

# How to obtain permanent UK residency for senior executives and business owners

With the objective of attracting the best talent to the UK, the UK Government has made frequent changes to its immigration system in recent times. The UK still offers a range of options for senior executives and business owners who wish to relocate to the UK, despite the closure of the Tier 1 (Investor) and Tier 1 (Entrepreneur) visas.

In this article, we will briefly summarise the following routes:

- 1) Innovator Founder visa
- 2) UK Expansion Worker visa
- 3) Skilled Worker visa

## **1) Innovator Founder**

The Innovator Founder visa was designed as a replacement for the Innovator visa and the Start-up visa categories. This category aims to attract start up entrepreneurs and experienced business owners from overseas to the UK.

The specific minimum investment requirement of £50,000 has been removed. However, the requirement to have a 'viable' and 'scalable' business idea means that, in practice, you will need to demonstrate that you have access to a level of investment funds that is sufficient to set up and grow your business. This allows greater flexibility, when compared to the route's predecessor, especially for those who require little investment to kick-start their business.

You are required to gain an endorsement from an approved endorsing body. The Endorsing Bodies list has now been scaled down to four (Investors, UK Endorsement Services, Innovator International, The Global Entrepreneurs Programme), which means it is more focused, more manageable, and an easier route to navigate.

The endorsing body will assess whether the business meets the required criteria. In summary, your business idea must be:

- **New:** you cannot join a business that is already trading
- **Innovative:** you must have a genuine, original business plan that meets new or existing market needs and/or creates a competitive advantage
- **Viable:** your business plan must be realistic and achievable based on your available resources, and you must have, or be actively developing, the necessary skills, knowledge, experience and market awareness to successfully run your business
- **Scalable:** you must provide evidence of planning that includes job creation and growing into national and international markets

This visa will allow you to:

- Set up a business or multiple businesses
- Work for your business, which might include being employed as a director, or self-employed as a member of a business partnership
- Do work outside of your business, provided that it is "skilled work"

### Settlement in the UK

The visa is issued for an initial 3-year period. Extensions are granted for another three years, and there is currently no limit to the number of times you will be able to extend this visa. You can apply to settle permanently in the UK after three years if you fulfil the relevant eligibility requirements.

### **2) UK Expansion Worker**

The UK Expansion Worker visa allows workers to come to the UK to set up the first UK branch or subsidiary of their overseas business. The visa is intended for senior managers, or specialist employees who are being assigned to the UK to undertake work relating to a business's expansion to the UK. The UK Expansion Worker visa is one of five new sponsored routes under the Global Business Mobility (GMB) visa umbrella.

As a UK Expansion Worker, you will be allowed to work in the UK in the job for which you've been sponsored. You will also be permitted to undertake voluntary work and study in the UK.

The visa will be granted for 12 months initially and up to two years in total. The UK trading presence is expected to be established within two years from the date the licence was granted, and once the UK trading presence is established, the business can apply to add other routes to the licence – such as the Skilled Worker visa.

The sponsored workers can then apply to switch routes if they meet the relevant requirements. In summary, the UK Sponsor must:

- hold a licence to sponsor a UK Expansion Worker
- have not started trading in the UK but can evidence a 'footprint' in the UK
- be a subsidiary of an overseas business expanding in the UK

You must:

- Be currently working for the sponsor group
- Have worked outside the UK for the sponsor group for 12 months (unless you're applying as a high earner – salary must be over £73,900)
- Be sponsored for a job in an occupation code listed in Appendix Skilled Occupations that is identified as eligible for the Global Business Mobility route
- Meet the general salary requirement of £45,800 per year or the going rate for the role, whichever is higher

### Settlement in the UK

This is not a direct route to settlement. However, as mentioned above, you have the option to switch into the Skilled Worker visa category – which does lead to settlement in the UK.

### **3) Skilled Worker visa**

If you are a successful entrepreneur, and you have identified a business opportunity in the UK, the Skilled Worker visa may also be a suitable option.

This route will enable you to establish a UK company that will sponsor your entry and employment in the UK.

To successfully apply for a Skilled Worker visa, the UK entity will first be required to apply for a Skilled Worker sponsor licence. A key point to make is that the UK entity must already have at least one employee, partner or director who is settled in the UK. This is a key differentiator between this route and the UK Expansion Worker.

You can own shares in the business and there is no minimum investment requirement. This means you can be the director and 100% shareholder of your company.

In terms of general requirements, as part of the Skilled Worker sponsor licence application, the UK entity will need to satisfy the Home Office that:

- It is a genuine organisation operating lawfully in the UK
- It is not and has not engaged in behaviour or actions that are not conducive to the public good
- Is capable of carrying out sponsorship compliance duties

Once the sponsor licence is in place, you would then be able to apply for a Skilled Worker visa.

To qualify for a Skilled Worker visa, you must:

- have a 'certificate of sponsorship' from your employer with information about the role you've been offered in the UK
- do a job that's on the list of eligible occupations
- be paid a minimum salary - how much depends on the type of work you do

### **Settlement in the UK**

You can apply to settle permanently in the UK after five years if you fulfil the relevant eligibility requirements.

Below is the list of key requirements you must satisfy before you can apply:

- You are still required to be employed in your sponsored role and meet the salary requirement
- You must not have been outside the UK for 180 days in any 12-month period
- You will need to pass the 'Life in the UK' test

### **Next steps?**

Relocating to the UK involves significant practical considerations and requires personal planning. Specialist advice is recommended, particularly when considering which visa route may be the most suitable for you and your situation.

At Howard Kennedy LLP, we can help you achieve your objective and provide full support with the UK immigration process.