

GUIDE

Visa options for settling into the UK

The UK remains one of the most favoured destinations in Europe for inward immigration. It continues to offer high-quality education with internationally recognised schools and universities providing qualifications which have worldwide appeal. The UK is also highly regarded as economically buoyant, and as having a tolerant, stable society with a diverse range of cultures where there is a general respect for the rule of law.

There are a number of visa options for settling within the UK, which are listed below:

■ Tier 1 visa

Entrepreneur, exceptional talent, general, investor, and graduate entrepreneur.

■ Entrepreneur visa

- Have access to a minimum of £200,000 in investment funds under their control.
- Intend to invest their money into a viable UK business and be actively involved in the same.
- Have an English language qualification, such as SELTs level 4 across all the components.
- Prove that they are a genuine entrepreneur. This is usually conducted by way of an interview of the main applicant by an entry clearance officer if the application is made overseas, or by a Home Office caseworker if the application is made within the UK. Edwin Coe can assist with preparing the applicant for the interview.

■ Investor visa

This visa requires an applicant to show that he/she has £2million under his/her control and that he/she is willing to

invest these funds in UK government bonds, or in stocks and shares of UK listed companies, or in a UK limited company.

■ Tier 2 visa

This visa category is aimed at non-EU nationals wishing to take up employment in the UK.

Employers who cannot find appropriate skilled workers within the UK resident labour market, or faced with the prospect of not being able to keep a foreign student, or other visa holder whom they have previously employed and has become a valuable employee, can achieve this by applying for a Sponsor Licence.

■ Sole representatives

Overseas companies who wish to establish a presence, or expand their business within the UK, can achieve this by sending a senior employee to the UK using the sole representative visa..

■ Standard visit visa

Stay in the UK for up to six months.

■ Family visa

If you wish to join a family member or partner who is living in the UK permanently, such as a spouse or unmarried partner, you will need to apply for a family of a settled person visa.





■ Tier 4 visa

Points Based System for overseas students wishing to study in the UK.

■ Tier 5 visa

There are six sub-categories within this visa category:

- temporary workers as a charity worker
- creative and sporting
- government authorised exchange
- international agreement
- religious worker
- tier 5 youth mobility.

These are only temporary visas for the UK and should not be viewed as long term visas or visas which lead to settlement.

Next steps

UK immigration law is a fast-paced and ever changing area of the law with an increasingly complex myriad of rules being introduced by the UK Government. At Edwin Coe we recognise the need for timely and authoritative advice and offer solutions which often require us to think outside the box.

We act for both individuals and businesses in the UK and overseas, and pride ourselves on our ability to understand the commercial as well as the legal aspects of immigration problems facing clients and seek to provide practical and common sense advice.

Case Study

We have recently acted for a high net worth individual who has numerous business interests in India and is a very experienced and established business woman. For various personal reasons, she wished to establish herself in business within the UK. After going through the various visa options, and more importantly, because of the restrictions imposed on the transfer of funds due to the LRS limits, it was agreed that the only way forward was for this client to come to the UK on a sole representative visa.

An individual can apply for this if they are a senior employee of an overseas company wishing to establish its business in the UK and does not have an existing UK presence. The sole representative visa can be used, provided the senior employee

is not a majority shareholder and other conditions are met.

In this case, it transpired that the client was a majority shareholder but wished to divest herself of some of her shares in the parent company for other reasons. However it was important to ensure that we had a reasonable and credible explanation as to why she wanted to reduce the shareholding, especially if it was within 12 months of her making the application as the Embassy was likely to question this and potentially say that the shares were only disposed of for the purposes of the application. After careful deliberation with our client and her family office, we found an explanation which ought to be satisfactory for the Embassy.

Our Team

If you would like further information about these issues, please contact us using the details below:



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