

COMING TO THE UK
VISA CATEGORIES
COMPANY GUIDE



VISA ROUTES

- SPONSOR LICENCES
- SKILLED WORKER VISA
- TIER 5 TEMPORARY WORKER VISAS – CREATIVE AND SPORTING VISA
- GLOBAL BUSINESS MOBILITY (5 NEW VISAS)
- SCALE UP VISA

SPONSOR LICENCE

Any UK based company that wishes to sponsor a person to come and work in the UK under either a Skilled Worker Visa, a Senior or Specialist Worker visa, any Global Business Mobility route visa, a Scale Up Visa or a Tier 5 Temporary work visa needs to have in place a Sponsor Licence.

The company must apply for a Sponsor Licence from the UK Home Office before making any application for either a Skilled Worker Visa or a Senior/Specialist Worker visa, any Global Business Mobility route visa, a scale up visa or a temporary Tier 5 visa.

The company cannot have unspent criminal convictions for immigration related offences or certain other crimes such as money laundering, or any history of failing to carry out its sponsorship duties.

The company will need to have appropriate systems in place to monitor sponsored employees and keep up to date personnel files, which must be kept readily available to the Home Office for inspection.

The company must appoint an Authorising officer, Level 1 User and a key contact to manage the sponsor licence.

Mandatory documents:

- The answers to the list of 10 questions in Appendix 3
- An organisational/hierarchy chart produced by the UK Company
- Employers Liability Insurance Certificate
- Company – UK Bank Statement (must show most recent statement showing activity in the UK Company bank account)
- HMRC PAYE Welcome Letter
- VAT Registration Certificate + latest VAT return
- Copy of lease for UK Office



SPONSOR LICENCE GLOBAL BUSINESS

MOBILITY ROUTE – PART 1

The Global Business Mobility routes are open to businesses of all sizes, providing they have a trading presence outside the UK and a qualifying link to a UK business.

In order to hold a Global Business Mobility sponsor licence, the UK business that will be receiving the worker must:

- Have an existing presence in the UK;
- Have qualifying links to an overseas business from which it will receive workers;
- Have suitable key personnel who will be responsible for managing the licence; and Have systems in place to meet the sponsor licence duties.

To be a UK Expansion Worker sponsor the UK business must provide credible evidence that it intends, and is able, to establish a new UK branch or wholly-owned subsidiary of an established overseas business. The overseas business must normally have been trading overseas for a minimum of 3 years.

Businesses that wish to apply for a UK Expansion Worker sponsor licence are required to have a UK footprint rather than a trading presence. This means that they should be able to provide evidence of either a UK premises or Companies House Registration, but they should not yet have begun trading in the UK.

The overseas business, on the other hand, will need to be active and trading. The Home Office will normally expect the overseas business to have traded for at least 3 years.

MOBILITY ROUTE – PART 2

The overseas business will also need to satisfy the Home Office that it is capable of successfully expanding into the UK. It will need to provide a credible business plan for expansion and demonstrate that it can finance its expansion plans.

UK Expansion Worker sponsors will need to identify key personnel who will be responsible for managing the sponsor licence. If there is no suitable settled worker in the UK to take the role of the Authorising Officer then, exceptionally, the rules for UK Expansion Worker sponsors allow for a Proposed Authorising Officer to be outside the UK.

In this situation the UK sponsor will be given a 'provisional rating' and just 1 Certificate of Sponsorship (CoS) initially. The Proposed Authorising Officer will then need to be the first worker that is sponsored. Once the Proposed Authorising Officer is in the UK, the sponsor will be able to re-rate to an 'A-rating' and request additional CoS (up to 5 maximum).

If there is a suitable settled worker in the UK who can act as the Authorising Officer then there is no need to rely on this exception and the UK Expansion Worker sponsor can be awarded an 'A-rating' and up to 5 rating' CoS initially.



SKILLED WORKER VISA

This visa replaced the old Tier 2 General visa in December 2020 and is for foreign workers who have been offered a skilled job in the UK, by a UK based company that holds an active and valid sponsor licence and has issued a certificate of sponsorship.

The proposed job role must be on the Standard Occupational Code (SOC) job list and must be at a RQF3 or equivalent skill level (minimum A-levels).

