

Editorial:  
Schengen visa delays  
at an all time high  
*Page 02*

Special Focus:  
5 employer benefits of hiring  
an international graduate  
*Page 06*

Latest News:  
Innovator Founder  
visa now open  
*Page 18*

Focus:  
Visa options for setting  
up a business in the UK  
*Page 25*

**SMITH  
STONE  
WALTERS**

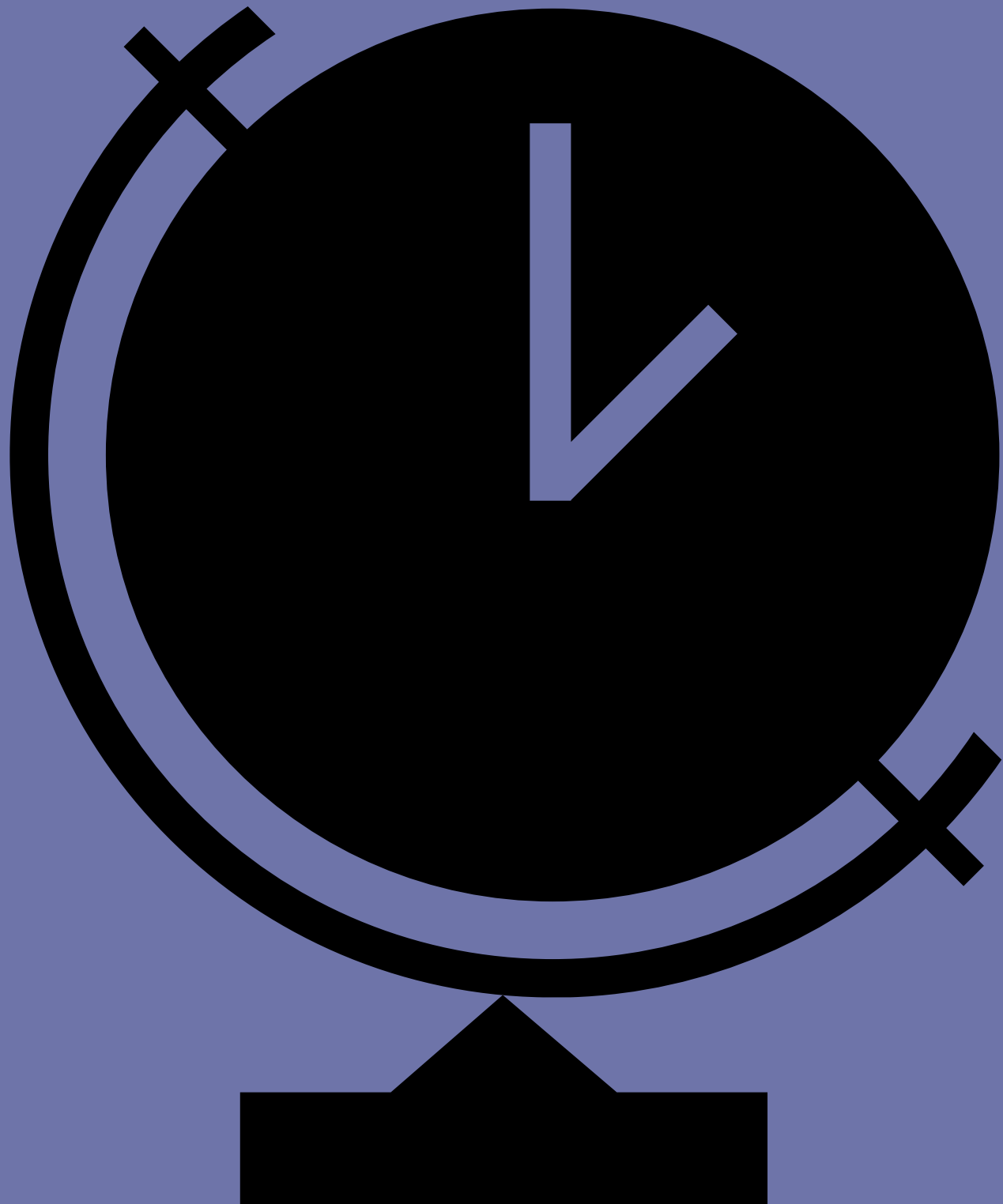
Immigration Practice

# INSIGHT

IMMIGRATION NEWS & VIEWS  
FROM SMITH STONE WALTERS  
SUMMER 2023

Avoid visa *delays* with  
our application top tips





# VISA DELAYS AT AN ALL TIME HIGH

*If you are planning a trip to Europe this summer, whether for business or tourism purposes, you may need to factor in a little extra time if you require immigration permission to enter the EU. As we enter peak holiday season, visa delays are at an all-time high and many applicants have reported severe disruptions to their travel plans as a result.*

Most foreign nationals looking to travel to Europe for stays of up to 90 days will apply for a Schengen visa – the most common category of visa in Europe. Due to high demand, Schengen visas are currently taking longer than normal to process and appointment slots for some countries are extremely limited.

In this month's Insight Editorial, we look at the current situation across Europe and set out our top tips to ensure your Schengen visa application runs as smoothly as possible.





