

Immigrating to the UK – What are your options?

The United Kingdom's points-based **5 tier visa system** is the main UK immigration route for migrants from outside the European Economic Area (EEA) to come to the UK to work, study, invest or train. It should be noted that if you are an individual intending to immigrate to the UK with your family there are **family visas** options available which are not covered by the point-based visa system.

This note will explore some of the options available under both of these categories for immigrating to the UK.

The Points-Based System consists of five tiers:

Tier 1 is for high-value investors, entrepreneurs and individuals accepted as bringing exceptional talent to the UK.

Tiers 2 and 5 are employer-sponsored routes of entry and cover a variety of skilled, general and sector-specific long-term and short-term categories of employment.

Tier 3 This category was designed for low-skilled workers but has not been brought into operation. It is conceivable that following Brexit, Tier 3 may be brought into commission to facilitate the employment of migrant workers who currently fill these types of roles from within the EEA and Switzerland.

Tier 4 covers students.

Tier 1 (Entrepreneur) Visa: This is for individuals investing in the United Kingdom by setting up or taking over, and being actively involved in the running of one or more businesses in the United Kingdom. To make an initial application in this category, you must either have funds of £50,000 or £200,000 (depending on the circumstances) to invest in your UK business. In order to be eligible the funds must be:

- held in one or more regulated financial institutions
- free to spend ('disposable') on business in the UK

You must also provide a business plan and you may be asked to show that you are a genuine entrepreneur along with the requirements of:

- meet the English language requirement
- be able to support yourself during your stay

If you meet the score under the Point Based System, you can come to the UK with a Tier 1 visa for a maximum of 3 years and 4 months. You can apply to extend this visa for another 2 years if you're already in this category and 3 years if you're switching to it from another category. You may be able to apply for settlement, known as Indefinite Leave to Remain (ILR), once you have been in the UK for 5 years. Alternatively, entrepreneur visa holders can achieve ILR status after 3 years if they meet the following criteria:

- They have invested £200,000 in the company; and
- The company was registered within 6 months of the date they were granted permission to stay in the UK under the entrepreneur category; and
- They have created at least 10 full-time positions for settled workers; or established a new business with turnover of at least £5m during the 3 year period

Applying for British Citizenship (naturalisation): Typically, Entrepreneur visa holders can apply for British citizenship after having spent 6 years in the UK, but there are faster routes available for those responsible for creating businesses with a high turnover or a high number of jobs.

Tier 1 (Investor) Visa: This category is for nationals from outside the EEA and Switzerland who meet the eligibility requirements and are willing to invest at least £2 million in the UK. In order to qualify under this category:

- you must have opened a UK bank account
- funds must be held in one or more regulated financial institutions
- funds must be free to spend ('disposable') in the UK

There are no English language or maintenance requirements for entry under this category. Under a Tier 1 Investor visa you will be granted a maximum stay of 3 years and 4 months. Once in the UK and having met the further requirements you will be able to apply to extend for a further 2 years. Once you have been in the UK for 5 years and if you invested the minimum of £2 million you will be able to apply for ILR after 5 years. However, there are quicker ways to get to settlement with the Tier 1 Investor visa. If you invest £5 million, you will be eligible for settlement after 3 years in the UK and if you invest £10 million you can apply to settle after 2 years.

Applying for British Citizenship (naturalisation): Typically, Investor visa holders can apply for British citizenship after having spent 6 years in the UK, but there are faster routes available for those who have invested more, as above.

Tier 2 (General) Visa: This is for UK employers to sponsor skilled workers who require immigration permission to work in the UK.

You can apply for a Tier 2 visa if you:

- have been offered a skilled job in the UK
- are from outside the European Economic Area (EEA) and Switzerland
- have a valid certificate of sponsorship for your job
- prove your knowledge of English
- are paid an appropriate salary of at least £30,000 per year; however, there are exemptions to this rule.

Key changes to Tier 2 in January 2018

The UK government published a Statement of Changes of the Immigration Rules on 7 December 2017. The key changes to Tier 2, which came into force on 11 January 2018, include:

- An exemption from the Resident Labour Market Test (RLMT) will be applied to researchers who are recipients of supernumerary research awards and fellowships and for established research team members sponsored by either a Higher Education Institution or a Research Council.
- Tier 4 students will no longer be required to pass their course before being able to switch to Tier 2. Instead, the requirement will be that they have completed their course and are able to evidence this.

Tier 1 and Tier 2 dependants: The following dependants of migrants with Tier 1 and Tier 2 status may accompany the migrant to the UK, but must establish their relationship with the migrant and obtain entry clearance before travelling to the UK:

- Spouses and civil partners
- Partners (including same sex partners) of at least two years' duration who are not married or in a civil partnership
- Eligible children under 18

They must normally submit an application for entry clearance (visa) in the country of which they are a national or where they have a right to legal residence. If successful, the dependant will be granted leave to remain in the UK for the same period as the migrant.

Tier 4: This category is for students aged over 16 from outside the EEA who wish to study in the UK. Applicants must have a place at a registered UK educational establishment before they can apply.

Tier 5: This category contains six sub-tiers of temporary worker including creative and sporting, charity, religious workers, and the youth mobility scheme which enables about 55,000 young people every year to work in the UK on working holidays. The visas are awarded to young people from countries that have reciprocal arrangements with the UK.

Spouse Visa: Also known as a UK marriage visa, a spouse visa allows married partners of UK citizens to immigrate to the UK because they are married to someone who is 'settled in the UK' - i.e. a person who is ordinarily resident in the UK and has no immigration restrictions on how long they can stay in the UK. Under a spouse visa, you are eligible to work and study without the need for an employment or business visa. To be eligible under this category the requirements are as follows:

- You must be 18 years of age and legally married with the intention to live together permanently.
- Your sponsoring partner (spouse) must earn more than £18,600 annually and/or you or your partner must have enough money to support yourself without claiming public funds.
- You will also need to satisfy English language requirements.

A Spouse Visa is granted for 33 months - your spouse can then renew their visa from the UK for another 2 years and 6 months. Your spouse can apply for Indefinite Leave to Remain once they have been in the UK for five consecutive years. After you have been granted ILR you may be eligible to apply for naturalisation as a British citizen.

UK Ancestry Visa: Any Commonwealth citizen with a grandparent born in the UK, the Channel Islands or the Isle of Man is eligible for an Ancestry visa. To be eligible under this category the requirements are as follows:

- You must apply for this visa from outside of the UK
- You must be at least 17 years old to apply
- You must intend to seek work in the UK when you get there
- You must be able to support and house yourself and any dependants without relying on public funding

Ancestry Visa applicants are given 5 years to live and work in the UK. After 5 years in the UK, you may be eligible to apply for Indefinite Leave to Remain and then later UK Citizenship.

For more information about these issues and how they could affect you, please contact Krithika Sahi or a member of the Rooks Rider Solicitors' Wealth Planning team:



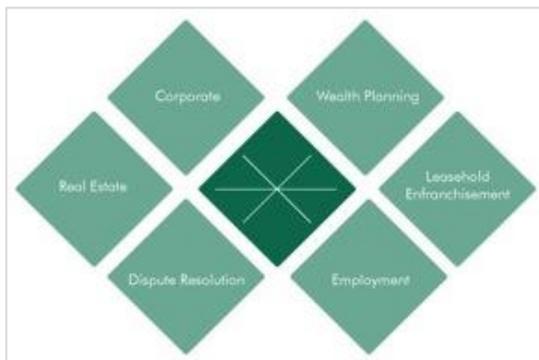
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