

01 OCTOBER 2019

Appendix V

Permitted Activities

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Introduction



- A visitor is a person who is coming to the UK, usually for up to six months, for a **temporary** purpose, for example as a tourist, to visit friends or family or to carry out a **business activity**
- Visitors cannot work or study in the UK **unless** this is allowed by the permitted activities that are set out in these Visitor Rules
- Visa and non-visa nationals

Appendix V

Genuine intention to visit



- *The applicant must satisfy the decision maker that they are a genuine visitor. This means that the applicant:*

[...]

(d) will not undertake any prohibited activities set out in V 4.5 – V 4.10; [...]

Permitted Activities

Business – general activities



- (a) attend meetings, conferences, seminars, interviews;
- (b) give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser;
- (c) negotiate and sign deals and contracts;
- (d) attend trade fairs, for promotional work only, provided the visitor is not directly selling;
- (e) carry out site visits and inspections;
- (f) gather information for their employment overseas;
- (g) be briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.

Business – corporate

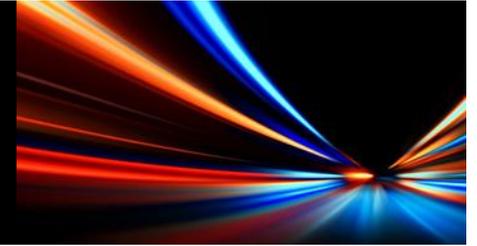
Intra-corporate activities



- An employee of an overseas based company may:
 - (a) advise and consult;
 - (b) trouble-shoot;
 - (c) provide training;
 - (d) share skills and knowledge; on a specific internal project with UK employees of the same corporate group, provided no work is carried out directly with clients.
- An internal auditor may carry out regulatory or financial audits at a UK branch of the same group of companies as the visitor's employer overseas.

Prohibited activities

Work



The applicant must not intend to work in the UK, which includes the following:

- (a) taking employment in the UK;
- (b) doing work **for** an organisation or business in the UK;
- (c) **establishing** or running a business as a self-employed person;
- (d) doing a work placement or internship;
- (e) **direct selling** to the public;
- (f) **providing goods and services**;

unless expressly allowed by the permitted activities in Appendices 3, 4 or 5.

Example



- Company has several offices & stores in the middle east, the US and the UK
- Good recruitment process in the US
- UK need help. Head of HR in the UK is on maternity leave and has no replacement
- Head of HR in the US intends on coming to the UK for 4 months to assist with the recruitment process and to recruit 10 employees.

Permitted Activities

Business – general activities



Permitted activities must not amount to:

- the applicant taking employment, or doing work which amounts to them **filling a role or providing short-term cover** for a role within a UK based organisation.

Payment



- [...] where the applicant is already paid and employed outside of the UK, they must remain so.
- Payment may only be allowed in specific circumstances set out in V 4.7.

Payment



The applicant must **not** receive payment from a UK source for any activities undertaken in the UK, except for the following:

- (a) reasonable **expenses** to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or
- (b) prize money; or
- (c) **billing a UK client for their time** in the UK, where the applicant's overseas employer is contracted to provide services to a UK company, and the majority of the contract work is carried out overseas. Payment must be lower than the amount of the applicant's salary; or

Payment Continued



(d) multi-national companies who, for administrative reasons, handle payment of their employees' salaries from the UK; or

(e) where the applicant is engaged in Permitted Paid Engagements (PPE) as listed at Appendix 4, provided the applicant holds a visa or leave to enter as a PPE visitor; or

(f) paid performances at a permit free festival as listed in Appendix 5.

Example



- NED's coming to the UK to attend 4 meetings and will remain for a period of 3 weeks
- Will be based in the UK office for the 3 weeks
- May attend ad hoc meetings whilst in the UK
- All expenses will be paid (hotel and flights)
- They will be paid a sum of £1,000 per meeting they attend

Example



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- Will remain in the UK for 3 weeks
- Will be based in the UK office for 3 weeks
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- All expenses will be paid (hotel and flights)
- They will be paid a sum of £1,000 per meeting they attend
- “[...]including fees for directors attending board-level meetings”

False information in relation to an application



- An application will be refused where:
 - (a) false representations have been made or false documents or information have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge); or
 - (b) material facts have not been disclosed, in relation to their application or in order to obtain documents from the Secretary of State or a third party provided in support of their application.

Appeal Rights and Relevant Case Law



- As of July 2013 it is only possible to appeal against a refusal of a visit visa where the grounds of appeal are on human rights grounds.
- Whether or not the visit engages human rights considerations therefore determines whether there is a right of appeal
- The relevant case law would therefore be mainly in relation to visitors who are visiting friends and family members