## WHAT IS A SCHENGEN VISA?

A Schengen visa is a short-stay visa which allows its holder to enter, freely travel within and leave the Schengen zone from any of the Schengen member countries. Obtaining a Schengen visa is the best way for visa-required nationals to travel across multiple countries on a single permit.

The Schengen zone is a passport-free zone that covers most European countries. It is the largest free travel zone in the world, and consists of 27 countries: Austria, Belgium, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Lichtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain Sweden and Switzerland.

With a Schengen visa, you can stay in the Schengen area for a duration of no more than 90 days in any 180 day period. Depending on your reasons for visiting the Schengen countries and the frequency of your visits, the Schengen Consulate can issue you a single-entry visa, double-entry visa, or multiple-entry visa.

If you are planning to study, work, or live in one of the Schengen countries for more than 90 days, then you must apply for a national visa of that European country and not a Schengen visa.

## THE APPLICATION PROCESS

Applications for Schengen visas can be made at an Embassy, Consulate or a visa centre. If you are visiting just one Schengen country, the application must be lodged at the Consulate that represents the country you intend to visit.

However, if you intend to visit multiple Schengen countries during your trip, you must apply at the Consulate of the Schengen country where you will spend

the most days. If you will be spending the same amount of time in each Schengen country during your trip, you must apply at the Consulate that represents the country you plan to enter first.

For example, if you intend to fly from India to Germany and spend a week there, followed by two weeks in France and ten days in Italy, you must apply for your Schengen visa through the French Consulate, as this is the country in which you will spend the largest portion of your trip.

However, if you intend to visit those three countries in the same order but spend a week in each, you must apply for your Schengen visa through the German Consulate, as this is the Schengen country you will enter first.

This rule has proved frustrating for some applicants visiting multiple countries who find themselves unable to secure an appointment for the country they must apply through, when another country they intend to visit has good availability but they are not permitted to apply there.

## APPOINTMENT AVAILABILITY

At present, it is taking on average 6 to 8 weeks for applicants to secure a Schengen visa appointment. However, in some cases applicants are having to wait up to 3 months for an appointment.

There are many factors which could affect the number of available appointments and subsequently how long you may need to wait to secure a slot. For example, the time of year in which you are applying can have a major impact on customer demand for visas and service availability.

During busy periods such as Christmas and summer holidays, it may take longer to get an appointment due to the higher number of applicants booking slots.

You should also take note of any public holidays which could impact the opening times of your chosen Consulate, Embassy or visa centre.

Appointment availability also varies depending on which country you are applying through. At present, countries experiencing high volumes of applications include France, Germany, Spain and Italy.

Schengen visa appointments are managed by third party providers, such as TLScontact. Applicants can check appointment availability by contacting their chosen visa centre directly.

## PROCESSING TIMES

It is currently taking on average 15 working days for Schengen visa applications to be processed. For some countries, processing times are much quicker and a decision may be reached in as little as 7 working days.

Processing times start after the application has been submitted and the applicant has enrolled their biometrics at the embassy or visa application centre. Add to this the time spent waiting for an appointment slot in the first place, and the end-to-end process could potentially take months to complete.

Again, factors such as the time of year and the country you are applying through will influence visa processing times. However, there are steps you can take to give your Schengen visa application the best chance of being processed quickly and smoothly.

## TOP TIPS FOR APPLICANTS

To account for the current delays and to avoid disruption to your travel plans, applicants are strongly advised to start the visa application process as early as possible – ideally up to six months before your intended travel date.

If you will be visiting multiple Schengen countries during your trip, it is worth checking out the current service level for each country in advance, and planning your itinerary based on the country with the best appointment availability and fastest processing times.

Before you submit the application, ensure you have all the required documentation and your application is thorough and complete. Common reasons for refusal include failure to provide a clear itinerary including evidence of flights and accommodation, not holding valid travel insurance, having inadequate funds to support your trip and applying through the wrong country. Seeking support from a qualified immigration advisor is recommended if you are unsure about which documents are required or any other aspect of the application process.

Smith Stone Walters does not recommend buying appointments from any companies not associated with the relevant embassy or authority. We have received confirmation that appointments cannot be bought by any other company apart from those working in partnership with the embassies. We are seeing some applicants pay more than they should have to private companies to secure an appointment.

