

Immigration Guide for Start-ups

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FRAGOMEN



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Introduction

Fragomen and Coadec have partnered to create this guide aimed at those working in and recruiting for the tech sector. The guide introduces visa options that may be useful in enabling the employment of skilled foreign nationals in the UK.

On 31 December 2020, freedom of movement between the UK and the EU ended and a new points-based immigration system was introduced. The ability for the UK to take back control of its borders was a key message of the pro-Brexit campaign. Following the referendum, promises were made to radically transform the UK immigration system to attract the brightest and best global talent.

Fortunately, the tech sector is an area that the UK government wishes to grow. There is a clear desire to attract and develop a future pipeline of tech talent in the UK and with the new and quickly evolving post-Brexit immigration system, there are now multiple visa options open to tech companies and the overseas employees they wish to recruit.

Sponsorship via an employer to obtain a Skilled Worker or Senior or Specialist Worker (Global Business Mobility) visa is perhaps one of the most straight forward options due to the relatively slick application process and very clear and objective points based eligibility criteria. This guide will provide an introduction to these very useful routes that allows for individuals to take up a broad range of skilled roles. However, perhaps the main drawback is the financial cost that accompanies sponsorship and for some businesses this will be prohibitive.

Aside from employer sponsored options, there are a range of visa routes that are based more on an individual's personal attributes. These are aimed at attracting the most desirable global talent, leaders in their fields, present and future, those who have genuinely innovative business ideas and have the credentials to prove it.

This guide gives a summary of those main options most applicable to those in tech and provides the key information that you will need to be aware of when deciding the best route for you, your business or your employees.

Please keep in mind that we have not been able to cover every immigration route here. In addition, every visa category comes with a range of nuances that cannot all be covered in this high level guide. An applicant's personal circumstances and goals will also impact their options and determine the optimal route for them. We do hope this guide will provide a useful introduction but it may also be beneficial to seek professional advice to ensure you are fully informed before proceeding with any visa application.

About Coadec and Fragomen

Immigration law firm Fragomen and start-up lobby group Coadec have partnered to create this guide to support those recruiting in the tech sector.

If, after reading this guide, you realise that you require further legal support or advice and are looking to hire a lawyer, you can find Fragomen's details below.

If, after reading this guide, you realise you would like to feedback specific concerns about your journey in hiring talent to policymakers, you can find Coadec's details below.

Fragomen

Established in 1951, Fragomen is a leading firm dedicated exclusively to immigration services worldwide. The firm has more than 4,900 professionals and staff—including more than 680 lawyers and equivalent professionals—in more than 55 offices located in the Americas, Asia Pacific and EMEA. In total, Fragomen offers support in more than 170 countries. Fragomen's professionals are respected thought leaders in the immigration field, as recognised year after year by Chambers, Best Lawyers and Who's Who.

Should you require any support with your immigration needs, Fragomen are available to advise on any of the options mentioned here and more.

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Coadec

The Coalition for a Digital Economy (Coadec) is an independent not-for-profit advocacy group that serves as the policy voice for Britain's technology-led start-ups and scale-ups. We fight for a policy environment that enables early-stage British tech companies to grow, scale and compete globally.

If you have a policy concern that you want to flag with us, or if you would like to sign up to our network, contact us below:

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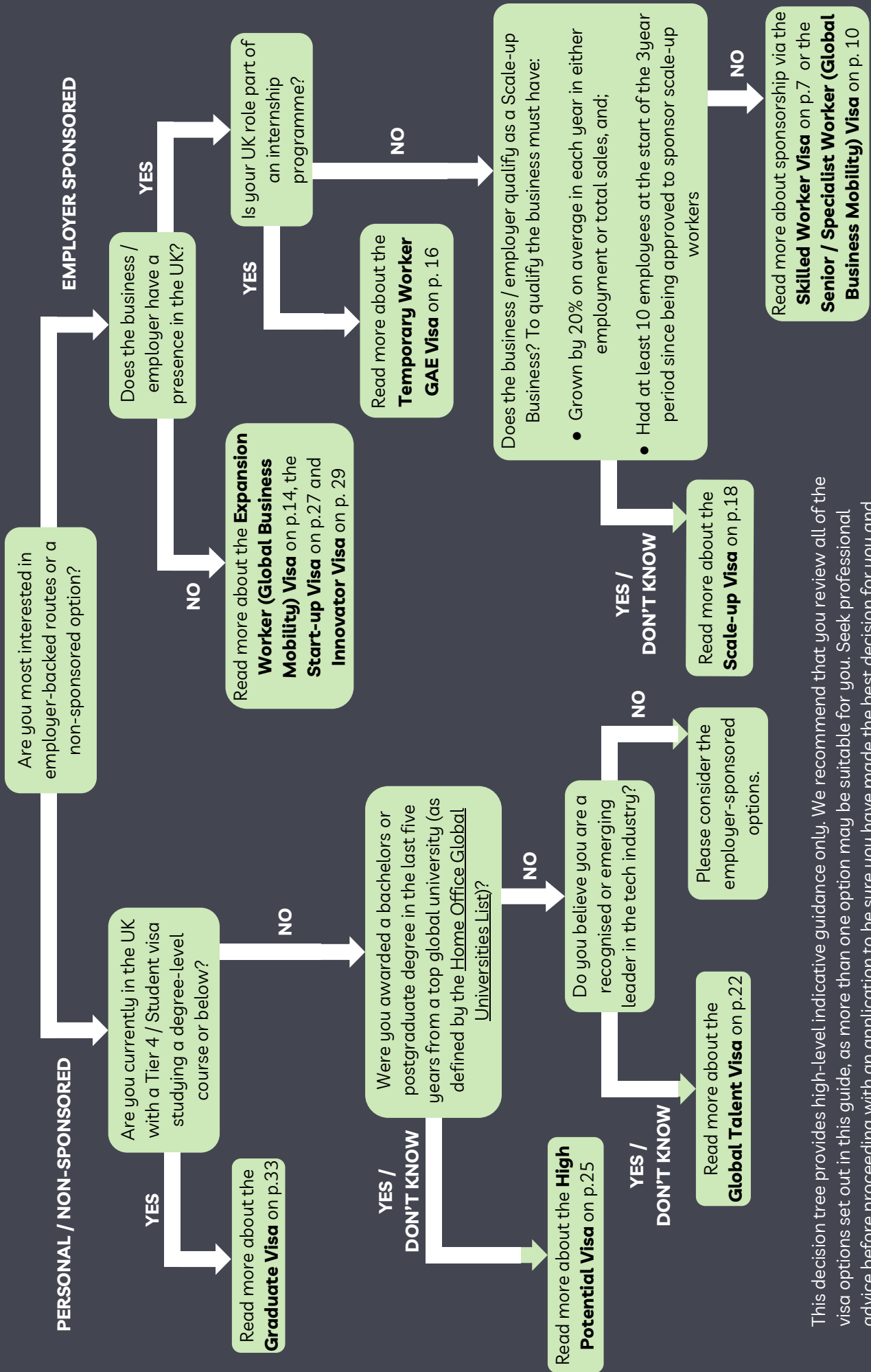
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Decision Tree

Use this decision tree to guide you to the best visa option for your potential hire.



This decision tree provides high-level indicative guidance only. We recommend that you review all of the visa options set out in this guide, as more than one option may be suitable for you. Seek professional advice before proceeding with an application to be sure you have made the best decision for you and your business.

Employer-Sponsored Visas

Overview

The most common employer sponsored visa in the UK is called the Skilled Worker visa and this replaced the Tier 2 (General) visa category on 1st December 2020. Employers with a sponsor licence may use the Skilled Worker category to recruit individuals to work in the UK in a specific job and for their business only. Employers may also have the option of sponsoring under the Senior or Specialist Worker (Global Business Mobility) route which is specifically designed for existing employees coming to the UK on temporary assignments. We'll discuss both categories and the pros and cons of each here.

What Does It Mean To Be A Sponsor

In order to sponsor someone in the UK, the employer must have a sponsor licence. The licence is issued by the Home Office and authorises the employer to sponsor individuals to work in the UK in a specified role within the business which must meet a set skill and salary level requirement. The Home Office will award work visas to sponsored workers and in return the employer will have to comply with a raft of compliance obligations to maintain their sponsor licence.

Applying for a UK Sponsor Licence

In order to obtain a sponsor licence, a company must file an application with the Home Office. As a holder of a licence, the company takes on record keeping and reporting obligations in relation to those individuals that it sponsors and must ensure that it has the necessary processes and procedures in place to meet this requirement.

A company can qualify for a licence provided it is legally operating and trading in the UK and can provide prescribed documentation to evidence this. The Home Office will also require suitable UK employees to take up key roles under the licence to ensure it is being run in compliance with Home Office compliance requirements day-to-day.

