



visabytes

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Changes to the immigration rules

- Start up
- Innovator
- Tier 1 Investor
- EU Settlement Scheme

Migration Advisory Committee Roundtable

Your immigration newsletter by Fernandes Vaz
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Changes to the immigration rules

The Home Office has recently announced significant changes to the immigration rules. A new category outside of the points based system will be introduced which provides a more relative and broader route for entrepreneurs to migrate to the United Kingdom. The new category known as Appendix W will replace Tier 1 (Entrepreneur) route on 29th March 2019. Appendix W of the immigration rules will consist of two categories, namely, 'Start up' and 'Innovator'. Introduction of this also sees the beginning of the end of the points based system as there is an intention to include other categories for workers as the immigration system is reformed gradually.

Start up

This route will be for those wishing to set up a business in the United Kingdom for the first time. Under this Start-up route an individual may be granted leave up to two years. There are three requirements that must be met by the business: innovation, viability and scalability. In addition, any business idea is required to be supported by an approved endorsing body. The endorsing body will report to the Home Office on progress of the business venture at checkpoints 6, 12 and 24 months after the application is granted. This category will not lead to settlement. After the initial two years



Maria Fernandes

applicant will have an opportunity to switch to the innovator category.

Innovator

This route will be for those with more business experience, for example those who have already established a business in the UK and presumably abroad. An applicant under this route will need to show that they have funds of £50,000 to invest in a business in the UK. Moreover, the same requirements mentioned in the start-up route are reproduced for this route. The applicant business will need endorsement and will need to be innovative, viable and scalable and supported by an approved endorsed body. The leave will be granted for a period of 3 years and can lead to settlement providing the business meets a set of specific criteria in relation to invested funds, number

of customers, research and development activities, gross revenue, creation of full time jobs. The English language requirement in both categories has been increased from B1 level to B2 level.

Tier 1 Investor

In addition to these new rules the Home Office is updating the current rules on Tier 1 (Investor). One of the key reasons for the reform of this route is to ensure that genuine investors are able to apply for visa and to prevent the United Kingdom from accepting illegally obtained finances. Investors will need to demonstrate that they have £2 million in their account for a minimum of two years; this is an increase from the initial 90 days that were under the old rules. Source of these funds must also be evidenced. Banks will have to follow more stringent rules and carry out required checks before opening an investment account. Another significant change is to how the funds can be invested. There will no longer be an option to invest in UK Government Bonds and stricter rules will apply when investing in UK companies.

EU Settlement Scheme

The scheme will be fully opened on 29th March 2019 and a recent announcement includes other categories of EU citizens and their family members, rights of whom have not been previously catered for, namely inclusion of resident citizens of Iceland, Liechtenstein, Norway and Switzerland and those with derivative right of residence (such as primary carers of a self-sufficient EEA citizen child, a child of former EEA citizen worker who is in education in the UK and their primary carer, the primary carer of a British citizen child or dependent adult).

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Migration Advisory Committee Roundtable

The Migration Advisory Committee are considering the Shortage Occupation List. This is a good time for employers within particular sectors to engage with MAC as they advise government and their recommendations are usually accepted.

The first stop is Sheffield and surrounding areas.

As part of our Shortage Occupation List commission, the Migration Advisory Committee are looking to engage with employers across the regions and countries of the UK to hear their concerns and issues with regards to shortages. We are pleased to be adding a roundtable event on **Friday 15th March** from **12pm-2pm** in Sheffield at:

Vulcan House Steel,
6 Millsands,
Sheffield,
S3 8NU

Email your interest to : MAC@homeoffice.gov.uk

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