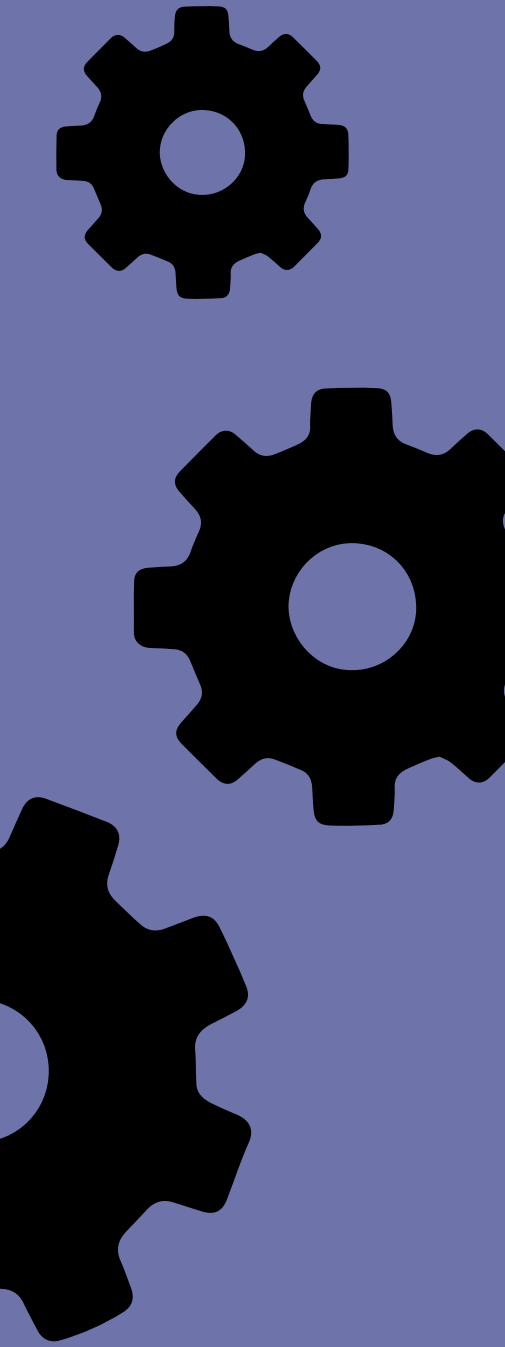
Should you wish to instruct us to submit your Schengen visa application on your behalf, we will thoroughly assess your eligibility in advance, provide a comprehensive document checklist and ensure your appointment is booked through the appropriate authorities. For peace of mind with your Schengen visa application, speak to the Global Immigration team at Smith Stone Walters.

## DIGITAL SCHENGEN PROCESS BY 2025

In the future, applications for Schengen visas should be quicker and more straightforward. The European Commission has set an objective to fully digitalise the Schengen visa process by 2025.

The digital system would allow applicants to submit visa applications online, including paying the visa fee through a single EU platform, regardless of the Schengen country they want to visit. Appearing in person at the Consulate would only be mandatory for first time applicants for the collection of biometric identifiers, for applicants whose biometric data are no longer valid or those with a new travel document.

Until such time, applicants will need to follow the advice above and be prepared for potential delays with Schengen visa applications this summer.



# 5 EMPLOYER BENEFITS OF HIRING AN INTERNATIONAL GRADUATE

*The UK's Graduate visa is a post-study immigration route which allows international students to stay in the UK and work, or look for work, for up to three years after completing their studies.*

*The route was introduced to help improve the UK's appeal as a top destination of choice for international students, and to help the UK to retain the 'brightest and best talent' to continue contributing to the economy by entering the workforce once they have graduated. However, the Graduate route also presents a range of benefits to employers as well as graduates.*

*In this Special Focus, we set out five key benefits of hiring an international worker on a Graduate visa.*

## NO SPONSORSHIP REQUIREMENT



A major benefit for employers in recruiting from this talent pool is that Graduate visa holders do not require sponsorship from an approved employer in order to work in the UK. This means that your business does not need to hold a sponsor licence to offer employment to a Graduate, making it a much quicker and simpler recruitment process compared to sponsored work routes such as the Skilled Worker route.

## LOWER COSTS



As the Graduate route is unsponsored, employers do not have to pay the sponsorship fees that usually apply under the Skilled Worker route. This represents significant savings of potentially thousands of pounds. Furthermore, there are no specified salary rates under the Graduate route therefore a lower salary can be offered.

## WIDER RANGE OF ROLES AVAILABLE



Under the Graduate route, there are no restrictions on the type of work the visa holder can undertake. This means employers can recruit graduates into entry level or lower skilled roles that may not be eligible for sponsorship under alternative work routes.

## ABILITY TO SWITCH IN-COUNTRY



Adding to the flexibility of the route, Graduate visa holders are permitted to switch to another visa category, such as the Skilled Worker route, without needing to leave the UK. This means that employers can continue to employ the worker once their Graduate visa has expired. However, your organisation must hold a sponsor licence and the role must meet the skill and salary thresholds of the Skilled Worker route.

## BUSINESS BENEFITS OF AN INTERNATIONAL WORKFORCE



Recruiting international talent provides numerous benefits to your business. A diverse workforce can help provide a richer workplace culture for all employees, as well as strengthening your employer brand within a global talent pool. International graduates can often bring highly sought-after attributes to an organisation, including the ability to speak more than one language, plus knowledge of overseas markets and cultural awareness.

*If your business is looking to hire international workers and you need immigration advice, speak to Smith Stone Walters.*



# IMMIGRATION CRACKDOWN ON FAMILIES OF INTERNATIONAL STUDENTS



*On 23 May 2023, Home Secretary Suella Braverman made a statement in Parliament setting out a package of immigration reforms which aim to crackdown on rising net migration figures.*

The measures aim to help the Conservative government deliver its goal of reducing net migration, as promised in the party's 2019 manifesto.

The changes will impose further restrictions on international students and their families, after recent immigration figures showed an 'unexpected rise' in the number of dependants coming to the UK alongside Student visa applicants.

