers. It is simply not possible to ensure that all skills and competences are available at all times in each and every country in which a large corporation does business. Our ability to meet British customer needs, particularly in service and knowledge intensive industries, is based on the capacity to ensure the mobility of our skilled employees within the corporation and across the global on an "as needed" and temporary basis ranging from a few weeks to a few years. These employees, however, ultimately return to their home country.

The changes currently being considered would have serious implications for companies operating in the UK, impacting the industry's ability to transfer our employees with non-EU nationalities to serve our UK customers on a temporary basis unless the position to be filled is on the Shortage Occupation List. Such changes would disrupt business models which have proved their efficacy and which have benefitted – perhaps more than most other countries – the UK. Moreover, our customers in the UK would suffer relative to their competitors in other parts of the world as a result of the increasing difficulties for EABC member companies to bring our most qualified individuals into the UK to work with our UK customer base.

We believe that there is a risk that other countries may follow suit meaning that companies could not send UK employees to non EU counties on assignment either. There would also be a wider effect in that the US could not send employees on assignment if other countries followed suit.

I would be pleased if you would ensure that our concerns are taken into considerations, before this becomes irretrievable, with all the negative consequences for the UK's economy.

Best regards,



Michael C. Maibach
President & CEO
European-American Business Council



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EABC Membership 2009

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US Based
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Total: 66