

BUSINESS IMMIGRATION CATEGORIES GUIDE



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Introduction

Whether you are looking to start or grow your business or even relocate, the UK is not only the 5th largest economy in the world, it is a great place to live, raise a family and of course to do business.

When you are looking to start a business in the UK there is a lot at stake, it is important to seek legal advice to understand the migration options open to you. This will ensure your case is effectively represented to the authorities and to avoid any delays or issues with your application.

However, the legal process of immigration can seem rather slow and complicated for overseas persons who are not familiar with the system, and easy to get wrong if you don't know how to do it. Our experienced Immigration Department have the knowledge and expertise to ensure the process of your visa application is handled smoothly and efficiently.

Monarch Solicitors are a full service law firm. Aside from your visa, we have an excellent Corporate Department that can help you with all your commercial needs from mergers and acquisitions, company formation, contracts, employment law and taxation issues.

We can help you with everything from your business plan to deciding your company structure and any property matters.

We also understand the stresses involved with moving across the world, and take great pride in playing a supportive role to ease the pressure. Our Property Department can help you with any personal or commercial property acquisitions.

We have prepared this guide to assist you in immigrating to the UK and find the business visa that is right for you.

If you have any questions, please feel free to contact our Immigration Team.

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Sole Representative Visa

The Sole Representative Visa is designed to help overseas companies move into the UK by deploying a senior employee, long term, to set up a UK branch or a wholly owned subsidiary of an existing overseas parent company. You can only work for your employer full time.

Employees coming to the UK for up to 6 months may be able to reply on a business visitor visa.

Benefits

- You bring your immediate family
- Stay in the UK for 3 years
- Extend for a further 2 years, if you are still working for the same employer in the UK and the employers principle place of business is still outside the UK
- Apply for permanent residency after 5 years

Specific Eligibility Criteria

You may apply for a Sole Representative visa if:

- The principle company must be registered outside the EEA and has been operating for 12 months or more with a good turnover and profitability
- You must be recruited by the company from outside the UK, and be employed by it for more than 6 months on a full time basis
- You must spend a minimum of 9 months per year in the UK (or 4 months per year if the absence can be justified by proof of genuine business needs and interests)
- You must have extensive commercial knowledge of the industry
- You must hold a senior position and be in a position to make decisions
- You must not be a majority shareholder in the company (less than 30% is unlikely to be acceptable)
- Must apply from outside the UK, switching visa is not an option.

How we can help

The applicant must not be the driving force of the company overseas and the application could be denied if other business immigration routes are more appropriate.

The requirements for the Sole Representative of an Overseas Business visa can seem complicated so it is best to take early legal advice to ensure the application is not refused.

Monarch Solicitors can help you in the preparation of your application and ensure that you meet all the legal requirements and provide all the correct supporting evidence.

Tier 1 - Investment Visa

High Net Worth individuals can obtain an Investment Visa by investing £2 million in the UK.

The investment funds can be used to invest in UK government bonds, share capital or loan capital in active trading registered UK companies. The funds cannot be used to invest in property or property development activities.

Benefits

- ✓ You can bring your immediate family with you
- ✓ If you invest £2 million you receive a visa for 3 years which can be extended for a further 2 years. You can obtain Indefinite Leave to remain after 5 years
- ✓ If you invest £5 million, you can obtain Indefinite Leave to remain after 5 years
- ✓ If you invest £10 million, you can obtain Indefinite Leave to remain after 2 years
- ✓ Apply for British Citizenship 12 months after obtaining Indefinite Leave to remain
- ✓ You do not need to pass the English Language Test
- ✓ You do not need to show proof of education
- ✓ There is no age restriction
- ✓ Decision made within 3 weeks after biometric details are submitted at the local visa application Centre in your country.