Applications generally take 6-8 weeks to be decided but can be expedited for an additional fee.

Skilled Worker Visa


What does this visa allow you to do?

This visa will allow the applicant to work in the specific role they have been sponsored to undertake and only for a specific employer. Changing employers will require a new visa application. In some cases, changing role, even if still working for the same employer, will also require a new visa to be obtained where the new role is significantly different.

In order to qualify under the Skilled Worker category:

- You must do a job that is on the list of eligible occupations for sponsorship. The job on offer must be at the required skill level – RQF 3 or above (A level and equivalent).
- The non-UK national must speak English to the required standard either by virtue of being a national of a majority English speaking country, their qualifications (such as having a degree taught in English) or by taking an approved English language test.
- In most cases the job offer must meet the 'going rate' for the role (as set out in the applicable SOC code – see below), or £25,600 for “experienced workers” whichever is higher.
- You must have funds to evidence you can support yourself, otherwise your sponsor may certify this on your behalf.
- Have a certificate of sponsorship from your sponsor with information about the work you will do in the UK.

Applicants must gain a minimum of 70 points to be eligible for this visa. Some criteria are mandatory (Test 1) whilst others are “tradeable” (Test 2) as illustrated by the table overleaf.

Test 1		Test 2	
Characteristic	Points	Characteristic	Points
Employed by approved sponsor	20	Salary £20,480 (minimum) £23,039	0
Skilled job	20	Salary £23,040 - £25,599	10
English language	10	Salary £25,600 or above Option A	20
All 50 must be scored		Job is a shortage occupation Option D	20
 <div style="background-color: #2c3e50; color: white; padding: 5px; margin-bottom: 5px;"> No job offer? Try Highly Skilled category </div> <div style="background-color: #2c3e50; color: white; padding: 5px; margin-bottom: 5px;"> Job not skilled? There is no low skilled visa </div> <div style="background-color: #2c3e50; color: white; padding: 5px;"> No English language? Take an approved test </div>		PhD in relevant subject Option B	10
		PhD in STEM subject Option C	20
		Applicant is a new entrant Option E	20
		Must score at least 20 points	

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependent children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does this visa lead to settlement?

Skilled Worker visa holders may be eligible to apply for settlement after 5 years if they meet the following criteria:

- They are paid £25,600 or the going rate for the role, whichever is higher, and are still required for their role for the foreseeable future.
- They have a clean criminal record.
- They have evidenced they can meet the required English language standard and passed the Life in the UK Test.

- They have not been absent from the UK for more than 180 days during any 12-month period in the 5-year period preceding their settlement application (this also applies to dependant partners).

Approximate Costs

Outlined below are the government fees for a single applicant applying for a Skilled Worker visa outside of the UK. Fees listed are accurate as of October 2022 (all government fees are subject to change).

	Small or Charitable Sponsors	Medium to Large Sponsors
Certificate of Sponsorship	£199	£199
Immigration Skills Charge	£364 per year	£1,000 per year

	Up to 3 Years	Over 3 Years
Shortage Occupation	£479	£943
Outside of the UK	£625	£1,235
Inside of the UK	£719	£1,423

	Under 18	Over 18
Immigration Health Surcharge	£470 per year	£624 per year

Approximate Timeframes

The applicant can apply for a visa up to 3 months before the day they are due to start work in the UK.

On average, processing times in most jurisdictions overseas are approximately 3 weeks and for in country applications are around 8 weeks. Priority services are available widely and can reduce processing times to 5-7 working days.

Senior or Specialist Worker Visa (Global Business Mobility)

What does the visa allow you to do?

The 'Senior or Specialist Worker' visa is a sub-category of the Global Business Mobility route and replaced the 'Intra Company Transfer' category on 11 April 2022. This route enables an overseas business to temporarily send employees to their organisation's UK branch to undertake a specific role that cannot be performed by a resident worker.

The skill and salary level requirements for this category are higher than the Skilled Worker category and the 'Senior or Specialist Worker' visa does not lead to settlement in the UK. However, the category is still useful for some sponsors. In particular, this route does not require evidence of English language which can make it faster and easier to obtain a visa which can be helpful if there is an urgent need to have the employee in the UK.

This visa will allow the applicant to work in the specific role they have been sponsored to undertake and only for a specific employer. Changing employers will require a new visa application and switch in to the Skilled Worker route. In some cases, changing role, even if still working for the same employer will also require a new visa to be obtained where the new role is significantly different.

