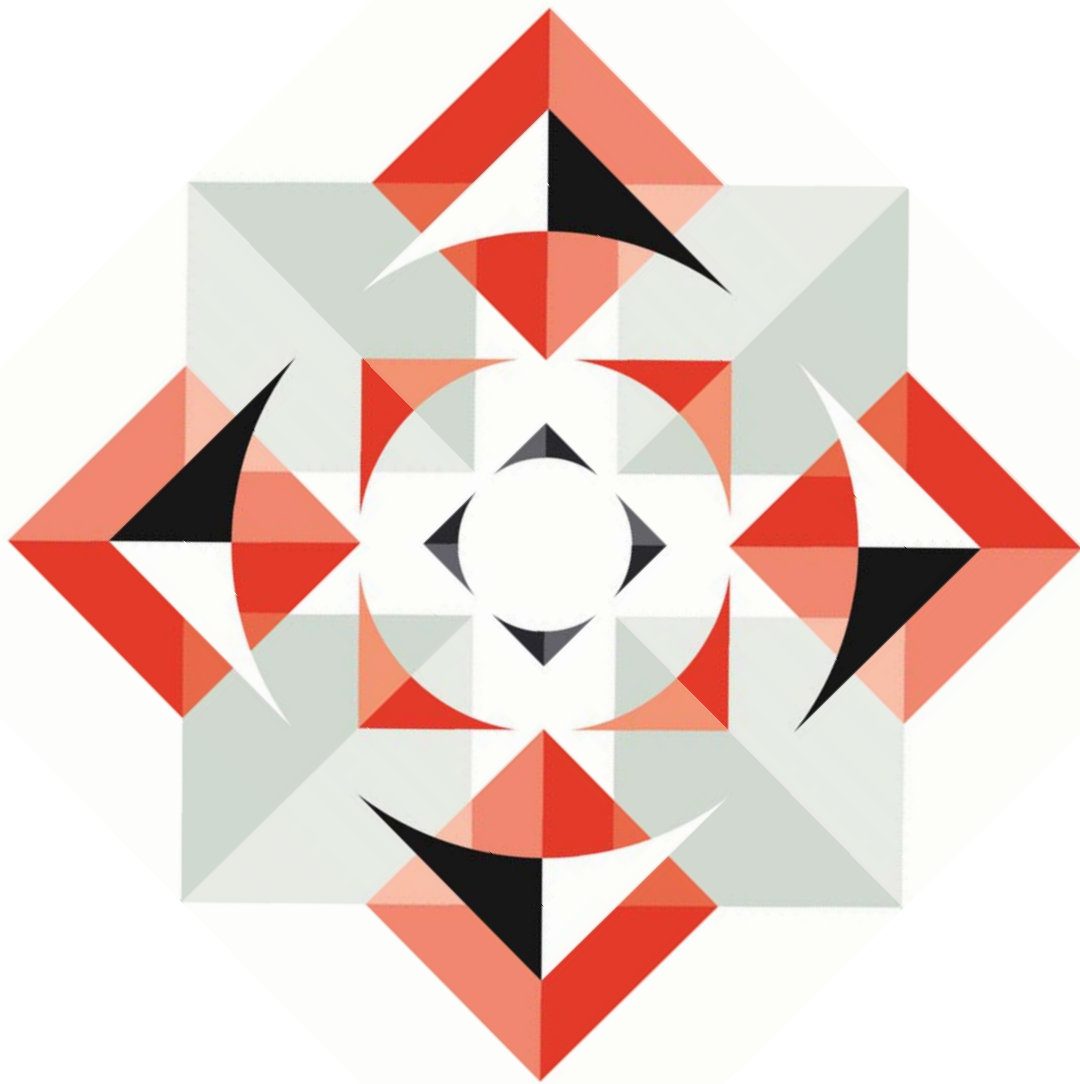


UK immigration options for businesses



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Introduction

The UK remains an attractive business destination.

This Inbrief summarises the immigration routes available to companies and individuals seeking to establish a business in the UK. It also explains how a business can sponsor non-EEA nationals to work in the UK, once the business is up and running.

This Inbrief can help you determine the route that best suits your business.

