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UK Immigration Briefing Note – January 2008

UK IMMIGRATION OPTIONS FOR FOREIGN BUSINESSES COMING TO THE UK

Many foreign businesses establishing themselves in the UK need to transfer key members of staff to the UK to establish these businesses and/or develop the businesses for a period of time.

The current UK Immigration Rules provide a number of alternative routes as follows:-

1. **Sole representative application.** For a company which wishes to establish a branch or subsidiary company in the UK, and is not currently represented, this route can be extremely useful. It allows a foreign company to send one key employee, who must not be the owner or majority shareholder of the company, to the UK to establish the operation and to act as Managing Director of the UK operation. Once the UK operation is established and is trading, it is then possible to transfer further staff to the UK through the Work Permit scheme.
2. **Work permit scheme.** Under this scheme, foreign companies, with already established UK operations, are entitled to transfer key personnel from the overseas entity or Group to the UK to perform key roles.

There is no resident labour test requirement in the UK for these applications, provided that the overseas employee has been employed within the Group overseas for at least six months, that he/she meets the normal work permit skills requirements, and that he/she is bringing important Group skills and knowledge to the UK to the job required.

3. **Highly Skilled Migrant Permit.** This is the UK scheme to encourage Highly Skilled Migrants to come to the UK. A successful HSMP applicant is entitled to take employment or self-employment and also to establish themselves in business without needing any form of sponsorship. An HSMP holder can therefore establish a UK business for himself/herself or on behalf of third parties.

4. **Business investor**. An individual who wishes to establish his own business in the UK or buy an existing business or part of an existing UK business, and take an active part in the running of the business, there is the business investor scheme. This scheme requires an individual to show that he has £200,000 of his own money available to invest in the UK business and that his investment is going to lead to the creation of two new full-time jobs within the business for British citizens or permanent residents.

This is a complicated application, which requires a Business Plan to be prepared and for the applicant to have done a considerable amount of market research before making his application.

5. **Innovator**. This is a rarely used route, which allows an individual who wishes to come to the UK to bring an innovative idea or service, generally e-commerce based or at least marketed through e-commerce.

Under this scheme no minimum financial investment is required and the individual simply needs to show that he has sufficient funds to finance the business for its first six months of operations, and that the business will employ at least two individuals other than the applicant. The funds do not need to be his own funds.

N.B. The UK Immigration Rules will be substantially changed by the introduction of the new Points Based System during 2008 and the early part of 2009.

The Business Investor and Innovator category will be subsumed within the new Tier 1 which will also cover Highly Skilled Migrants and Investors. The Work Permit Scheme will become part of Tier 2. At this stage, no information has been given by the Government as to the fate or location of the sole representative route.

**For further advice or assistance please contact Graeme Kirk [gdk@gross.co.uk],
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