Around 136,000 visas were granted to dependants of sponsored students in the year ending December 2022, a more than eight-fold increase from 16,000 in 2019, when the Government's commitment to lower net migration was made.

## THE PACKAGE OF REFORMS INCLUDES:

- Removing the right for international students to bring dependant family members to the UK unless they are on postgraduate courses currently designated as research programmes.
- Removing the ability for international students to switch out of the student route into work routes before their studies have been completed.
- Reviewing the maintenance requirements for students and dependants.
- Steps to clamp down on unscrupulous education agents who may be supporting inappropriate applications to sell immigration not education.
- Better communicating immigration rules to the higher education sector and to international students.
- Improved and more targeted enforcement activity.

The changes will come into effect for students starting their courses from January 2024.

*For more information, please speak to SSW.*



# ETA SCHEME OPENS OCTOBER 2023

*Later this year, the UK is due to roll out the first phase of its Electronic Travel Authorisation (ETA) scheme. The ETA is a digital 'permission to travel' scheme, which is being gradually introduced to help strengthen the security of the UK border and to improve travel.*

Broadly, the ETA is for visitors who do not need a visa for short stays to the UK, or who do not already have a UK immigration status prior to travelling. The system will help improve UK border security by allowing the government to make the necessary security checks on travellers before they arrive.

The scheme will launch for Qatari nationals from 25 October 2023. From 1 February 2024, the scheme will be introduced for nationals of Bahrain, Jordan, Kuwait, Oman, United Arab Emirates and Saudi Arabia. By the end of 2024, the scheme will be a requirement worldwide for visa-exempt travellers, including those visiting from Europe.

Non-visa nationals should be aware of this forthcoming requirement and how it may impact future travel to the UK. Full details of the scheme are yet to be released, but the Home Office has already provided some basic information on how the scheme will operate.

## THE APPLICATION PROCESS

When the scheme launches, individuals will be able to apply for an ETA online, either using a dedicated smartphone app or via the gov.uk website.

To apply for an ETA, individuals will need to:

- Pay a fee
- Provide contact and passport details
- Provide a valid photo
- Answer a short set of suitability questions

The application process will be quick and light-touch. Most applicants will receive a response within three working days, with many receiving a result sooner.

The exact cost of an ETA has not yet been announced, but the Home Office has stated that the fee will be 'competitive' and comparable with similar schemes in operation worldwide such as the United States and Australia.

Once approved, an ETA will be valid for multiple journeys over a two-year period or until the passport the individual used to apply with expires, whichever is sooner.



*To keep up to date with the latest UK immigration news, please sign up to our weekly newsletter at [www.smithstonewalters.com/signup](http://www.smithstonewalters.com/signup).*



*‘Therefore, in a matter of weeks the Home Office U-turned on the policy and confirmed that sponsors do not need to confirm on the SMS whether or not workers are working in a hybrid capacity.’*

# HOME OFFICE U-TURN ON REPORTING HYBRID WORKING



*In March 2023, the Home Office updated the guidance for sponsors to provide more clarity on the reporting duties for sponsors of Workers and Temporary Workers. The update added a new section to the guidance setting out additional reporting requirements for sponsors in relation to hybrid or home working patterns.*

The outbreak of COVID-19 and the resulting lockdowns forced many businesses to transition suddenly to remote working for most of their staff. At the time, there was no formal requirement for sponsors to tell the Home Office when their sponsored workers would be working from home.

However, the amended guidance stated that sponsors must tell the Home Office if a sponsored worker's normal work location (as recorded on their Certificate of Sponsorship) changes, including where the worker will be based at a different location not previously declared, where the worker will be permanently working remotely from home, or where the worker will be transitioning to a hybrid working pattern.

## U-TURN ON HYBRID WORK POLICY

The change caused widespread confusion among sponsors due to a lack of clarity, and likely resulted in a sudden influx of Sponsorship Management system (SMS) reports which Home Office caseworkers would have to wade through.

Therefore, in a matter of weeks the Home Office U-turned on the policy and confirmed that sponsors

do not need to confirm on the SMS whether or not workers are working in a hybrid capacity, as this is accepted as the 'new norm'. As long as sponsors maintain accurate records on site, the Home Office spokesperson stated: "We will be satisfied should we conduct a compliance visit."

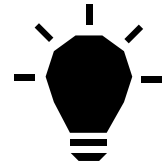
The reversal of this policy is welcome news for larger sponsors in particular, who will no longer have to face the daunting task of submitting individual SMS reports for each sponsored worker.

At the time of writing, the requirement is still present in the guidance, but the Home Office has stated that it will work to remove it in due course.

*Questions on sponsor compliance?  
Contact our sponsor licensing team today  
on [info@smithstonewalters.com](mailto:info@smithstonewalters.com).*



# INNOVATOR FOUNDER VISA NOW OPEN



*In April, the UK government launched a new visa category for foreign nationals who wish to come to the UK to set up and run a business – the Innovator Founder visa.*

This new category reforms and replaces the old ‘Innovator’ route and closes the ‘Start-up’ route to new initial applications except where they are supported by endorsements issued before 13 April 2023.

