

Friday 15th September 2017

Dear Sirs,

Re: The EU Commission consultation on the legal migration of non-EU Citizens

As Infosys we thank the European Commission for the opportunity to contribute to this important conversation. We are limiting our comments on this consultation to a few key points, which we hope will help the European Commission in assessing the current EU legal framework and navigating this important issue.

Our business is to provide technology services to businesses throughout the world, incorporating cutting-edge solutions in Artificial Intelligence, machine learning, data and advanced analytics, cloud and big data. Infosys has over 8000 staff based within the EU and service over 300 clients. We have offices and development centers across Northern Europe (Ireland, the Nordics, and the United Kingdom), Central Europe (Croatia, Czech Republic, France, Germany, Poland, and Switzerland), Southern Europe (Italy), and Western Europe (Belgium and The Netherlands).

We have long been a responsible user of the various labour based migration programmes within the EU to meet business demand for technology services. We combine teams based at the client premises onsite at European locations with people working in delivery centres around the world. The project-based temporary movement of our staff in the EU requires Infosys-specific skill and as well as advanced technology skills.

As a company Infosys has extensive experience of the immigration systems within the EU countries in which we operate and we welcome measures to harmonise immigration regulations at an EU level. This provides clarity and openness making things easier from an operational perspective.

In addition to our response to your questionnaire we wanted to highlight the following additional points, specifically relating to the Directive 2014/66/EU on intra-corporate transfers and Directive 2009/50/EC on highly skilled employment (EU Blue Card).

Directive 2014/66/EU on intra-corporate transfers

In relation to Intra Company Transfers Infosys has closely watched the implementation of the directive in a number of countries including the Netherlands, France, Germany and Croatia. There has been a huge difference in the approach taken. In France little or no information was made available publically even after the effective date of the Directive which has resulted in significant delays with applications.

In the Netherlands the implementation process was conducted much more openly with engagement and information sessions undertaken by the national immigration authorities. In the markets in which we operate delays in deployment of our resources has a direct impact on our revenues and relationships with our clients.

We would therefore encourage the European Commission to play a greater role in monitoring post implementation of Directives in this area to ensure a consistent and transparent approach by member states. This could be achieved as a first step by monitoring the implementation in the European Semester recommendations and would likely be welcomed by companies operating in all industries.

There is also inconsistent application of this Directive in terms of allowing us to position our employees to work at client sites, with some countries allowing this and others stating it is outside of the scope of the directive. Whilst we understand certain requirements are left to member states to apply, these inconsistencies result in a very different application of the directive which seems to go against the spirit of harmonizing such requirements at an EU level.

Our final point in relation to the Intra Company Transfer Directive relates to the restriction on the maximum duration of stay to 3 years. There have been a number of Social Security agreements signed between India and EU states such as Germany, France, Netherlands and Belgium that enable exemption from contributions to the local social security scheme for 5 years (or 4 years in the case of Germany). By mandating the use of the Directive for Intra Company movements and restricting the duration of application to 3 years, companies are now unable to make use of the remaining 1 or 2 year exemption that is afforded under these social security agreements.

We therefore request the Commission to look in to this matter further to consider whether the requirements of the Directive can be brought in line with these social security agreements.

Directive 2009/50/EC on highly skilled employment (EU Blue Card)

We regularly use this directive for our lateral and graduate hiring in the EU and for permanent transfers from overseas offices in to our EU based facilities. Our general feedback is that the process works well and harmonizing of certain requirements has allowed us to plan our hiring across multiple European jurisdictions where work authorization is required. We have welcomed the implementation of the 'Mobile ICT' permit for Intra Company Transfers allowing work to be conducted temporarily in another EU jurisdiction and we would request The European Commission to look in to a similar arrangement for those falling under the EU Blue Card scheme.

Whilst the 'Van Der Elst' provisions exist, they are not formally recognized by all jurisdictions and information relating to the process is either not available or the rules are inconsistently applied.

We would request that these rules are formalized by creating an EU Blue Card equivalent to the 'Mobile ICT permit' allowing our permanent EU workers holding Blue cards to move more easily to other jurisdictions within the EU on a temporary basis.

There are presently no incentives to use the EU Blue card in the Netherlands with their domestic law equivalent the 'Knowledge Migrant' Work permit offering superior processing times and less intensive documentary requirements.

We are happy to provide any additional information or assistance the European Commission may require and we would welcome the opportunity to meet with your representatives directly, to discuss these issues further.

Yours faithfully,

Rajesh Krishnamurthy

President – Head of Europe