

## GUIDE

# Your guide to obtaining a visa as the sole representative of an overseas company

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.

### The basic criteria to be met includes all of the following:

- The overseas parent company is a genuine commercial enterprise.
- The overseas company must continue to trade overseas.
- The applicant should be a senior employee recruited outside the United Kingdom.
- The applicant's suitability is enhanced if he/she has been employed overseas for a significant period of time and is fully familiar with the company's business and procedures.
- If the applicant has been newly recruited specifically to start within a UK office, he/she will need to demonstrate a strong background which makes him/her particularly well suited to the role.
- The applicant must hold a senior position within the company (but not be a major shareholder) and have full authority to make decisions on its behalf. The applicant is a major shareholder; care must be taken to establish that the arrangement is not one devised simply to circumvent the more rigorous requirements of the business rules.
- That the UK branch or subsidiary will operate in the same type of business activity as the overseas business.
- The applicant must intend to work full-time for the organisation.

- The applicant can provide evidence that he/she can maintain and accommodate themselves and any dependants adequately without recourse to public funds.

### The advantages of this visa are:

- There is a low English requirement at A1 level.
- The sole representatives' spouse and children can come to the UK on dependent visas.
- The sole representatives' dependents would be eligible to work/study if they wished to do so and have access to NHS treatment.

### How to apply

An application for a sole representative visa must be filed at a British Embassy in the country in which the applicant resides.

### Leave to enter and remain in the UK

A sole representative visa holder would first be given to enter for three years and prior to the expiry of that visa, they would then be able to apply to extend this visa for a further two years provided they meet the criteria for the extension. Prior to the expiry of the fifth year they could apply for indefinite leave to remain once again subject to meeting the criteria for the same.

They can subsequently apply for British Nationality on completion of one more year after having secured the indefinite leave to remain, provided they meet the requirements for the same.





## Frequently asked questions

**Q: How can a UK sole representative visa be extended?**

**A:** Sole representative visas are usually granted for an initial period of three years. Beyond this, you will need to submit a further application for leave to remain, which would be valid for 2 years. After 5 years in the UK in the sole representative visa category, you may be granted permission to remain in the UK permanently. This is on the condition that have remained in the UK as a senior employee of the same business throughout the 5 years, and that the branch or subsidiary established in the UK continues to operate.

The extension application will need to be accompanied by:

- (i) proof that the visa holder is still required by their employer as their sole representative
- (ii) accounts of the business generated in the first year of UK presence
- (iii) proof that the sole representative has been properly salaried as the person in charge of the subsidiary
- (iv) that the overseas business remains centered overseas.

**Q: What happens if the company has already incorporated a UK branch/subsidiary?**

**A:** Sole representative visas are only available to applicants of overseas firms which do not have a branch, subsidiary, or other representative in the United Kingdom.

If an overseas branch already has a subsidiary/branch in the UK and it wants to send skilled staff over from overseas, then they would have to make an application under Tier 2 of the points based system. However, it is permissible to form a UK company in anticipation of appointing an overseas representative so long as that UK company exists only as a shell which has not yet started to trade.

**Q: Are sole representatives allowed to be shareholders in the parent company?**

**A:** A sole representative may not be the majority shareholder in the parent company. Further, shareholdings in excess of 30% in the parent are likely to result in rigorous scrutiny of the application.

**Q: Can a sole representative apply for British citizenship?**

**A:** Yes a sole representative can apply for British citizenship one year after they have obtained indefinite leave to remain which they can obtain after a total of five years leave to remain in the UK as a sole representative.

### Why use us

At Edwin Coe, we will guide you through your application ensuring that you comply with all the requirements of the rules and that your application is prepared in the fullest possible way to ensure you receive a positive decision on your visa application and those of your dependants. We take pride in achieving positive outcomes for our clients.

## Our Team

For individual profiles please visit our website: [www.edwincoe.com](http://www.edwincoe.com).



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