Specific Eligibility Criteria

You may apply for a Tier-1 Investment Visa if:

- ✓ You can transfer funds of at least £2 million immediately for investment in the UK
- ✓ You have a UK bank account at a regulated bank (we can assist with arranging this)
- ✓ You can evidence where the funds have come from or that the funds belong to you, your husband, wife, unmarried or same-sex partner
- ✓ The funds are kept in a regulated financial institution

How we can help

At Monarch Solicitors, we can assist you and your advisors in not only securing entry into the UK, but making introductions to banks, wealth managers, estate agents and schools, so you and your family can quickly settle into your new life.



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Turkish Business Person Visa

The Turkish Businessperson Visa is a unique UK visa option for Turkish citizens only who want to come to the UK to set up a new business or help run an established business. Known as the Ankara Agreement, this visa is only available for those who are Turkish citizens.

If you are not a Turkish Citizen, you could first consider the Turkish Citizenship & Residency Programme which grants residency, citizenship and a second passport to individuals investing either in real estate, shares or a bank deposit in Turkey.

Required minimum investment limits for the citizenship programme are as follows:

Bank Deposit
\$ 500,000

Real Estate Investment
\$ 250,000

Capital Investment
\$ 500,000

Citizenship of Turkey is granted after 3-6 months following the applicants investment. The applicant must hold the investment for a minimum of 3 years.

Specific Eligibility Criteria for the UK Visa

You may apply for a Turkish Business Person Visa to the UK if:

- You are a Turkish citizen
- You genuinely want to set up a business or run a pre-existing business
- You must not be employed but can be a company director
- You can prove you have enough funds to set up or contribute to a business
- You can prove that the dividends you are paid from the business is enough to support yourself and family (if applicable)
- You will play an active part in the business
- There is a genuine need for your services & investment

Is there a specific amount of funds required to obtain a Turkish Business Person Visa?

- There is no minimum capital required in obtaining a successful Turkish Business Person visa
- As a result, a well prepared and thought out plan for the business and its objectives in the first 12 months in the UK will be crucial

With a Turkish Businessperson visa what type of business can I start up?

- ☑ Turkish Business Person visa allows the most flexibility over what a business can do.
- ☑ There are no strict criteria or restrictions on this visa route compared to the other business visas such as the Innovator and Start-up visa categories for example.
- ☑ There are no strict restrictions on the business type. There is no prohibition on property-related businesses.
- ☑ Allows Turkish Citizens to set up a business as a Director of a limited company or legal partnership or as a sole trader.
- ☑ Applicants cannot be 'employed' on this visa route, However, this does not prohibit a Director of a limited company to work for their company.
- ☑ Following the 'ECAA' a Turkish Businessperson may also join an existing partnership or company as long as they will be actively involved in running the business and there is a requirement for their services and investment in the UK.
- ☑ You can stay in the UK for 12 months and then may be able to extend it for another 3 years.

How we can help

The UK is Turkey's second largest export destination, with an average \$17 billion of annual bilateral trade. If you are a Turkish citizen we can assist you in making the transition to expand your business operations to the UK.

If you are not yet a Turkish citizen, through our network of partners including Real Estate providers, Investment Agencies and Lawyers in dealing with the Turkish Citizenship and Residency Programme, we can help you to take the first step to obtain Turkish Citizenship and then help you transition to the UK.



Innovator Visa

For experienced entrepreneurs looking to come to the UK and set up a new business or take over the running of an established business, the innovator visa could be for you.

It provides a 3 year visa which may be extended for a further 2 years . Indefinite Leave to remain can be applied for after 5 years.

Specific Eligibility Criteria

You may apply for an Innovator visa if:

- You want to set up and run an innovative business in the UK
- You will invest £50,000 (but if you have an exiting UK business and you have an existing UK visa, no funds are required)
- You have received an letter of support from an endorsing body
- Innovation – Proof of a genuine, original business plan that meets new or existing market needs and/or creates a competitive advantage
- Viability – Applicants must be able to demonstrate the necessary skills, knowledge and experience, plus market awareness, to run a business competently
- Scalability – Evidence of structured planning and the potential for job creation and growth into national and international markets
- You will need to provide a business plan and supporting evidence

How we can help

This is a difficult visa to obtain. However, Monarch Solicitors can help ensure you ensure you meet the strict criteria for endorsement and through our network of partners help you prepare your business plan and obtain an endorsement letter.



