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SOLE REPRESENTATIVE OF AN OVERSEAS BUSINESS VISA



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SOLE REPRESENTATIVE OF AN OVERSEAS BUSINESS VISA

The Sole Representative of an Overseas Business visa is for businesses that would like to send a senior employee to the UK in order to establish a branch or wholly-owned subsidiary of the parent company. Indefinite leave to remain (ILR) can be achieved after 5 years in the Representative of an Overseas Business visa category.

Richmond Chambers is one of the UK's leading immigration practices for Sole Representative of Overseas Business visa applicants. Our immigration barristers work closely with senior employees of overseas businesses who wish to set up a branch or subsidiary of their parent company in the UK. We guide overseas businesses and their employees through the complex Home Office rules and policies and assist them to expand into the UK.

ADVANTAGES OF LIVING AND WORKING IN THE UK:

- Stable and democratic political system;
- Internationally renowned schools and universities;
- High quality of life, cosmopolitan society and attractive lifestyle opportunities;
- Strong and respected system of law;
- Favourable tax regime;
- British Pound considered by many to be a "safe haven" currency.

REQUIREMENTS FOR A SOLE REPRESENTATIVE OF AN OVERSEAS BUSINESS VISA

Initial applications for a Sole Representative of an Overseas Business visa

In order to qualify for a Sole Representative of an Overseas Business visa you will need to satisfy UK Visas and Immigration that your overseas company:

- Is an active, trading business;
- Has its HQ and principal place of business outside the UK;
- Has no active branch, subsidiary or other representative in the UK;
- Intends to establish a registered branch or subsidiary in the UK, operating in the same type of business as the overseas business;
- Will not be established or the sole representative appointed mainly for the purpose of facilitating the entry or stay of the sole representative;
- Intends to maintain the centre of its business operations overseas.

You will also need to demonstrate that you:

- Are a genuine Representative of an Overseas Business;
- Are a senior employee in the business;
- Have been recruited and taken on outside of the UK;
- Have the skills, experience and knowledge of the business necessary to undertake the role of sole representative of the overseas business in the UK;
- Have full authority to take operational decisions on behalf of the business in the UK;
- Do not have a majority stake in, or otherwise own or control a majority of the overseas business, whether that ownership or control is by means of a shareholding, partnership agreement, sole proprietorship or any other arrangement;
- Do not intend to engage in business of your own or work for any other business;
- Are competent in the English language to at least CEFR Level A1 (speaking and listening);
- Can maintain and accommodate yourself and any dependants without recourse to public funds.





DID YOU KNOW?

The sole representative visa route also contains a special sub-category for overseas media employees employed by an overseas newspaper, news agency or broadcasting organisation and posted by their employer on a long-term assignment in the UK. Different rules and requirements apply to this sub-category. An overseas media company can have more than one representative in the UK at the same time.

Extending a Sole Representative of an Overseas Business visa

In order to extend your stay in the UK as a Sole Representative of an Overseas Business you will need to satisfy UK Visas & Immigration that:

- You have established the registered branch or wholly-owned subsidiary of the overseas business;
- You are engaged in full time employment and supervise the registered branch or wholly-owned subsidiary and are required by your employer to continue in that role;
- The parent company's headquarters and principal place of business remain outside the UK;
- You are in receipt of a salary from your employer;
- You have generated business (principally with UK firms) on behalf of your employer since you were granted the visa;
- The business in the UK is owned by the overseas business parent company.

Settlement in the UK on the basis of a Sole Representative of an Overseas Business visa

In order to settle in the UK as a Sole Representative of an Overseas Business you will need to satisfy UK Visas & Immigration that:

- You have spent a continuous period of five years in the UK in the Representative of an Overseas Business category;
- You have not been absent from the UK for more than 180 days in any of the five years prior to the date of application;
- You have met the requirements for an extension of stay throughout the 5 year period;
- You are still required for your employment and will continue to be paid the appropriate salary and will be required for the foreseeable future;
- You have sufficient knowledge of language and life in the UK.