The new route has been designed to offer a more flexible provision for those with a genuine proposal for an innovative business and sufficient funds to deliver it. Applicants will no longer need to show that they have at least £50k minimum funds to establish their business as was previously required under the Innovator route.

With the removal of the £50k minimum funds requirement for Innovator Founders, it is no longer necessary to retain a separate route for start-up entrepreneurs that do not have access to this level of funds, hence the closure of the Start-up route to new initial applicants.

*If you'd like to know more, check out this month's Insight Focus where we examine the pros and cons of the Innovator Founder route in more detail and look at the alternative immigration options for foreign nationals looking to set up a business in the UK.*

## ENDORSEMENT PROCESS

As was previously required under the Innovator and Start-up routes, Innovator Founder applicants will need to go through an endorsement process.

Before you can submit your visa application, you will need to have your business or business idea assessed by a Home Office approved endorsing body to confirm that it meets the requirements.

### THE ENDORSING BODY WILL CHECK THAT YOUR IDEA IS:

- **New**  
You cannot join a business that is already trading.
- **Innovative**  
You must have an original business idea which is different from anything else on the market.
- **Viable**  
Your business must have potential for growth.
- **Scalable**  
You must give evidence of planning that includes creating jobs and growing into national and international markets.





## LIVE AND WORK IN GERMANY WITH AN EU BLUE CARD

*The EU Blue Card is a European Union-wide work and residence permit which provides the holder with a pathway towards permanent residence and citizenship in an EU country.*



The application for an EU Blue Card is made to the competent national authorities in the country where the applicant wishes to work. For this reason, the eligibility requirements differ slightly depending on which Member State you are applying through.

Germany's Blue Card scheme gives highly qualified workers from outside the EU the permission to live and work in Germany, provided they have higher professional qualifications such as a university degree, and an employment contract or a binding job offer with a high salary compared to the national average.

### WHO IS ELIGIBLE?

The Blue Card scheme is aimed at qualified academic professionals employed in a position commensurate with their qualification and with a designated minimum remuneration.

To apply, you must:

- Have a confirmed job offer from an employer in Germany. The position must be appropriate for someone with your qualifications.

- Be paid at least €58,400 per year. For jobs in the fields of mathematics, computer science, natural sciences, engineering and human medicine (except dentistry), a reduced annual minimum gross salary of €45,552 applies.
- Hold a German, a recognised or a comparable foreign academic degree.

### WHAT ARE THE BENEFITS?

With a Blue Card, you are free to live and work in Germany and eventually apply to stay permanently. You can include family members in your application, as long as you and they meet all the conditions.

A Blue Card is issued for the duration of your work contract, including three additional months, and is limited to a four-year period. Extending the validity of the EU Blue Card is an option, if certain requirements are fulfilled. After 33 months, holders of the EU Blue Card may obtain a settlement permit. In some cases, a settlement permit can be issued after 21 months.

You can also switch employers without making a new application. However, your local German Foreigners' Authority must approve of any job changes taking place within the first two years of employment.

### CHANGES TO GERMANY'S EU BLUE CARD SCHEME

In a bid to attract more highly skilled workers into the country to help fill skills gaps, the government of Germany is currently working on improving the Skilled Immigration Act, which first came into effect in March 2020.

Part of the reforms include changes to the Blue Card scheme, to make it more accessible for highly qualified specialists. Smith Stone Walters will continue to monitor the situation and provide an update when more information is available.

*For more information on living and working in Germany, please speak to SSW. Disclaimer: In accordance with the German law governing legal advice and services (RDG, section 2 subsection 1) our services do not include any legal advice.*

## FASTER PATHWAY TO AUSTRALIAN CITIZENSHIP FOR NEW ZEALANDERS

*The Australian Government has announced a direct pathway to Australian citizenship for New Zealand citizens living in Australia.*

From 1 July 2023, New Zealand citizens who have been living in Australia for four years or more will be eligible to apply directly for Australian citizenship. They will no longer need to first apply for and be granted a permanent visa.

These changes apply to New Zealand citizens holding a Special Category (subclass 444) visa (SCV) who arrived in Australia after 26 February 2001. Protected SCV holders will continue to be eligible to apply directly for Australian citizenship.

For New Zealand citizens who are long-term residents in Australia, this will be achieved by backdating their period of permanent residence for citizenship purposes. This will allow them to meet the 12-month permanent residence period under the general residence requirement.

### WITH EFFECT FROM 1 JULY 2023:

- All New Zealand citizens holding an SCV will be considered permanent residents for citizenship purposes.
- New Zealand citizens granted an SCV before 1 July 2022 will have their period of permanent residence for citizenship purposes backdated to 1 July 2022.
- New Zealand citizens granted an SCV for the first time on or after 1 July 2022 will be considered a permanent resident for citizenship purposes from the date of their SCV grant.

These provisions will also apply to New Zealand citizens who are overseas but held an SCV immediately before last leaving Australia. However, they will not apply to citizenship applications submitted before 1 July 2023. Citizenship applications submitted before this date, which do not meet the eligibility requirements will be refused without a refund.