The worker must be able to speak English at CEFR B1 level (lower intermediate).

The worker must be paid the relevant minimum salary threshold by their sponsor normally a minimum of £26,200 or the SOC code minimum salary for the particular job, whichever is higher.

The minimum equivalent hourly rate will increase from at least £10.10 per hour, to at least £10.75 per hour.

If the Skilled Worker will earn less than £26,200, but no less than £20,960, (the Skilled Worker can be paid between 70% and 90% of the usual going rate for their job, if their salary is at least £20,960 per year) they may still be eligible if they can demonstrate one of the following:

- (1.) They have a job offer in a shortage occupation,
- (2.) they are under 26, studying or a recent graduate, or in professional training
- (3.) they have a PhD in a subject relevant to the job,
- (4.) they have a PhD in a STEM (Science, Technology, Engineering, Mathematics) subject relevant to the job (if they have a relevant PhD level qualification in any other subject their salary must be at least £23,580)
- (5.) they are a new entrant (the salary requirement for new entrants will be 30% lower than the rate for experienced workers in any occupation, to a lower limit of £20,960) or
- (6.) they have a post-doctoral position in science or higher education.

There is no longer an annual cap on worker visas or need for a resident labour market test but the company does need to show that there is a genuine vacancy for the skilled worker to fill.

The skilled worker visa can lead to settlement after 5 years in the UK.

SENIOR/SPECIALIST WORK VISA

GLOBAL BUSINESS MOBILITY

GLOBAL BUSINESS MOBILITY VISA ROUTE

This visa replaced the old Intra-Company Transfer visa on 11 April 2022 but just like the old ICT visa, this visa is for applicants who already work for a foreign company outside the UK but wish to come and work in the overseas office, subsidiary or sister company of that foreign company in the UK.

The employee will need to have worked for a foreign branch of the foreign Company for either 12 months or more or be paid a minimum salary of £73,900 per year in the UK in order to be able to come to the UK on a Senior/ Specialist Worker visa.

The worker must show that they are an existing employee of an organisation that has been approved by the Home Office as a licenced sponsor and the UK subsidiary/branch must have issued a certificate of sponsorship for the foreign employee.

The applicant must do a job that is on the list of eligible occupations and be paid a minimum salary of £45,800 per year.

This visa never leads to settlement in the UK and is for a maximum of 5 years in any 6 year period or if paid £73,900 or 9 years in any 10 year period.

There is an option for a Senior/Specialist Worker to be able to switch to a Skilled Worker visa in country, which would then allow the Senior/Specialist Worker to achieve permanent residence (The same applies to his/her dependants).

GRADUATE TRAINEE VISA

This visa replaced the old Tier 2 Intra-company Transfer Graduate Trainee visa on 11 April 2022.

A Graduate Trainee visa allows the applicant to come to or stay in the UK to work for his/her employer in their UK branch.

The Graduate Trainee's job must be eligible and part of a graduate training programme for a managerial or specialist role with his/her employer.

To qualify for a Graduate Trainee visa, the applicant must:

- be an existing employee of an organisation that's been approved by the Home Office as a sponsor
- have worked for his/her sponsor outside the UK for at least 3 months immediately before he/she applies
- have a 'certificate of sponsorship' from the employer with information about the work they will do in the UK
- do a job that's on the list of eligible occupations; and
- be paid at least £24,220 per year

The applicant cannot apply to change ('switch') to a Graduate Trainee visa from inside the UK.

The applicant can stay in the UK with a Graduate Trainee visa for whichever is the shorter of:

- the time given on the applicant's certificate of sponsorship plus 14 days
- 12 months

The applicant cannot extend this visa, but can apply for another Graduate Trainee visa from outside the UK.

GLOBAL BUSINESS MOBILITY

UK EXPANSION WORKER VISA PART 1

This visa replaced the Sole Representative of an Overseas Company Visa on 11 April 2022.

A UK Expansion Worker visa allows the applicant to come to the UK to set up a branch of an overseas business that has not yet started trading in the UK.

The applicant must already work for the overseas business as either a senior manager or specialist employee.