THE 5 YEAR ROUTE TO SETTLEMENT IN THE UK

Initial Application

- Parent company requirements
- Business representative requirements
- English language requirement
- Maintenance requirement
- Accommodation requirement

Three
years
granted

Extension application

- Parent company requirements
- Business representative requirements
- Maintenance requirement
- Accommodation requirement

Two
years
granted

Settlement application

- Residence requirement
- Met extension requirements throughout
- Still required for employment
- English language and Life in the UK requirement

Indefinite
leave to
remain
granted

FREQUENTLY ASKED QUESTIONS

Am I eligible to be a representative of an overseas business?

You must be a senior employee of the overseas business who has been recruited and taken on outside the UK. You will need to have authority to take key operational decisions locally on behalf of the UK business and intend to work full-time as a representative of the overseas business in the UK. You must not be a majority shareholder in the parent company or otherwise control a majority stake in the business. The Home Office will take into account particular limitations on shareholding in the country in which the business operates.

How long do I need to have been employed by the company for?

You do not need to have been employed by the parent company for any particular period of time. However, if you have only been employed for a short time, a good track record in the same or in a closely related field will help to show that the reasons for your appointment were genuine. Your business or your role must not have been created mainly to facilitate your entry to the UK.

Do I need to earn a minimum level of salary?

Sole representative visa applicants are not required to earn any minimum level of salary or receive any particular benefits. However, your remuneration package should be appropriate for a senior employee in the company.



Can a sole representative be a shareholder of the parent company?

Yes, but you must not own more than 50% of the available shares in the overseas business at the point of application.

I am a majority shareholder, can I reduce my shareholding and then apply?

Existing majority shareholders may qualify for a sole representative visa if they reduce their shareholding below 50% prior to applying. However, you will be required to provide the previous year's share register when applying, so you would need to provide evidence of selling your shares since then, and an updated share register.

Is my employer eligible to establish a UK branch or subsidiary?

The parent company must be a genuine business that has its headquarters and principal place of business outside the UK. It must intend to set up a branch or wholly-owned subsidiary in the UK. It must not already have a representative in the UK or any active branch or subsidiary.

Our business has already established a UK branch, can I still apply?

You can be admitted after a branch has been established in the UK, provided that the branch exists as a legal entity only, has set up a bank account and has identified, and set up, business premises. The UK branch must not employ any staff and must not have transacted any business.

Does the overseas business need to have any particular level of turnover or profit?

The parent company does not need to demonstrate any minimum level of turnover or profit in order to send a senior employee to the UK as a sole representative. However, the parent company must be a genuine commercial enterprise with its principal place of business outside the UK. The business must not be established in order to facilitate your entry to the UK.

What sort of business activities can the UK entity undertake?

The UK branch or subsidiary must operate in the same type of business as the overseas parent company. For example, it must supply a similar product or service. An overseas manufacturing company can establish a UK branch for the sale or servicing of their products in the UK.

Can the overseas company send more than one senior representative to the UK?

No, the parent company can only send one representative to the UK. However, if the company wishes to send two representatives, one may be admitted, and then later apply as a sponsor to allow the other employee to apply under Tier 2 of the points-based system.

Can a sole representative be a shareholder of the UK branch or subsidiary?

In order to qualify for an extension of stay as a sole representative, all shares issued by the UK entity must be held by the parent company.

Can the sole representative visa be used to relocate our parent company to the UK?

No, the setting up of the branch or subsidiary in the UK must not result in the overseas business effectively moving the centre of its business operations to the UK.

How will the Home Office approach the centre of business operations test?

An intention to move the main centre of business to the UK and cease trading outside the UK may be inferred if, for example, you are a major shareholder, if you are the driving force behind the parent company, if no or few senior employees will remain abroad or if the company's success seems linked to your specific talents and performance.

Will I need a business plan?

The Immigration Rules do not require sole representative visa applicants to provide a business plan in support of their application. However, including a business plan can help to satisfy several requirements of the Immigration Rules, including that the parent company genuinely intends to establish a branch or subsidiary in the UK, will operate in the same type of business as the overseas business and intends to keep its main centre of business operations overseas.

Can I be employed by the UK branch or subsidiary in the UK?

You must be employed directly by the overseas parent company at the date of your initial visa application. You may be employed by the UK branch or subsidiary at a later date. However, if you cease to have sole executive responsibility for the direction of the UK business then you will need to switch into a Tier 2 visa route.

Will I be able to work for another company in the UK?

