

Tier 1 (Investor) Visa

Summary

Lawrence Graham LLP
4 More London Riverside
London SE1 2AU

T/ +44 20 7379 0000
F/ +44 20 7379 6854

info@lg-legal.com
www.lg-legal.com



The UK Tier 1 (Investor) Visa (the “Investor Visa”) is a visa aimed at high net worth individuals who are willing to make a substantial financial investment in the UK.

If you wish to apply in this category you do not need a prior job offer, nor will you need to demonstrate proficiency in the English language (although proficiency in English will need to be demonstrated should you wish to apply to live in the UK permanently).

Please note that £1 million is the minimum threshold. If you are prepared to invest £5 million or £10 million you will be eligible to apply for permanent residency more quickly (please refer to the paragraph below on Indefinite Leave to Remain for further information).

If your application is successful, the Investor Visa is usually granted for an initial period of three years and four months.

Key contact



Alastair Glover

T/ +44 20 7759 6891

E/ alastair.glover@lg-legal.com

How to apply

If you are not already in the UK, you will need to apply at a British Diplomatic Post in your country of origin or where you are lawfully resident.

If you are already in the UK you may be able to make an application within the UK to “switch” your current visa to an Investor Visa.

Obtaining permission to enter the UK/switch to an Investor Visa

You will need to show that:

- You have no less than £1 million of your own money under your control, held in a regulated financial institution and disposable in the UK

OR

- You own personal net assets which have a value exceeding £2 million, and you have been loaned no less than £1 million (which is disposable in the UK) by a financial institution regulated by the Financial Services Authority.

The conditions of your stay

- With the exception of the first three months of your stay, you must invest not less than £750,000 of your money in the UK by way of UK Government Bonds, share capital or loan capital in active and trading UK registered companies (the “Specified Investments”) and you will need to maintain your investment of £750,000 in the Specified Investments. If the value of the Specified Investments drops below £750,000 at any time, this must be made up by the next accounting reporting period.
- You should maintain a total capital sum of £1 million in the UK (which will include the £750,000 invested above).
- You will not be entitled to recourse to public funds, which means that you cannot claim most benefits that are paid by the UK government.
- Depending on your nationality, you may need to register with the police when you arrive in the UK.
- You will be allowed to study or to take up self-employment or employment (except as a doctor or dentist in training).

Extension applications

- If you choose to invest the minimum £1 million, you will need to apply to extend your visa before your initial visa expires (assuming you wish to remain in the UK after the expiry of your visa).

You will need to show that:

- You have invested not less than £750,000 in the UK in the Specified Investments and that this investment has subsisted for the entire period of your stay in the UK, excluding the first three months after entry/issue of your visa (this is normally evidenced from your portfolio valuations prepared by your bank).
- If you choose to invest less than £1 million in the Specified Investments, you will need to show that you have a balance of funds to make up a total of not less than £1 million under your control in the UK (which would include the £750,000 invested in the Specified Investments). This could be cash on deposit or an unmortgaged property up to a maximum of £250,000.

If you are successful in your application for an extension of your Investor Visa, it is usually extended for a period of two years.

Indefinite leave to remain

On 16 March 2011 the Government announced changes to the rules on applying for indefinite leave to remain. The changes are designed to provide an accelerated and less restricted route to settlement for investors. The new rules take effect from 6 April 2011. The new rules are as follows:

- After having spent a specified continuous period in the UK with an Investor Visa, you may be eligible to apply to live permanently in the UK (also known as “indefinite leave to remain” or “settlement”).
- The specified continuous period varies according to the amount of money you have maintained and invested in the Specified Investments as follows:
 - You may apply for indefinite leave to remain after 2 years if you have maintained a capital sum of £10 million or more throughout the 2 year period;
 - You may apply for indefinite leave to remain after 3 years if you have maintained a capital sum of £5 million or more throughout the 3 year period; or

- You may apply for indefinite leave to remain after 5 years if you have maintained a capital sum of £1 million or more in the UK for the 5 year period.
- In addition, you must have invested not less than 75% of the capital sums specified above in the Specified Investments for the specified continuous period (ie 2, 3 or 5 years).
- In order to show that you have spent a “continuous period” in the UK, you must not spend more than 180 days outside the UK in each year of the specified continuous period.
- Before being granted indefinite leave to remain, you will need to show that you have sufficient knowledge of language and life in the UK. To demonstrate this knowledge you must pass a test known as the “Life in the UK Test”.

Your dependants

- If you are successful in your Investor Visa applications, you will normally be allowed to bring any dependants that you have (your husband, wife, civil partner or unmarried or same-sex partner and your children under 18 years) to the UK with you.
- Your partner may be eligible to apply for settlement at the same time as you, provided that they have been living with you in the UK for at least two years before the application is made.
- Your children may also be eligible to apply for settlement at the same time as you, provided that they have not formed an independent family life.
- We recommend that your dependants make their applications at the same time as you and that whilst living in the UK you collect and retain any evidence of co-habitation (utility bills and tenancy agreements should be in your joint names) and, where your children do not live with you, evidence that your children continue to be financially dependent upon you.

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British Citizenship

You may apply for British Citizenship 12 months after having been granted indefinite leave to remain, provided that you have:

- been resident in the UK for at least five years; *and*
- been present in the UK five years before the date of your application; *and*
- not spent more than 450 days outside the UK during the five-year period (although the Home Office has discretion to disregard absences in excess of 450 days in certain circumstances); *and*
- not spent more than 90 days outside the UK in the last 12 months of the five-year period (although the Home Office has discretion to disregard absences in excess of 90 days in certain circumstances); *and*
- not been in breach of the Immigration Rules at any stage during the five-year period.

As will be noted from the above, the rules relating to absences for British Citizenship are more stringent than those for indefinite leave to remain and if you would like to obtain British Citizenship we would therefore recommend that you:

- spend no more than 450 days outside the UK during the five-year period; and
- spend no more than 90 days outside the UK in the last 12 months of the five-year period.

How we can help

Lawrence Graham LLP has significant experience in advising clients on the Investor Visa. We can assist you with the preparation of all applications for the Investor Visa and liaise with the Home Office and your financial advisors throughout the process.

Of course, relocating to the UK will also have important UK tax implications on which we can advise you to ensure your relocation is managed efficiently from both the immigration and UK tax perspectives.

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