To be eligible for a UK Expansion Worker visa the applicant needs to:

- be aged 18 or over;
- be currently working for a business or organisation that is linked to their UK Sponsor by common ownership or control;
- have worked outside the UK for the linked business or organisation for a cumulative period of at least 12 months, unless they are a high earner earning £73,900 per year or more or they are a Japanese national seeking to establish a UK branch or subsidiary of the linked business or organisation under the UK-Japan Comprehensive Economic Partnership Agreement;
- they have a valid Certificate of Sponsorship issued by their UK sponsor for the job they are planning to do;
- The job they are planning to do is genuine;
- The job they are planning to do is skilled to at least RQF Level 6 (graduate equivalent);
- Their salary will be equal to or exceed both £45,800 per year and the 'going rate' for the job;
- They have enough money to support themselves without relying on public funds;
- They have provided a valid TB certificate, if required.

UK EXPANSION WORKER VISA PART 2

An applicant can stay in the UK with a UK Expansion Worker visa for whichever is the shorter of:

- 12 months after the start date of the job on their certificate of sponsorship
- the time given on their certificate of sponsorship plus 14 days

If the applicant wants to stay longer in the UK, they can extend their visa by 12 months. The maximum time an applicant can stay in the UK on a UK Expansion Worker visa is 2 years.

The Home Office has published a list of jobs that are eligible for this visa.

An applicant for a UK Expansion Worker Visa must be paid a salary which equals or exceeds £45,800 per year and 100% of the pro-rated going rate for the occupation, whichever is higher.

UK Expansion Worker Visa applicants do not need to satisfy an English language requirement.

An applicant can only stay in the UK for a maximum of 5 years in any 6 year period if they have previously spent time in any of the Global Business Mobility routes or the former Intra-company routes.



GLOBAL BUSINESS MOBILITY

SERVICE SUPPLIER VISA

An applicant can apply for a Service Supplier visa if they have a contract to provide services for a UK company, either as:

- an employee for an overseas company
- a self-employed professional based overseas

To be eligible for a Service Supplier visa, the applicant must:

- be an employee of an overseas business, or a self-employed service provider based overseas
- be providing a service to a UK business under a contract that is covered by a valid international trade agreement
- be doing an eligible job – if the job is not eligible then the applicant may still qualify if they have relevant qualifications and experience
- have a 'certificate of sponsorship' from their UK sponsor with information about the work they will be doing in the UK
- have worked for their employer for at least 12 months outside the UK, or have at least 12 months' professional experience if they are a self-employed service provider

How long the applicant can stay in the UK depends on the type of trade agreement they are providing services under.

The applicant can stay for whichever is the shorter of:

- 6 months or 12 months – this depends on the trade agreement the applicant is providing services under
- the time given on the applicant's certificate of sponsorship plus 14 days

The maximum time an applicant can stay on a Service Supplier visa is 6 or 12 months depending on the type of trade agreement the applicant is providing services under.

SECONDMENT WORKER VISA

This visa is required if an applicant's overseas employer is transferring the applicant to the UK to do an eligible job for a different organisation.

To be eligible for a Secondment Worker visa, the applicant must:

- be an existing employee of an overseas organisation that has a high-value contract (minimum £50 million) with the applicant's UK sponsor that has been approved by the Home Office
- have worked for the overseas employer for at least 12 months outside the UK
- have a 'certificate of sponsorship' from the sponsor with information about the work the applicant will do in the UK
- do a job in the UK that's on the list of eligible occupations

The applicant can stay in the UK with a Secondment Worker visa for whichever is shorter of:

- 12 months after the start date of the job detailed in the certificate of sponsorship
- the time given on the applicant's certificate of sponsorship plus 14 days
- If the applicant wants to stay longer in the UK, they can extend their visa by 12 months. The maximum time the applicant can stay in the UK on a Secondment Worker visa is 2 years.



TIER 5 TEMPORARY WORKER VISAS

This Temporary visa route is for the following roles:- charity worker, creative worker, government authorised exchange, International agreement, religious worker, seasonal worker and youth mobility (Youth mobility is for applicants aged between 18 and 30 who are nationals of Australia, Canada, Japan, Monaco, New Zealand, Hong Kong, Republic of Korea or Taiwan, or who are British Overseas citizens, British Overseas Territories citizens or British National Overseas citizens.)

