

SOLE REPRESENTATIVE OF AN OVERSEAS BUSINESS VISA

You can apply to come to the UK as a representative of an overseas business if you are the sole representative of an overseas company out with the EU planning to set up a UK branch, or a wholly owned subsidiary for an overseas parent company.

You must be employed by the company outside the UK, hold a senior position within the company and have extensive experience of the market and industry in which the company trades. You can work for your employer full time, bring your immediate family dependants with you, extend your visa as circumstances require, apply to settle (permanent residence) after 5 years.

Eligibility

You will need to be outside the UK when applying for this visa, meet the English language requirements and have sufficient funds to maintain yourself without recourse to public funds.

You must be recruited and employed outside the UK by a company whose principal place of business is outside the UK. You must have extensive related commercial awareness and knowledge of the industry and hold a senior position within the company, but not be a majority shareholder. You must be in a position to make decisions on behalf of the company and have authority to establish and operate a registered branch of the business in the UK or a wholly owned subsidiary.

Evidence needed

When applying as a sole representative of an overseas company you'll need to provide:

- a full description of the parent company's activities, including details of assets and accounts
- a letter confirming the overseas company will establish a wholly-owned subsidiary or register a branch in the UK in the same business activity as the parent company
- your job description, employment contract and salary details

- a letter confirming you're familiar with the company and have the power to take operational decisions
- Tuberculosis test results and English language test results confirming English language requirement is met
- Evidence of accommodation in the UK and bank statements covering last 6 months.

You should also provide evidence that you:

- are directly employed by the parent company and aren't acting as a sales agent (i.e. hired by a company to sell or distribute their products within the UK, but working for yourself and providing your services for a fee)
- were recruited to the company outside of the UK, hold a senior position and are able to make decisions on its behalf and have the authority to establish and operate a registered branch
- will be working full time for the company for the duration of your stay and won't carry out any other work
- are not a majority shareholder in the company

Visa extension

To extend the visa, you must ensure that:

- you're still working for the same employer as when you were issued your previous visa
- you're still working to establish the company's first presence in the UK
- your employer's principal place of business is still outside the UK
- Be in the UK to make the application for extension.

How long can you stay

You can remain in the UK for 3 years being the initial period of entry which can be extended for a further 2 years leading to an application for settlement once 5 years in the UK have been completed.

SERVICES

- ▶ Expert advice on the requirements of the Immigration Rules, specified evidence, and application procedure.
 - ▶ Drafting of detailed legal submissions and preparation of full portfolios of evidence to accompany all applications.
 - ▶ Ongoing support and advice throughout the duration of the visa with a view to meeting the necessary business targets for visa extension and permanent settlement.
 - ▶ Referral management to business and corporate solicitors to ensure financial compliance.
-



GRACE MCGILL

An experienced practitioner in immigration, nationality and refugee law who has specialised in this area since 1995, Grace McGill established McGill & Co in April 2008. She has extensive experience in all aspects of UK immigration law, focusing on family migration and commercial immigration, with a particular specialism in Tier 1 Investor applications. She is also uniquely skilled in inter-country adoption work.

Grace manages large corporate clients within the UK and worldwide and is adept at the successful progression of complex immigration matters for individuals, providing skilled representation at all levels of the process.

Amongst many career highlights, she successfully challenged UK government policy on permitted activities for visitors to the UK, leading to a change in the law in respect of visit visa conditions. In the field of foreign adoptions, she acted as instructing solicitor in a case which established legal precedent after the Court of Session recognised a foreign adoption at Scottish common law for the first time.

In recent years Grace has become increasingly involved in high level foreign investment and corporate work, leading to engagement with foreign governments and multinational companies. She has been instrumental in a number of multi-million pound foreign investments into UK companies.

Grace sits on the Board of Trustees of the Immigration Law Practitioners Association in London and also the Scottish Child Law Centre in Edinburgh. She holds a Master's degree in International Human Rights Law from the University of Strathclyde and is a member of the International Bar Association, Commonwealth Lawyers Association, and British Association for Sport & Law. She has recently been appointed as a member of the Society of Writers to Her Majesty's Signet (WS). She is the present author of the 2nd Reissue of the Immigration Law Chapter of the Stair Memorial Encyclopaedia, which has recently been published. She has been commended for her work by the Legal 500 for the last 3 years.

gmcgill@mcgillandco.co.uk