The backdating of permanent residence for SCV holders will also impact children born to SCV holders. From 1 July 2023, any child born in Australia on or after 1 July 2022 to an SCV holder may automatically acquire Australian citizenship at birth and will be able to apply for evidence of citizenship.



*For more information on Australian citizenship, please contact the SSW Global Immigration team.*





# SWEDEN TO REFORM WORK PERMIT PROCESS

*Like many European countries, Sweden is currently looking to make changes to its immigration system to help attract more skilled workers from outside the European Union (EU).*

The Swedish Migration Agency has announced that it will streamline the process for handling work permit cases to enable highly skilled workers to enter the country more quickly.

The new model aims to encourage employers to recruit highly qualified workers from outside the EU, and to shorten the processing time for work permits.

Mikael Ribbenvik, Director General of the Swedish Migration Agency said:

“A well-functioning process for labour immigration is important for companies to be able to recruit, grow and invest in Sweden. The new model means a greater focus on the employer’s ability to bring highly qualified workers to Sweden. New international recruitment units will exclusively handle and provide service to the employers who recruit this group.”



## NEW WORK PERMIT MODEL

*Currently, Sweden uses a certification system for handling work permit cases. The new model will replace the certification system, which will be phased out.*

The model divides work permit applications into four categories based on industry and occupation:

- **Category A**  
covers work permit applications for highly qualified workers. It applies to three occupational areas: managerial occupations, occupations requiring advanced university qualifications and occupations requiring higher education qualifications.
- **Category B**  
covers work permit applications for occupations with specific rules, such as seasonal occupations, berry pickers, intra-corporate transferees (ICT), permits under the EU Blue Card Directive, artists, researchers, athletes/coaches, au-pairs, trainees, youth exchange agreements, and volunteers.
- **Category C**  
covers work permit applications for occupations that do not require a higher level of academic qualification.
- **Category D**  
covers work permit applications for employment in industries that the Swedish Migration Agency defines as particularly demanding in terms of case investigation, including cleaning, construction, personal assistance, and hotels and restaurants.

When the model is implemented, applications for work permits for highly qualified workers (Category A) will be processed within 30 days. The introduction of the new model is planned for the end of 2023.

*If you have questions on European or worldwide immigration, please speak to the SSW Global Immigration team.*



# INTRODUCING SSW IN GERMANY!

*As a result of continued growth and development, we are delighted to announce that we are expanding our international reach and opening a new operation in Germany.*

Our Frankfurt based team will enable us to meet the growing needs of our European clients even more effectively and locally facilitate all German inbound immigration work with the highest level of service.

## OUR SERVICES

Our team in Germany offers a full range of immigration and visa services, including:

- Work permits, registration and tax ID
- Visa management and compliance support including expiry tracking, document retention and reporting
- Personal accompaniment to all registration appointments in Germany.

## PUT US TO THE TEST!

Smith Stone Walters has over 30 years' experience in German immigration. Our new team in Germany upholds the same service standard our clients have become accustomed to at SSW.

Try out our services and receive a free appointment accompaniment for your first visa instruction.

Call +44 (0) 208 461 6660 or email  
[info@smithstonewalters.com](mailto:info@smithstonewalters.com) to find out more.



## HEALTHCARE SECTOR

international healthcare professionals. The Home Office's work sponsorship is made easy by partnering with Smith Stone Walters. We are experts in delivering effective immigration programmes to meet your business needs.

[smithstonewalters.com](http://smithstonewalters.com)

## SSW AT THE RESIDENTIAL & HOME CARE SHOW

*In April, we were delighted to attend and exhibit at the Residential and Home Care Show at the London ExCeL.*

The two-day event brought together leaders in the adult social care sector looking to improve the quality of their service, deliver personalised care, achieve outstanding ratings and transform the care sector.

We had some great conversations with delegates visiting our exhibition stand, many of whom were attending the event to gain insights and best practice on building and retaining a high quality workforce, including overseas recruitment.

Our immigration advisors were on hand to offer advice to employers on recruiting international care workers, becoming a licensed sponsor and other aspects of immigration compliance.

We look forward to carrying on these conversations and supporting more businesses in the care sector with their international recruitment programmes.

If you missed the event but would like to learn more about recruiting care workers from overseas, get in touch today with a member of our team to discuss your requirements.

*To request a free copy of our latest brochure on the Health and Care Worker visa, please email [info@smithstonewalters.com](mailto:info@smithstonewalters.com).*



# WHAT OUR CLIENTS SAY ABOUT US!



*We always strive to deliver a WOW service to our clients. Our dedicated team have been working hard to provide successful solutions and swift results, getting our clients where they need to be. Here is just some of the feedback we have been proud to receive recently:*

*“Dharmini was very helpful and ensured that the entire visa application process ran smoothly. She also was detailed in her instructions and was great at reminding me to stick to deadlines!”*

*AC, Fintech company*

*“The team was very helpful throughout. Facing the immigration process for the first time, the team made it all smooth with all the guidance and lead the process without any bottlenecks and delay.”*

*LI, Consultancy company*

*“I am so happy with the help we received. Everything was dealt with so efficiently and made a stressful process very easy. Would recommend SSW to anyone!”*