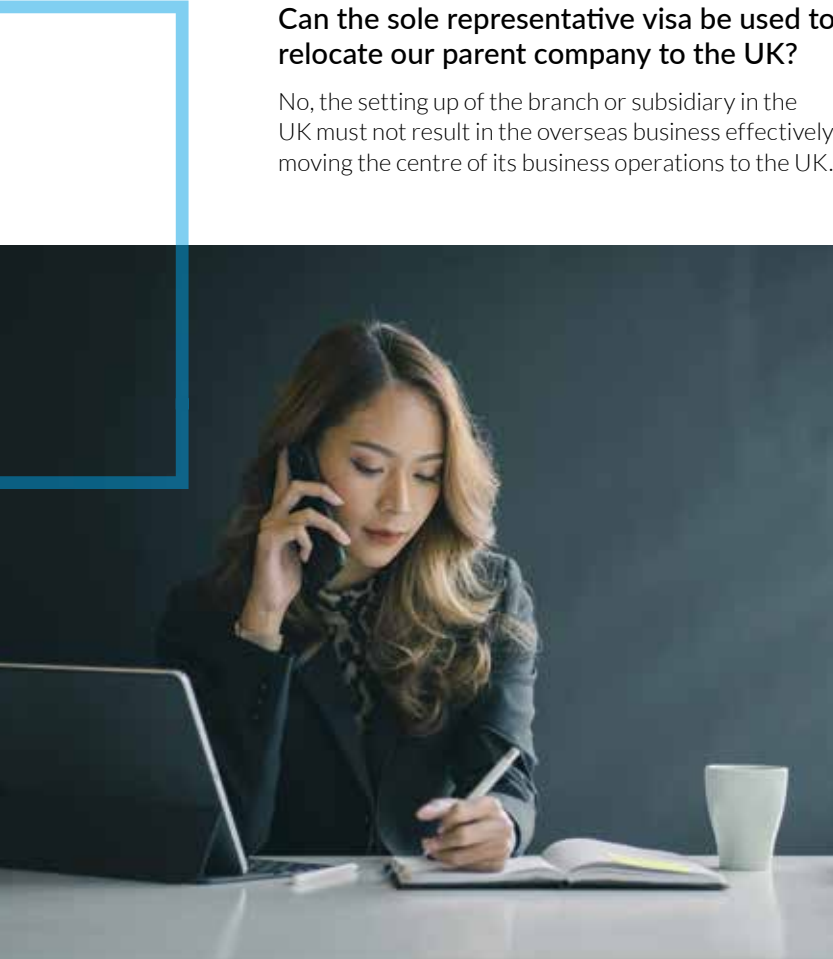
As a sole representative, you may only be employed by the company that sent you to the UK. It is not possible to have any other business interests, or undertake any part-time, full-time or consulting work for other businesses in the UK.

When should I apply for a sole representative visa?

You should make an application for a sole representative visa no more than 3 months before you intend to travel.

Can I apply for a sole representative visa from within the UK?

It is not possible to switch into the sole representative visa category from within the UK. Applications for extension of stay and settlement can be made from within the UK.





How much does a sole representative of an overseas business visa cost?

The Home Office application fee for a Representative of an Overseas Business visa is currently £610. In addition, you will need to pay the Immigration Health Surcharge, which is currently £624 per person per year of the visa.

How long will it take for my sole representative visa application to be decided?

Most sole representative visa applications are decided within 3 weeks. Many visa application centres outside the UK also offer a priority service which allows sole representative of an overseas business visa applicants to receive a decision on their applications for entry clearance within 5 working days.

How long will my sole representative visa be valid for?

You will be given permission to enter and remain in the UK as a sole representative for up to 3 years initially. Beyond this, you will need to submit a further application for leave to remain, which will be valid for 2 years. After 5 years in the UK as a sole representative of an overseas business, you may be eligible to apply for settlement.

Can a sole representative visa lead to British citizenship?

Yes, subject to meeting various requirements, sole representative visa holders can qualify for British citizenship once they have held indefinite leave to remain in the UK for a period of 12 months (unless married to a British citizen, in which case they may qualify immediately upon being granted ILR).

Can a sole representative bring family members to the UK?

Yes, sole representatives may bring, or be joined by, their spouse, civil partner, unmarried or same-sex partner and any children under the age of 18. Sole representatives cannot bring their parents, siblings or other extended family members.

What documents do I need to provide in support of my application?