Eligibility/Requirements

To qualify for a 'Senior or Specialist Worker' visa, you must:

- Be an existing employee of an organisation that has been approved by the Home Office as an overseas linked entity to a UK sponsor. If earning less than £73,900 per annum, you must have been employed by your organisation outside of the UK for at least 12 months.
- Have a 'certificate of sponsorship' from your sponsor with information about the work you will do in the UK.
- Do a job that is on the list of eligible occupations for sponsorship. The job on offer must be at the required skill level – RQF 6 or above (degree level and equivalent).
- Be paid at least £42,400 per year, or the 'going rate' for your job – whichever is higher.
- Have funds to evidence you can support yourself, otherwise your sponsor may certify this on your behalf.

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependent children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does this visa lead to settlement?

The 'Senior or Specialist Worker' visa does not lead to settlement.

The total amount of leave in the 'Senior or Specialist Worker' category cannot exceed 5 years in a 6 year period. The only exception to this is if the employee is earning the salary of a high earner (currently set at £73,900 or above), in which case total leave cannot exceed 9 years in a 10 year period in the UK. Once this limit is reached, the individual would either need to leave the UK for at least 12 months before returning as a 'Senior or Specialist Worker' visa holder (this is known as the "cooling off period") or the alternative would be to switch in to another visa category such as Skilled Worker where the cooling off period does not apply.

Approximate Costs

Outlined below are the estimated government fees for a single applicant applying for a Senior or Specialist Worker Visa. Fees listed are accurate as of October 2022 (all government fees are subject to change).

	Small or Charitable Sponsors	Medium to Large Sponsors
Certificate of Sponsorship	£199	£199
Immigration Skills Charge	£364 per year	£1,000 per year

	Up to 3 Years	Over 3 Years
Outside of the UK	£625	£1,235
Inside of the UK	£719	£1,423

	Under 18	Over 18
Immigration Health Surcharge	£470 per year	£624 per year

Approximate Timeframes

The applicant can apply for a visa up to 3 months before the day they are due to start work in the UK. On average, processing times in most jurisdictions are approximately 3 weeks. Priority services are available widely and can reduce processing times to 5-7 working days.

Sponsorable Roles/SOC codes & Shortage Occupation List

To sponsor an employee under the Skilled Worker or 'Senior or Specialist Worker' category, the role that is being recruited for must be eligible by skill and salary level. All eligible roles are listed in the Immigration Rules Appendix Skilled Occupations. Each job role is given its own four-digit Standard Occupational Classification (SOC) code.

The classifications are taken from the Office for National Statistics (ONS) common classification of occupational information for the UK. The occupation codes are used to identify the relevant skill level, 'going rate' and salary threshold for each job, and provides details such as example job titles associated with that specific occupation code.

The Shortage Occupation List sets out roles (and associated SOC codes) which the government deems to be in short supply in the UK. In order to facilitate workers to come to the UK to fill these roles, the visa eligibility criteria are more relaxed. Most notably, salary requirements are lower as are the visa application fees.

Roles that may be eligible for sponsorship include "Software Developers", "System Architects", "Software Tester". Subject to job descriptions, these roles may fall within the following eligible SOC codes and are commonly used for sponsorship in the tech sector.

SOC Code	Minimum Annual Salary (based on a 39 - hour working week)	Minimum Hourly Rates
2134 IT project and programme managers	£40,000	£19.72
2135 IT business analysts, architects and systems designers*	£36,600	£18.05
2136 Programmers and software development professionals*	£33,300	£16.42
2137 Web design and development professionals*	£26,000	£12.82
2139 Information technology and telecommunications professionals not elsewhere classified*	£31,800	£15.68

**Shortage Occupation List occupations. If your job is on the list, the employee can be paid 80% of the job's usual going rate to qualify for a Skilled Worker visa.*

Comparison Table

Visa Category	Skilled Worker	Senior or Specialist Worker
Target Worker	Permanent / New hire	Existing employee
Skill Level	RQF3 (A-Level)	RQF Level 6 (degree)
Typical Entry Salary	£20,480, £23,040 or £25,600	£42,400
Length of Stay	Permanent	5 years, or 9 if paid £73,900
Likely Lead in Time	4 to 6 weeks	4 to 6 weeks
Government Fees	Very high	Very high
Controls	English language requirement	No English language requirement - Typically 1 year company experience if salary under £73,900 per annum

UK Expansion Worker Visa (Global Business Mobility)

Overview

The UK Expansion Worker visa (the replacement to the 'Sole Representative of an Overseas Business' visa), allows an employee of an overseas business to come to the UK to set up a branch of an overseas business that has not started trading in the UK yet. The visa still requires that the applicant has a UK sponsor and so in practice as a pre-cursor to the visa application, the business will need to obtain a UK sponsor licence even before establishing a trading presence in the UK.