*ES, Private client*

*“Emilia and Magda were both fantastic. Amongst my past experiences applying for a visa, this one with SSW was the best. I sincerely appreciate the support.”*

*AY, Consultancy company*

*“Thank you so much for all your help with handling my visa process. It was smooth and seamless. I am so grateful.”*

*HA, Fintech company*

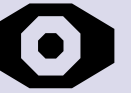
*“Great support from Pallavi and Ragini with the work visa process for myself and my immediate family members. Looking forward for your support in future. Will certainly share SSW’s details with my friends and colleagues. Keep up the great work team SSW. You all are awesome.”*

*PS, Agriculture company*

“  
**WOW**  
”

“  
**HELPFUL  
FANTASTIC  
SMOOTH  
SEAMLESS  
AWESOME**  
”

## FOCUS



### VISA OPTIONS FOR SETTING UP A BUSINESS IN THE UK

A key driver behind recent reforms to the UK’s immigration system is the government’s desire to attract and retain highly skilled individuals with the necessary qualifications and talent to help the economy grow.

To help incentivise top global talent to bring their skills to the UK, the immigration system offers several unsponsored routes which give applicants the flexibility to work in most jobs without being tied to one employer, be self-employed or even set up a business.

In a bid to streamline its visa offering for promising entrepreneurs, the Home Office recently launched the new Innovator Founder visa. This new category has replaced the old Innovator route and closes the Start-up route to new initial applications except where they are supported by endorsements issued before 13 April 2023.

With the Innovator and Start-up routes now closed to new applications, what are the alternative visa options for foreign nationals wishing to set up a business or be self-employed in the UK? Depending on your circumstances, you may be eligible to apply under one of the following routes.

#### *The Innovator Founder route*

The new Innovator Founder route has been designed to offer a more flexible provision for foreign nationals who wish to come to the UK to set up and run an innovative business. Applicants must have a genuine business proposal that is different from anything else on the market, and sufficient funds to deliver it.

Innovator Founder applicants no longer need to show that they have at least £50,000 minimum funds to establish their business as was previously required under the Innovator route. However, you do still need to obtain an endorsement from an approved body, as was previously required under both the Innovator and Start-up routes. As part of the endorsement process, you will need to prove to your endorsing body that you have enough funding to set up your new business and where it’s from.

With an Innovator Founder visa, you can stay in the UK for up to 3 years. You will need to meet with your endorsing body after 12 months and 24 months to show that you are making progress with your business. You can apply to extend this visa for an additional 3-year period as many times as you like, or alternatively you may be able to apply for settlement once you have been in the UK for 3 years, if you meet the requirements.

Although this route is designed specifically for the purposes of setting up a business

in the UK, the restrictive eligibility requirements and endorsement process could make it unviable for many would-be business owners. Unless you have an original, viable and scalable business idea and the funds to deliver it, you will need to seek permission under an alternative route.

#### *The Global Talent route*

The Global Talent visa has been around for over three years now, first launched in February 2020 to replace the Tier 1 (Exceptional Talent) visa. It is open to leaders or potential leaders in the fields of academia or research, arts and culture or digital technology. In 2022, there were 2,980 grants of this visa for people who have exceptional talent or exceptional promise in these fields.

Like the Innovator Founder visa, applicants for a Global Talent visa must usually go through an endorsement process to prove that they are a leader or potential leader in their chosen field. Applicants holding certain eligible awards within their industry can bypass the endorsement process and go straight to the visa application stage.

Whilst on a Global Talent visa, you are free to work in most jobs, and can be an employee, self-employed and a director of a company. However, if you apply to extend your Global Talent visa, you must be able to show that you earned money in your expert field during your time in the UK by sending evidence toward your application, for example payslips.



Alternatively, you may be able to get indefinite leave to remain so you can settle in the UK after 3 or 5 years, depending on which field you work in and how you apply.

## The High Potential Individual route

The High Potential Individual (HPI) visa is a short-term work visa for individuals at an early career stage, who have shown they have potential to benefit the UK workforce. To apply for this visa, you must have been awarded a qualification by an eligible international university in the last 5 years.

The route first launched on 30 May 2022. Up to the end of 2022, there were 1,342 grants of HPI visas to main applicants.

Under the HPI route, you can stay in the UK for at least 2 years. During this time, you will be able to work or look for work at any skill level without requiring sponsorship from an employer. It offers a one-time, non-extendable period of leave and does not lead to settlement in the UK.

This route is a good option for recent international graduates looking for a route to the UK without a job offer. However, as this visa cannot be extended, you will need to seek permission under an alternative route if you wish to remain in the UK after your HPI visa expires.

## The Graduate route

The Graduate route is a post-study immigration route which gives you permission to stay in the UK and work or look for work at any skill level for at least 2 years after completing your studies. To apply, you must have successfully completed a degree at undergraduate level or above at an eligible UK institution. You must be already in the UK on a Student visa when you apply for a Graduate visa.

The Graduate route was introduced on 1 July 2021. Last year, there were 72,893 grants to students for further leave to remain in the UK under this route.