The Immigration Rules contain strict requirements in terms of the documents that must be submitted in support of a sole representative visa application, as well as the content and format of these documents. Our immigration barristers can advise in detail as to the required documents, and check all documents for compliance with the Immigration Rules, as part of our visa application preparation and submission service.

CASE STUDIES

Our business immigration barristers have assisted scores of Sole Representative of Overseas Business visa applicants to establish a commercial presence for their company in the UK.

Richmond Chambers Immigration Barristers assisted a client with an application for entry clearance as the Sole Representative of a small boutique investment and mergers and acquisitions firm, with branches in Singapore and Greece, and with most work conducted remotely at client sites or via virtual meetings. Our client was a Managing Director and 90% shareholder of the Singaporean entity, Director of the Greek entity, and travelled for work between the two branches. After restructuring to open the wholly owned subsidiary in the UK, and reduction to become a minority shareholder, he was able to meet the requirements.

Our immigration barristers assisted with an application for entry clearance as a Sole Representative of an Overseas Business for a citizen of Pakistan with 3 dependants. The main applicant was a senior employee of a major chemical production company in Pakistan, with a multi-million dollar turnover, that was seeking to establish a commercial presence in the UK. With the help of Richmond Chambers, our clients' applications were all approved and the company is now established in the UK.

We worked with a client who sought to make an application for entry clearance as a Sole Representative for a South African national and his family. The parent company had branches in South Africa, New Zealand and Australia. Our client was the Managing Director and the majority shareholder in the parent company, but due to being able to structure his employment by one of the other branches, he was able to meet the requirement of not being a majority shareholder of the company which sent him to the UK.

Our business immigration team prepared a successful application for a Singaporean national for leave to remain as a Sole Representative of a Japanese company, which itself had a Singaporean parent company that exported used automobiles, machinery and auto parts. We successfully argued that payment from the wholly owned UK subsidiary met the requirements of the Rules and that our client had generated business with firms in the UK since his last grant of leave, although plans had deviated slightly from those in his entry clearance application. The applications for his wife and two child dependants were also successful.

Richmond Chambers assisted a senior manager of a construction firm with branches in Saudi Arabia and the US employing over 100 workers. We guided our client through the requirements of the Sole Representative of Overseas Business visa route and assisted with the applications of both the Applicant and his 5 dependants, which were all successful.

We assisted a Chinese national to make a successful Sole Representative visa application to come to the UK to open a branch of her family business. We were able to convince the Home Office that she was a sufficiently senior employee, and that despite her having previously registered as a Director of a UK company, that she intended to work for the parent company on a full time basis.

Our immigration barristers assisted a technology company to send a senior employee to the UK. The business had recently secured a contract with a UK company and as a condition of that contract was required to have a full time representative in the UK to oversee the work. We convinced the Home Office that although one of the directors of the company already held ILR in the UK, the selected representative would have overall authority for the UK entity.



OUR SERVICES

Our immigration barristers work directly with individuals and businesses, within the UK and overseas, to prepare high quality visa and immigration applications.

If you instruct us to prepare an application for entry clearance, leave to remain or settlement as a Sole Representative of an Overseas Business we will:

- Provide you with a dedicated and experienced immigration barrister to work on your matter;
- Accurately identify both the type of immigration application you should make and how your application should be structured for success;
- Provide you with expert advice as to the requirements of the Immigration Rules for your immigration application, as well as any relevant Home Office policies and case-law;
- Advise you in detail as to the documentary evidence that you will need to submit in support of your immigration application, including any requirements in terms of the content and format of these documents;
- Check all your supporting documents for compliance with the requirements of the Immigration Rules and advise you as to any required or recommended amendments;
- Complete the relevant immigration application form(s);
- Draft a witness statement in support of your immigration application (this is a detailed personal statement, which you will sign, explaining the factual basis of your application);

- Draft a 'barrister's opinion' in support of your immigration application (this is an expert legal opinion, prepared by your barrister, which will set out all the requirements of the Immigration Rules and explain to the Home Office, in detail, why your application should be approved);
- Prepare your application bundle ready for submission to the Home Office;
- Arrange for a second immigration barrister to independently check your completed immigration application prior to submission to the Home Office;
- Scan your finalised application bundle ready for submission to the Home Office;
- Submit your immigration application to the Home Office on your behalf;
- Act as your agent for all correspondence with the Home Office, up to and including receipt of the decision on your immigration application;
- Provide you with professional advice throughout the process of preparing your immigration application, by email, telephone or in-person as required;
- Provide you with professional advice as to the next steps once you have received a decision on your immigration application.