What does it allow you to do?

The UK Expansion Worker visa allows you to work for your employer so that you are able to set up a branch of the business in the UK. You may also study and do voluntary work.

Eligibility/Requirements

Applicants must:

- Already work for the overseas business as either a senior manager or specialist employee.
- Have a valid certificate of sponsorship from their employer.
- Have worked for your employer outside the UK for a minimum period of 12 months, unless you are earning above £73,900 or are a Japanese national doing work for a Japanese company that is expanding to the UK.
- Do a job that is on the list of eligible occupations for sponsorship. The job on offer must be at the required skill level – RQF 6 or above (degree level and equivalent).
- Be paid the minimum eligible salary required for your job, or £42,400 – whichever is higher.
- Have at least £1,270 in your bank account to show you can support yourself when you arrive in the UK.

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependent children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does it lead to settlement?

No - you can stay in the UK with a UK Expansion Worker visa for whichever is shorter of:

- 12 months after the start date of the job on your certificate of sponsorship.
- The time given on your certificate of sponsorship plus 14 days.

If you want to stay longer in the UK, you can extend your visa by 12 months. The maximum time you can stay in the UK on a UK Expansion Worker visa is 2 years.

Approximate Costs

The current application fee is £259, and the Certificate of Sponsorship fee is £21. The applicant will also be subject to the Immigration Health Surcharge which is £624 per year for most applicants.

Approximate Timeframes

The applicant can apply for a visa up to 3 months before the day they are due to start work in the UK.

On average, processing times in most jurisdictions overseas are approximately 3 weeks and for in country applications are around 8 weeks. Priority services are available widely and can reduce processing times to 5-7 working days.

Other Considerations

You cannot:

- Work for yourself or any other business
- Stay in the UK if the assignment is ended by your employer.
- Switch to this visa from any other visa category.

Temporary Worker (GAE) Visa

Overview

The Temporary Worker (TW) Government Authorised Exchange (GAE) route allows individuals to come to the UK for a temporary period on an approved scheme. There are four types of programmes: work experience; training; research or fellowship; or taking part in an Overseas Government Language Programme.

The impact of the pandemic has made it more difficult for entrepreneurs, start-ups and even large companies to find and attract talent globally. However, internships can play a key part in a company's annual recruitment strategy and can be used to attract emerging talent across the globe, building a pipeline for future talent, building the company's brand globally and attracting investment.

The GAE route can be used to sponsor individuals to undertake an internship or work experience within a UK company. The role must be skilled to RQF Level 3 or above, must be supernumerary (not fill a permanent position) and is usually limited to 12 months in duration. The UK company will require a GAE sponsor to act as an 'overarching body' to sponsor the intern on behalf of the company, and the GAE sponsor's specific scheme's requirements must also be met.

Fragomen LLP is an approved TW GAE sponsor under the sub-category 'work experience' and can sponsor supernumerary internships which last up to 12 months.

For more information on the Fragomen scheme, please contact Fragomen LLP's GAE team at UKInternships@fragomen.com.

What does this visa allow you to do?

You can:

- Study (for some courses you'll need an Academic Technology Approval Scheme certificate).
- Work in the job described in your certificate of sponsorship i.e. undertake the internship.
- Do a second job for up to 20 hours per week (in the same profession and at the same professional level).
- Do a job on the Skilled Worker shortage occupation list for up to 20 hours per week as well as your main job.

You cannot:

- Take a permanent job.
- Obtain public funds/benefits .

Eligibility / Requirements

The applicant must:

- Have a certificate of sponsorship from their UK sponsor.
- Have enough money to support themselves in the UK – they'll usually need to have at least £1,270 available (unless an exemption applies).
- Unlike many employment categories in the UK, there is no English language requirement or minimum salary requirement for a GAE worker.

In addition, the sponsor will stipulate the specific eligibility criteria the applicant must meet based on the scheme they are running. For example, this may require the applicant to have a certain level of education, or for an internship to be part of a structured programme with confirmation from the employer that the role is supernumerary in nature (i.e. that the internship is not filling an open permanent position within the UK company).

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependent children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does this route lead to settlement?