Start Up Visa

The Start-up Visa category is reserved for early-stage, high potential entrepreneurs who wish to come to the UK to set-up their own business (and replaces the Graduate Entrepreneur Programme).

The visa is for 2 years. After the initial 2 years there is no option to extend the visa but you can switch to the Innovator Visa to extend your visa for 3 years (with the option to extend for a further 2 years). After 5 years you can apply for Indefinite Leave to Remain. You can bring family members.

Specific Eligibility Criteria

You may apply for a Start-up Visa if:

- You want to set up and run a business in the UK for the first time
- You will spend the majority of our time in the UK developing your business
- You can work outside your business to support yourself
- You do not need to invest funds initially
- Your business or business idea has been endorsed by an approved body
- A new Idea – you cannot join or invest in a business that is already trading
- Innovation – Proof of a genuine, original business idea that which is different from anything else on the market
- Viability – Have the potential for growth

How we can help

This is a difficult visa to obtain. However, Monarch Solicitors can help ensure you ensure you meet the strict criteria for endorsement and through our network of partners help you prepare your business plan and obtain and endorsement letter.



Tier 2 - Skilled Worker Visa

This is the general work visa for any person outside the EEA who would like to fill a long term skilled position. The visa can be for up to 5 years and allows family members to travel with you.

The full range of occupations and skills included in this visa can be found here: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work>

Actuaries, economists and statisticians – only informatician or bio-informatician	Medical Radiographers
Architects	Nurses
Artist	Occupational therapists
Arts officers, producers and directors	Orchestral Musicians
Ballet dancers	Paramedics
Biological scientists and biochemists	Physical Scientists
Chefs – extremely limited circumstances	Production and process engineers
Civil engineers	Programmers & software development professionals
Cyber security specialist	Psychologists
Design and development engineers	Quality control and planning engineers
Electrical engineers	Quantity surveyors
Electronics Engineers	Social workers
Engineering professionals not elsewhere classified	Speech and language therapists
Graphic designers	Teachers - maths, physics, physics, computer science and Mandarin
IT business analysts, architects & systems designers	Veterinarians
Mechanical engineers	Web design and development professionals
Medical practitioners	Welding - high integrity pipe welder

Specific Eligibility Criteria

You may apply for a Tier 2 Skilled Worker Visa if:

- You have been offered a temporary or permanent skilled job in the UK.
- You are from outside of the European Economic Area (EEA) and Switzerland.
- You will be employed by a licenced sponsor.
- Your sponsor issues a certificate of sponsorship to prove that you can do the job they are hiring for and if it qualifies you for a visa.
- The minimum salary requirements for the job will be met.
- The resident labour market test evidencing the job cannot be filled from suitable UK nationals

How we can help

At Monarch solicitors we can help you prepare your application and ensure all the criteria are met. This can include preparing a sponsorship licence for your employer if they do not already have one.

Sponsorship Licence

If you are an employer or educational provider and wish to employ a worker from outside the EEA and Switzerland you will need to apply for a sponsorship licence. The licence will be valid for 4 years.

