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Complicated Structures

What are the options for asset rich, income poor people looking to move to the UK?

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Agenda

- Overview
- Challenge
 - Investor
- Solutions
 - Innovator
 - Sole Representative
 - Global Talent
 - Skilled Worker
- Conclusion



Overview

- Overview
 - Investor most flexible UK immigration category but requires investment of at least £2m in the UK – investment must be maintained – “dead money”
 - Other solutions require individual to work or establish a business in the UK
 - All other solutions
 - Allow main applicant to bring dependant family members to the UK
 - Have various work restrictions
 - Lead to indefinite leave to remain



Challenge

- Investor
 - Requires individual to invest £2m in UK trading companies
 - Cannot use loan to fund investment or secure loan against investment
 - Investment can be changed but must be maintained
 - Individual can withdraw funds when no longer under category
 - Advantages
 - Can undertake any work or be self-sufficient
 - No English language requirement (NB indefinite leave to remain)
 - Accelerated settlement possible



Solutions

- Innovator
 - Allows individual to establish business in the UK – cannot buy business
 - Must have £50k to invest in the business – can come from a third party
 - Must obtain endorsement from an endorsing body
 - Possible for individual to obtain indefinite leave to remain after 3 years
 - Challenges
 - Individual can only work for business(es) they have established in the UK
 - High bar for indefinite leave to remain
 - English language requirement



Solutions

- Sole Representative
 - Allows overseas business to send senior employee to the UK to set up a new branch or subsidiary – HQ must remain overseas
 - No minimum investment required but senior employee, and / or their partner, cannot own 50% or more of, or control, the overseas business
 - Employee cannot have interest in the UK company
 - Challenges
 - Can only work for business which the individual is representing
 - Must be genuine requirement for sole representative
 - English language requirement



Solutions

- Global Talent
 - Individuals can apply if they are a (potential) leader in academia or research, arts and culture or digital technology
 - No minimum investment but must obtain endorsement from an endorsing body
 - Possible for individual to obtain indefinite leave to remain after 3 years
 - Can undertake any work in the UK
 - Challenges
 - High bar for application
 - No English language or minimum salary requirements (NB indefinite leave to remain)



Solutions

- Skilled Worker
 - Newly established company can sponsor an individual to work in the UK
 - Company must be operating and trading in the UK – only needs to be incorporated
 - Individual must be paid the going rate for the role
 - No minimum investment required
 - No limit on the proportion of the UK business that the individual being sponsored can own
 - Company must have one UK employee, director or office holder



Solutions

- Skilled Worker
 - Challenges
 - Can only work for business which is sponsoring the individual (although can undertake supplementary employment)
 - Genuine vacancy
 - English language requirement



Conclusion

- Investor
 - Most flexible UK economic immigration category
 - BUT high capital requirements
- Alternatives
 - All require applicant to work in the UK, either on an employed or self-employed basis
 - Skilled Worker has become more attractive since changes to UK Immigration Rules in December 2020



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