Representatives of overseas businesses

An overseas company wishing to send an employee to the UK to establish a branch may be able to do so under the Representative of Overseas Business category.

The employee must meet several requirements, including the following:

- They must have been recruited and taken on as an employee outside the UK
- They must be a senior employee
- They must have full authority to take operational decisions in the UK
- They must be the only representative of the overseas company present in the UK
- They must be employed full time
- They must not be a majority shareholder in the overseas business
- They must not intend to take other employment whilst in the UK
- The employee must be competent in English

The overseas company must also meet several requirements, including the following:

- Its headquarters and principal place of business must be outside the UK
- It must not already have any branch, subsidiary or other representative in the UK
- The business it establishes in the UK must be concerned with the same type of business as the overseas company

The Home Office will grant the successful applicant a visa valid for 3 years. It is possible to extend the visa for another 2 years. After a total of 5 years as a Representative of an Overseas Business, the employee may be eligible for settlement in the UK.

Representatives of Overseas Businesses can bring their family members with them to the UK.

Entrepreneurs

The Tier 1 (Entrepreneur) category is for applicants who want to set up and run a new company in the UK, or take over an

existing one. Applicants may apply individually or in teams of two people.

Applicants must have access to at least £200,000 of their own money, or access to at least £50,000 from an FCA-registered venture capitalist firm, or certain UK Government sources. The funds must be held in a regulated financial institution and must be disposable in the UK. Applicants must be competent in English.

The Home Office will grant the successful applicant a visa valid for 3 years (or 3 years 4 months). A Tier 1 (Entrepreneur) may be eligible to extend the visa for another 2 years if they meet certain requirements, including having created at least two new full-time jobs for people already settled in the UK.

After a total of 5 years as a Tier 1 (Entrepreneur) the employee may be eligible for settlement in the UK. An accelerated route to settlement in the UK is available to a Tier 1 (Entrepreneur) whose business has been particularly successful, as evidenced by either the creation of at least 10 full-time jobs for settled workers or an income of at least £5 million over 3 years.

Tier 1 (Entrepreneur) migrants can bring their family members with them to the UK.

Sponsored workers

Once a business is established in the UK, it can apply to the Home Office for a sponsor licence to sponsor non-EEA national employees in the UK. A sponsor licence enables the employer to assign certificates of sponsorship to prospective UK employees. The prospective UK employees need the certificates of sponsorship to support their visa applications.

Sponsor licences are available under different tiers, depending on whether a company wants to sponsor new hires or transfer people from other offices overseas and depending on the type and duration of the relevant work. New hires are sponsored under Tier 2 (General),



whilst transfers from overseas are sponsored under Tier 2 (Intra Company Transfer). Tier 5 is for temporary workers and certain internship and training roles.

In most cases, the work will have to be at a skill level of UK National Qualification Framework level 6 or above.

The Home Office has specified a minimum salary level for each kind of job which must be met in addition to general salary levels required under the various sponsorship categories. For new hires, the general minimum salary level is £20,800. For transfers of less than one year's duration from overseas offices, the minimum salary is £24,800. For longer transfers from overseas offices, the minimum salary is £41,500.

A sponsor must undertake a resident labour market test before sponsoring a new hire on a salary of less than £155,300. The resident labour market test involves advertising the role according to Home Office specifications and showing that no suitable UK or EEA workers are available to fill the role. The resident labour market test is not required for transfers from overseas offices.

Tier 2 (General) migrants must be able to evidence competence in English. Tier 2 (Intra Company Transfer) migrants and Tier 5 migrants generally do not need to evidence competence in English.

The Home Office will grant the successful Tier 2 (General) applicant a visa valid for either 3 or 5 years. It is possible to extend for another 3 years. After a total of 6 years, the Tier 2 (General) applicant must either settle in the UK or leave the UK.

The Home Office will grant Tier 2 (Intra Company Transfer) and Tier 5 migrants visas of a duration relating to the duration of their work in the UK. Tier 2 (Intra Company Transfer) and Tier 5 migrants are not eligible for settlement in the UK.

Tier 2 migrants can bring their families with them to the UK. Whether Tier 5 migrants can bring family members to the UK depends on the subcategory of their Tier 5 visa.

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