Specific Eligibility Criteria

You may apply for a Sponsorship Licence if:

- You want to employ a person from outside the European Economic Area (EEA) and Switzerland
- Your business meets the eligibility requirements
- You and your business have no criminal convictions
- You have the appropriate systems in place to monitor employees on a visa
- You pass any inspection the Home Office may undertake of your business

Tier 2 Licence

Tier 2 is for skilled workers who you want to employ long-term or permanently. It's split into:

- General - the role must meet the job suitability requirements
- Intra-Company Transfer - for multinational companies to transfer employees to the UK
- Minister of Religion - for people coming to work for a religious organisation (for up to 3 years)
- Sports person - for elite sportspeople and coaches who will be based in the UK

Tier 5 Licence

Tier 5 is for skilled workers you want to employ on a temporary basis. It's split into:

- Creative and Sporting - to work as a sports person (up to 1 year), entertainer or artist (up to 2 years)
- Charity Worker - for unpaid workers (up to 1 year)
- Religious Worker - for those doing preaching, pastoral and non-pastoral work (2 years)
- Government Authorised Exchange - work experience (1 year), research projects or training, for example practical medical or scientific training (2 years) to enable a short-term exchange of knowledge
- International Agreement - where the worker is coming to do a job which is covered by international law, for example employees of overseas governments

How we can help

At Monarch solicitors we can help you prepare and submit your licence application and support your business for the responsibility of taking on overseas workers. This can include preparing your business for a visit from the Home Office should one be required.

Exceptional Talent Visa

The Tier 1 exceptional talent visa was introduced to attract people who are considered leaders (exceptional talent) or emerging leaders (exceptional promise) in specific fields to come to the UK.

There are a limit of 2,000 places available under this category.

The exceptional talent visa is the most flexible in terms of where you can work. The only restriction is that you need to have worked in your specialist field for a portion of your time to apply for indefinite leave to remain.

Benefits

- ✓ You can stay for 5 years and apply to extend the visa for another 5 years
- ✓ You can apply for Indefinite Leave to Remain after 3 years with an exceptional Talent Visa or 5 years with an exceptional promise visa
- ✓ You can work - for an employer, as a director of a company or be self-employed
- ✓ You can change jobs without telling the Home Office
- ✓ You can do voluntary work
- ✓ You can travel abroad and return to the UK
- ✓ You can bring family members with you

Specific Eligibility Criteria

You may apply for an Exceptional Talent visa if:

- ✓ You are endorsed as an exceptional talent in your field by the Designated Competent Body.
- ✓ You are from outside of the European Economic Area (EEA) and Switzerland
- ✓ You meet the eligibility and assessment requirements
- ✓ Your field of talent is a qualifying field

The designated competent bodies

- The Royal Society - For science and medicine
- The Royal Academy of Engineering - For engineering
- The British Academy - For humanities
- Tech Nation - For digital technology
- Arts Council England - For arts and culture

How we can help

At Monarch solicitors we can help you with everything you need to obtain the exceptional talent visa. Our team can guide you through the process and even help you to gain the recognition you need from the relevant Designated Competent Body.

Business Visitor Visa

The Business Visitor Visa is now included in the Standard Visitor Visa. This allows the holder to come to the UK for a short period of time for business, or to take part in sports or creative events (amongst things such as a holiday, to see family and friends, or to receive private medical treatment).

Duration of Visit Visa

Generally, you are permitted to enter the UK for up to 6 months.

If you need to visit the UK regularly over a longer period, you can apply for a long-term Standard Visitor visa that lasts 2, 5 or 10 years. You can stay for a maximum of 6 months on each visit.

Permitted Business Tasks:

- Conference, meeting or training
- You want to get funding to start, take over, join or run a business in the UK
- Participation in certain sports events
- Artist, entertainer, or musician coming to the UK to perform
- Academics coming to the UK for a research project or accompany students on a study abroad project
- You are a doctor/dentist coming to the UK to take a clinical attachment or observer post
- you want to take the Professional and Linguistic Assessment Board (PLAB) test or sit the Objective Structured Clinical Examination (OSCE)

Specific Eligibility Criteria

You may apply for a Business Visitor visa if:

- You can show that you will leave the UK at the end of your visa
- You are able to support yourself and your dependants
- You have enough funds to support any onward or return travel when your visa ends
- You have proof of the business activity you will be completing
- You will comply with the business visitor rules.

