

FACTSHEET: SOLE REPRESENTATIVE VISA ROUTE

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ABOUT THIS GUIDE

The 'Representative of an Overseas Business' visa, otherwise known as the 'Sole Representative' visa, is a UK immigration route open to employees of overseas businesses seeking to establish a presence for the company in the UK. Under this route, a senior representative from the overseas company can apply to enter the UK for the purposes of setting up a branch or wholly owned subsidiary of the business in the UK.

In this guide, we provide an overview of the Sole Representative visa, including who can apply and recent changes to the rules under this route.

ELIGIBILITY REQUIREMENTS

In order to apply, the representative must:

- Be recruited and employed outside the UK by an active and trading business whose headquarters and principal place of business are (and will remain) outside the UK;
- Hold a senior position within the business (but must not own or control the majority of it) and have full authority to make decisions on its behalf
- Have the skills, experience and knowledge to undertake the role
- Have a genuine intention to establish the overseas business's first commercial presence in the UK, either as a registered branch or wholly owned subsidiary.

In addition to meeting the above eligibility criteria, applicants must demonstrate that they can speak English to an acceptable standard, and show that they have enough money to support themselves in the UK.

THE OVERSEAS BUSINESS

The branch or wholly owned subsidiary to be established in the UK must be in the same business as the overseas business.

Furthermore, the company must intend to keep its main centre of business abroad (i.e. – not intend to move the main centre of business to the UK and effectively cease trading outside the UK).

SUMMARY OF THE CHANGES

In June 2020, the Home Office significantly tightened the rules surrounding the Sole Representative category. The key changes are:

- A new '**genuineness**' test has been introduced to help Home Office caseworkers assess whether applicants have a 'genuine intention' to establish a branch or subsidiary in the UK. Applicants may be asked to provide additional evidence or attend an interview.
- Applicants must prove they have the necessary **skills, experience, knowledge and authority** to represent the overseas business in the UK.
- Applicants **must not have a majority stake in, or otherwise own or control the overseas business**. Previously, this rule applied only to majority shareholders. If there is good reason to suspect the representative might be the overall owner of the business, Home Office caseworkers may choose to undertake a formal interview.
- **Changes to the rules on dependant applications** now prevent the Sole Representative from bringing in a spouse, civil partner, unmarried or same-sex partner if that partner has a majority stake or otherwise owns or controls the overseas business.





THE APPLICATION PROCESS



Applications for a Sole Representative visa are submitted online on the gov.uk website. The earliest you can apply is three months before you travel. You will need to provide your biometric information at a Visa Application Centre (VAC) as part of the application process. You should receive a decision within 3 weeks if you apply from outside the UK, or within 8 weeks if you apply from inside the UK.

Once your Sole Representative visa has been approved, you can stay in the UK for an initial period of 3 years. After that, you may be able to extend your visa for another 2 years. After 5 years, you can apply for permission to settle permanently in the UK.

COST TO APPLY

- If you apply from outside the UK, the cost is £610
- If you apply from inside the UK, the cost is £704, plus a £19.20 biometrics enrolment fee

WHAT YOU CAN AND CANNOT DO

Once your Sole Representative visa has been granted, you will be able to:

- Work for your employer full-time
- Bring your dependant family members with you

You cannot:

- Work for yourself or any other business
- Stay in the UK if the Sole Representative arrangement is ended by your employer
- Switch to this visa from any other visa category
- Access public funds in the UK

Please contact Smith Stone Walters for more information

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