

Q&A Session: Answers presented by United Kingdom Home Office

- 1. Given the Brexit related changes in 2021, what would be the new rules for workers' secondments/postings from Lithuania to the UK? For instance, if Lithuanian company has contracts with UK businesses for construction services, where duration of the secondment/posting is usually about 2-4 weeks, workers travel with company's transport, home company also provides them with the work tools:**
- **Will there be new restrictions or limitations for companies like aforementioned one?**
 - **Will there be new customs requirements or procedures? If so – what kind of?**
 - **For workers to continue being able to provide installation services under short term contracts, what documents for construction workers will be needed?**

From 1 January a Lithuanian company that has a contract to supply a service to a UK consumer will need to use the Tier 5 Temporary Worker Route (International Agreement sub category)*. The contractors would be classified as contractual service suppliers (CSSs) and would need to be supplying a service in a sector the UK has taken a commitment on in a free trade agreement [with the EU (currently under negotiation so we do not yet know which sectors will be included for CSSs if an agreement is reached)] or in the General Agreement on Trade in Services (GATS). The sectors the UK has taken commitments in in the GATS and previous FTAs can be found here: <https://www.gov.uk/government/publications/sponsor-tier-5-international-agreement-workers-appendix-f>

*From 1 December this route will be renamed Appendix T5 (Temporary Worker) International Agreement Worker route

- 2. Under the 2021 New UK points-based immigration system, one of the requirements for obtaining an EU citizens visa is an employee's education. Speaking about construction (facade, installation, and other) industry:**
- **What or which documents confirm the education of the required level of facade installer, work supervisor?**
 - **Can it be a graduation certificate?**
 - **Can it be CSCS cards, CITB test certificate?**

As with the current system, the future system will not require a migrant to hold qualifications at certain levels, just to be performing a role judged to be at the specified skill level. The job will need to be at skill level RQF3 and above.

All applicants will need to demonstrate that they have a job offer from an approved sponsor, that the job offer is at the required skill level and that they speak English.

3. What requirement are the workers sent for secondment in the UK subject to? If the company faces some struggles in formalisation, which institution in UK could provide information or consultation?

See answer to 1 above. Workers would need to meet the rules for a T5 International Agreement Worker visa.

4. For Lithuanian companies that already have a subsidiary in the UK, if such company would like to make a workers secondment to its subsidiary in the UK, what actions must these companies undertake?

A Lithuanian company which has a branch in the UK and wishes to bring over one of its existing senior or specialist employees on a temporary basis can potentially do so under the UK's Intra-company transfer (ICT) route (or the ICT Graduate trainee route). They would first need to apply to the Home Office to obtain a sponsor licence.

The key eligibility criteria for applicants are:

- They must be in roles skilled to RQF6;
- They are subject to a minimum salary threshold of £41,500 (£23,000 for ICT Graduate Trainees);
- There is no English language requirement
- The worker must have been employed by the sending business for a minimum period prior to the transfer (12 months in the case of Intra-company Transfers or three months in the case of Intra-Company Graduate Trainees);
- If the worker is to be paid £73,900 or more, there will be no requirement to have been employed by the sending business prior to applying. Entry is for up to 12 months for Intra-company Graduate Trainees and five years for Intra-company Transfers (nine years for those paid over £73,900).