How we can help

Monarch Solicitors shall help you ensure that your visitor visa application meets the eligibility requirements and ensure you submit all the correct supporting documents.



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Entrepreneur Visa

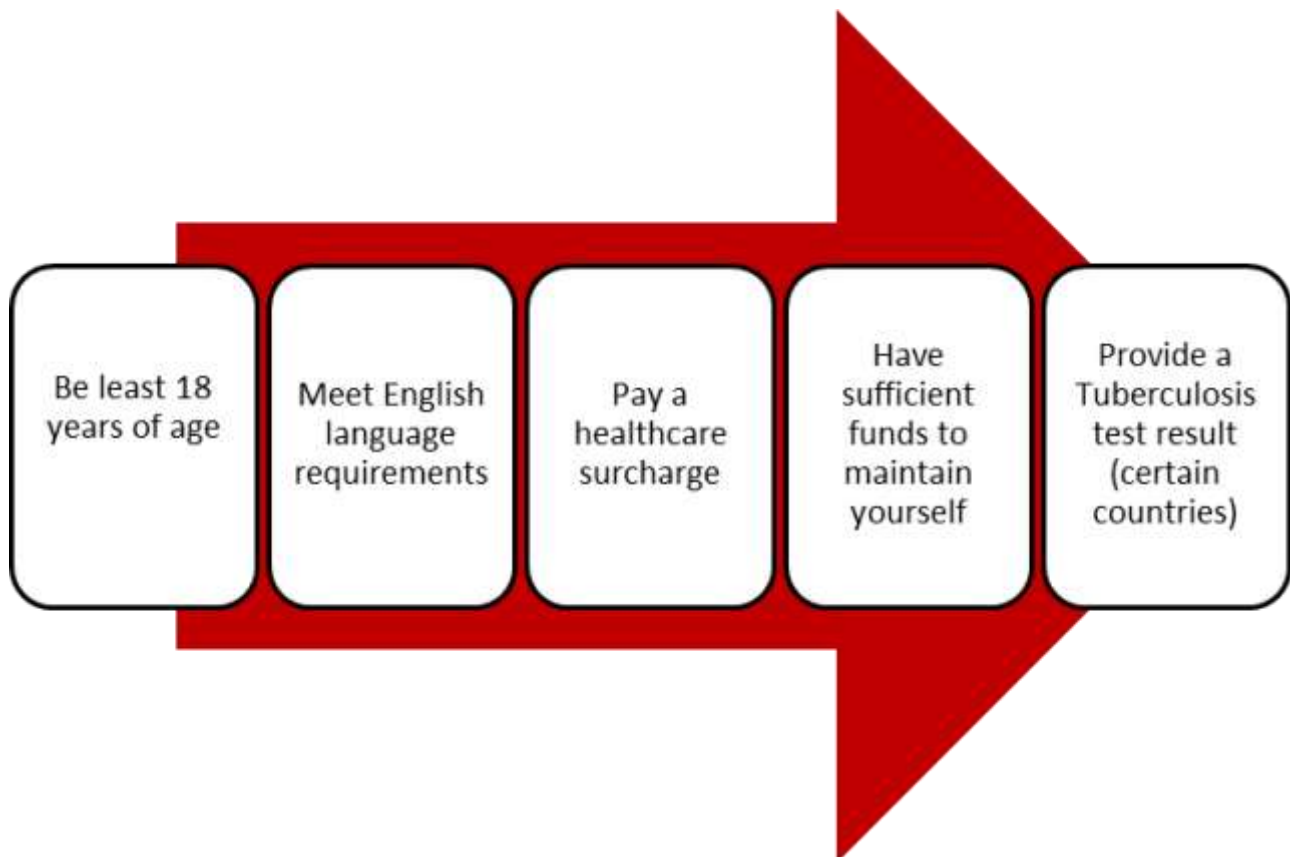
The Entrepreneur Visa has now closed to new applicants. For existing Entrepreneur Visa holders to extend your visa you will need to have held a Tier 1 (Entrepreneur) or Tier 1 (Graduate Entrepreneur) Visa for the last 12 months.