As an optional additional service, we can also manage the process of preparing a professional business plan in support of your visa application.

Through our network of trusted partners we can also offer a range of ancillary relocation services (including school and university placement, tax advice, property search, private banking and wealth management).



TRUST RICHMOND CHAMBERS FOR:

- Comprehensive all-inclusive solution for overseas businesses seeking to expand into the UK;
- Professional and independent advice in relation to all aspects of the Sole Representative of an Overseas Business visa category;
- Consistently high success rate in obtaining Sole Representative visas;
- High quality service delivered by specialist immigration barristers:
 - Member of Department of International Trade's UK Advisory Network
 - Authorised and regulated by the Bar Standards Board
 - Authorised and regulated by the Solicitors Regulation Authority
 - Member of Immigration Law Practitioner's Association

OUR FEES

All our work is conducted on a fixed fee basis, with fees agreed in advance. There are no hourly rates and no hidden extras.

Factors that may increase or decrease our overall fee quote include:

- the seniority of the barrister that you wish to instruct;
- the complexity of the issues in your case;
- the number of applicants, including any dependants;
- the volume of supporting documents;
- the timeframe for completion of the application.

We will be pleased to provide you with a range of fixed fee options to choose from, based on the circumstances of your case and the level of service that you require, once we have more information about your matter.

Our fee quotes include all the work set out in the 'Our Services' section of this brochure. We also do not bill separately for the usual running expenses of a law firm such as telephone calls, photocopying, printing, stationery, document storage, postage or travel.

Our fees do not include costs related to your matter that are payable to third parties (known as disbursements), such as Home Office fees and translation/interpretation fees. Where such costs arise, you will be responsible for these, so that you always know exactly what is being paid and to whom.

All fees quoted are exclusive of VAT. VAT will be added at 20% where this is required by law. For example, VAT will be added where you are in the UK and have, or previously had, leave to remain. If you normally reside outside the UK then VAT will not be added.

We typically work on the basis of payment of our professional fees in two instalments (50% upon commencement and 50% just prior to submission of the application). Alternative instalment plans can also be agreed.

RICHMOND CHAMBERS OFFERS:

- Fixed fees
- No hourly rates
- All-inclusive service
- Pricing options
- Most expenses included
- Payment by instalments

TESTIMONIALS

At Richmond Chambers, our immigration barristers have an established track-record of achieving successful outcomes for overseas businesses seeking to establish a commercial presence in the UK.

“Superb knowledge and professional service – simply excellent. Richmond Chambers provides outstanding service and their knowledge of the UK immigration process and law is unmatched. I recommend Richmond Chambers highly.”

“What a fantastic team. After one failed self application we phoned many immigration specialists and Richmond Chambers came out head and shoulders above the rest. We cannot praise this organisation enough and would wholeheartedly recommend them to anyone needing the best professional advice on UK immigration and visas.”

“Richmond Chambers is professional, honest, reputable and experienced. If you would like to prepare a strong UK visa application, you are strongly recommended to contact Richmond Chambers!”

“Professional and detailed. Richmond Chambers has a way of making you feel at ease and confident about your immigration status. Their thoroughness and professionalism is compared to none. I will definitely use Richmond Chambers’ services again and refer them to friends and family.”

“Throughout the process the quality of advice we received was excellent ... We found everyone in the team to be polite, professional and conscientious, and ultimately they helped the application to be successful which we are extremely grateful for. As and when a further application is required there is nowhere else we would turn for assistance.”

“The team at chambers went the extra mile, combing through the UK Immigration Rules to find me a solution to my predicament. Thanks to the team’s dedication and tenacity we were able to build a very strong case for my application.”

“The services provided by Richmond Chambers are worth every penny. They demonstrated a very professional approach at each and every step of the case, with amazing response times.”

“Phenomenal! I have to wholeheartedly say that Richmond Chambers has been absolutely amazing in getting me my visa, and that too without an interview. Thank you so much for your work Richmond Chambers, you’re by far the best at what you do.”





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