As there are few restrictions on the type of work you can undertake on a Graduate visa, it is a flexible option for recent graduates looking to extend their stay in the UK after finishing University for the purposes of work, job searching or becoming self-employed. However, once your Graduate visa expires you will need to apply to 'switch' to another visa such as the Skilled Worker visa, if you wish to continue working in the UK.

## The Scale-up Worker route

A relatively new category under the points-based system, the Scale-up Worker route opened in August 2022. This visa allows you to come to the UK to do an eligible job for a fast-growing UK business (sometimes called a 'scale-up business').

To qualify for a Scale-up visa, you must have a confirmed job offer to work for an approved scale-up business for at least 6 months. However, unlike other sponsored visas, Scale-up Workers only require sponsorship from their employer for the first 6 months of their permission to stay in the UK.

During the first 6 months of your stay as a Scale-up Worker, you cannot change employer unless you apply to update your visa. After 6 months, you are free to continue working in the same job or to change jobs without telling the Home Office. Scale-up Workers are permitted to take on additional work, including becoming self-employed.

Up to the end of 2022, there were no visa applications under this route. The Home Office's rationale behind the lack of take

*'In a bid to streamline its visa offering for promising entrepreneurs, the Home Office recently launched the new Innovator Founder visa.'*



up is that companies must first apply for a sponsor licence under the Scale-up route in the first instance before they can sponsor any workers on this visa. Existing sponsors may also be reluctant to utilise this route if they already hold a licence for an alternative route.

## UK Expansion Worker

Another route that requires employer sponsorship is the UK Expansion Worker route. This visa forms part of the Global Business Mobility route, an umbrella category designed for overseas businesses wishing to establish a presence in, or transfer staff to the UK for specific business purposes.

This route was launched on 11 April 2022, and replaced the Sole Representative provisions of the Representative of an Overseas Business route. At the time of writing, there are 132 businesses listed on the Home Office's list as holding a sponsor licence under the UK Expansion Worker route.

A UK Expansion Worker visa allows you to come to the UK to set up a branch of an overseas business that has not started trading in the UK yet. You must already work for the overseas business as either a senior manager or specialist employee.

Although not aimed at individual entrepreneurs and rather employees of existing and actively trading overseas businesses, this option is ideal for any international organisation looking to establish a trading presence in the UK for the first time.

The maximum time you can stay in the UK on a UK Expansion Worker visa is 2 years. If you wish to extend your stay after your visa expires, the UK entity can apply to sponsor you under an alternative route, such as the Skilled Worker route, if the requirements are met.

It should be noted that supplementary employment is not permitted under the UK Expansion Worker route, therefore you can only work for your sponsor in the job described in your certificate of sponsorship.

## Which route to choose?

The above visa options each have different eligibility requirements, conditions and costs. When deciding which route is best for you, you should ensure you can meet all the entry requirements and check that your chosen category will permit you to undertake the specific activities you plan to do during your stay.

You may qualify for more than one type of visa. In this case, you should carefully consider which route will offer you the most benefits depending on your long-term goal. For example, if you wish to stay in the UK long-term and eventually work without restrictions, you are best advised to apply for a visa that leads to settlement in the UK.

Overseas nationals intending to set up a business or work on a self-employed basis in the UK are advised to seek advice from a qualified immigration advisor. Smith Stone Walters can assess your eligibility for any of the above routes and provide full support with the visa application process.

*To find out more, please call us on +44 (0) 208 461 6660 or email [info@smithstonewalters.com](mailto:info@smithstonewalters.com).*



## CONTACT US

**NEW YORK**

Smith Stone Walters  
733 3rd Avenue, 16th Floor,  
New York  
NY 10017

*Tel*  
+1 646 760 5913

*Email*  
[usa@smithstonewalters.com](mailto:usa@smithstonewalters.com)

**LONDON**

Smith Stone Walters Ltd  
12 Masons Avenue  
London  
EC2V 5BT

*Tel*  
+44 (0) 208 461 6660

*Fax*  
+44 (0) 208 461 6661

*Email*  
[info@smithstonewalters.com](mailto:info@smithstonewalters.com)

**UK**

**MUMBAI**

Smith Stone Walters (INDIA)  
The Capital, 701,  
Plot No. C-70, G Block,  
Bandra Kurla Complex, Bandra (E),  
Mumbai 400051, India

*Tel*  
+91 22 4905 5632

*Email*  
[info.india@smithstonewalters.com](mailto:info.india@smithstonewalters.com)

**IND**

**HONG KONG**

Smith Stone Walters HK  
1601-02, 16th Floor  
Car Po Commercial Building  
18-20 Lyndhurst Terrace  
Central  
Hong Kong

*Tel*  
+852 3956 1901

*Fax*  
+852 3529 2528

*Email*  
[info.hk@smithstonewalters.com](mailto:info.hk@smithstonewalters.com)

**CHN**

[www.smithstonewalters.com](http://www.smithstonewalters.com)

This publication is not meant to be used as a substitute for proper professional advice based on the facts of a particular transaction as it is not intended to be a complete coverage of the subject. Smith Stone Walters Limited accepts no liability for any action taken based on the contents of this publication



**SMITH  
STONE  
WALTERS**

Immigration Practice