You are also able to switch to an Innovator Visa if you meet the eligibility criteria.

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Basic Eligibility Criteria

Generally all the business visas require the following basic eligibility criteria:



Personal Immigration Services

If you would like to bring your family or loved ones with you to the UK, there are a wide range of personal visas available and we also offer additional immigration support services.

Our personal immigration services include:

- Spousal Visa
- Fiancé Visas
- Student Visas
- Child Visas
- Family member visas

Our other immigration services include:

- Visit Visa
- Naturalisation
- Residence Card
- Indefinite leave to remain
- Appeals & Judicial Review

Please contact our Immigration Team for more information on our full range of services.



Monarch Solicitors are an award-winning commercial law firm advising clients nationally and internationally. We specialise in property, mergers and acquisitions, fintech, investment, immigration, tax investigations and commercial litigation.

We are recognised as leaders in our field of law as we have been involved in major high profile cases and received praise for our enviable success record and excellent client services. Our trusted legal advisors provide bespoke advice to High Net Worth Individuals and Board Level Directors, protecting their wealth.

With a wealth of experience and a proficient, multi-linguistic team our clients get the best possible service and expert management of cross jurisdictional issues.

Our solicitors are cognisant of the commercial realities and ensure that clients conduct business in a compliant way, protecting their investments and business.

We have dedicated Mandarin and Cantonese speaking staff who provide a seamless service without the requirement of third party translators and who have a unique understanding of the Chinese culture and requirements. We also maintain client relationship through social media, Power Apple, WhatsApp and WeChat so that our team our clients can easily contact us.



Our Additional Services

PROPERTY SERVICES



Commercial Land & Property

Freehold & Leasehold, Buying & Selling, Options, Conditional Agreements



Commercial Leases

New Leases, Renewals, Assignments, Rent Reviews, Licences, Surrenders



Compulsory Purchase Orders

Blights notices, Objections, Judicial Reviews, Tribunal, Advocacy



Landlord & Tenant

Service Charge Disputes, Possession, Rent Arrears, Dilapidations



Residential Conveyancing

Sales, Purchases, Remortgages, Transfer of Equity



Freehold Enfranchisement

Houses, Flats, Right to Manage, Missing Freeholders, Tribunal, Disputes



Lease Extensions

Houses, Flats, Right to Manage, Missing Freeholders, Tribunal, Disputes

BUSINESS SERVICES



Business Sales & Purchases

Disposals, Acquisitions, Mergers, Take Overs, Partnerships, Shareholder Disputes



VAT, Customs & Excise

Disputes with HMRC, Tribunal, Penalties, Seizures, Classification



Litigation

Contract, Property, Construction, Fraud, Trading Standards, Negligence



Insolvency & Bankruptcy

Liquidations, Administration, Statutory Demands, Winding Up, Restructuring



Contract Drafting

Shareholder, Agency, Distribution, T&C's, Franchise, Joint Venture,



Commercial Finance

Bridging Loans, Commercial Loans, Disputes, Security, Debentures



Intellectual Property

Disputes, Infringement, Securing Ownership, NDAs, Confidentiality

Our clients' success determines our own, so we ensure both by working with our clients to achieve their goals.

What Our Clients Say

“

I have been greatly impressed with the speed and accuracy of the legal work undertaken on my behalf by this firm.

Nothing has been too much trouble and they have taken the time and made the effort to explain fully every step of the process I was going through with them.

The staff are polite, effective and highly professional individuals and I would not dream of going anywhere else for legal advice. I fully recommend their services!

”

Mr Mick Moran, Cheshire



Award Winning Team

Our award winning team is here to help you in all your legal requirements for you, your family and your business.



“

MONARCH
CAN HELP
YOU
SUCCEED

”



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