TIER 5 CREATIVE WORKER ROUTE

- Under the Tier 5 route the applicant must be sponsored by a UK organisation or institution that holds a sponsor licence.
- Under the Tier 5 Creative worker visa, a creative worker
- is defined as someone who works in the creative industries, for example an actor, dancer, musician or
- film crew member. This visa can be granted for a maximum of 12 months.

An applicant needs all of the following to be eligible for the creative worker category:

- make a unique contribution to the UK labour market, for example they are internationally renowned or are required for continuity;
- have a certificate of sponsorship reference number;
- be paid the minimum salary as set by Equity, PACT or BECTU (except for models, musicians or circuses); and
- have enough money to support themselves in the UK – they will usually need to have at least £1,270 available (unless you're exempt).
- Tier 5 visas never lead to settlement in the UK.



SCALE UP VISA

PART 1

The Scale-up Visa is for talented individuals recruited by a UK Scale-up Sponsor, who have the skills needed to enable the Scale-up business to continue growing.

The applicant will need to have a highly-skilled job offer from a qualifying Scale-up business at the required salary level. The Scale-up Visa route opened on 22 August 2022.

The Scale up route does lead to settlement in the UK.

The Home Office will publish a list of jobs that are eligible for the Scale-up route.

The Scale-up Visa route offers both a Sponsored Application route and an Un-sponsored Application route. The Un-sponsored Application route is only available to applicants who have previously been granted permission as a Scale-up Worker.

In order to qualify for a Scale-up Visa via a Sponsored Application, the applicant will need to satisfy the following:

- They are aged 18 or over;
- They have a valid Certificate of Sponsorship issued by a UK sponsor for the job they are planning to do;
- The job they are planning to do is genuine;
- The job they are planning to do is at an appropriate skill level;
- Their salary will be equal to or exceed both £34,600 per year and the 'going rate' for the job;
- They are competent in the English language to at least CEFR Level B1;
- They have enough money to support themselves without relying on public funds;
- They have provided a valid TB certificate, if required.

PART 2

In order to qualify for a Scale-up Visa via an Un-sponsored Application, the applicant will need to satisfy the following:

- They are aged 18 or over;

- They have previously been granted permission as a Scale-up Worker;
- They had monthly PAYE earnings in the UK equivalent to at least £34,600 per year during at least 50% of their most recent grant of permission as a Scale-up Worker;
- They are competent in the English language to at least CEFR Level B1;
- They have enough money to support themselves without relying on public funds;
- They have provided a valid TB certificate, if required.

An applicant granted a Scale-up Visa on the Sponsored Application route will have permission to stay for a period of 2 years.

An applicant granted a Scale-up Visa on the Un-sponsored Application route will have permission to stay for a period of 3 years.

If an applicant is granted a Scale-up Visa on the Sponsored Application route then they will need to be employed in the job that they are being sponsored for, for an initial period of 6 months. After this initial 6 month period, their immigration status will no longer be tied to their original sponsoring employer.

If an applicant is granted leave as a Scale-up Worker on the Un-sponsored Application route then they will have a full right to work from the outset (including employment, self-employment and voluntary work), meaning that they will not be tied to a sponsoring employer.

An applicant can apply to settlement after completing a continuous period of 5 years in the UK with valid leave.

To register as a Scale-up Sponsor, the employer will need to demonstrate that they have had an annualised growth of at least 20% for the previous 3-year period in terms of turnover or staffing. Companies will also need to have had a minimum of 10 employees at the start of this 3-year period.

The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors.



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Charlie is a Partner in our Trusts, tax and estate planning team, specialising in advising resident non-domiciliaries, UK and international trustees and domestic clients on matters spanning pre-immigration planning, residency and domicile rules, international tax planning and UK wills and estate planning. Charlie also advises on a full range of immigration matters. On the personal immigration side, he specialises in advising private clients and their families throughout their immigration journey, from initial visa applications through to applications for indefinite leave to remain and naturalisation. He also advises entrepreneurs about setting up businesses in the UK under the Innovator or Start-Up immigration routes, and advises younger clients on Student visas and the Graduate visa. With businesses, Charlie advises corporate clients on recruiting and retaining top talent from the global market.

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