The intention of the GAE route is not to facilitate permanent moves to the UK, it does not lead to settlement. The visa is time limited, usually to 12 or 24 months depending on the scheme you are applying for.

Approximate Costs

The application fee is £259, in addition the Immigration Health Surcharge, currently set at £624 per year, will usually apply.

Approximate Timeframes

The applicant can apply for a Temporary Worker visa up to 3 months before they are due to start work. Typical lead times are approximately 6-8 weeks.

Scale-up Visa

Overview

The Scale-Up visa is a new visa category, launched on 22 August 2022. The intention of the UK government is to allow fast-growing businesses to attract highly skilled tech workers to the UK. The Scale-Up visa affords those visa holders a great deal of flexibility making it an attractive option in the global market for talent.

Sponsored Route

The visa encompasses a sponsored route and an unsponsored route. Under the sponsored route the visa is employer sponsored initially as with a Skilled Worker visa. Criteria must be met with regards to the skill level of the role, the minimum salary and sponsorship must be offered for at least 6 months. The sponsor must also qualify as a 'scale-up business' (see below). However, in contrast to the Skilled Worker visa, Scale-Up visa holders are free to leave their employers after 6 months and their visa will not be cancelled. This leaves them able to work for an alternative employer including those that may not have a sponsor licence.

Unsponsored Route

The initial sponsored visa will be granted for 2 years, after this period the visa can be extended for a further 3 years. Sponsorship is not required to extend, however, the applicant must be able to show PAYE earnings in the UK equivalent to at least £33,000 per year during at least 50% of their time spent with permission as a scale-up worker.

What is a Scale-Up business?

To be deemed a scale-up business, the business must have in the 3 years before gaining approval from the Home Office to sponsor scale-up workers:

- Grown by 20% on average in each year in either employment or total sales (turnover).
- Had at least 10 employees at the start of the 3-year period.

Employers that wish to sponsor scale-up workers will be required to obtain a sponsor licence that permits them to do so. Employers that already hold a sponsor licence but not specifically to sponsor scale-up workers will need to apply to add this limb to their licence.

What does the visa allow you to do?

For the initial grant under the sponsored route the applicant must have a job offer to perform a suitably skilled and remunerated role from a scale-up business that must act as their sponsor for at least 6 months. After this period the visa holder can work for any employer however salary requirements will still need to be met in order for the visa to be extended (including having spent at least half of the time being paid through PAYE, meaning self-employed earnings will not count). If the visa holder wishes to change employer within the first 6 months, their visa must be updated.

In addition to work, a Scale-up visa holder may also study or take on additional work including being self-employed or carrying out voluntary work.

Eligibility/Requirements

To qualify for a Scale-up visa under the sponsored route, the applicant must:

- Have a confirmed job offer to work for an approved scale-up business for at least 6 months in a genuine role.
- Have a 'certificate of sponsorship' from their employer.
- Have a job offer to do a job that is on the list of eligible occupations and deemed to be at least RQF level 6 (equivalent to a degree level role). As with the Skilled Worker category, the Home Office stipulates specific SOC codes that can be used for sponsorship under this visa category.
- Be paid at least: £33,000 per annum, £10.58 per hour or the minimum required for their role as stipulated by their SOC code, whichever the higher.
- Meet an English language requirement.
- Have enough money to support themselves in the UK – they'll usually need to have at least £1,270 available (unless an exemption applies).

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependent children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does the visa lead to settlement?

Yes. Scale-up visa holders may be eligible to apply for settlement after 5 years in the UK. The initial visa will be granted for 2 years and the visa can then be extended for a further 3 years.

Approximate Costs

It costs £715 to apply for the visa, along with a £21 fee for the certificate of sponsorship. In addition the applicant will usually need to pay the Immigration Health Surcharge of £624 per year.

Approximate Timeframes

The applicant can apply for a visa up to 3 months before they are due to start work in the UK.

On average, processing times in most jurisdictions overseas are approximately 3 weeks and for in country applications are around 8 weeks. Priority services are available widely and can reduce processing times to 5-7 working days

Other Considerations

Advantages compared to the Skilled Worker visa:

- Those with a Scale-Up visa are permitted to change employer or change job after 6 months and do not require ongoing sponsorship. This should make the UK a more attractive option in the global market for talent as it means the individual has a great deal of flexibility to work for any employer including those that do not have a sponsor licence, which many businesses but particularly start-ups may not have.
- In addition, the individual could choose to become self-employed. In contrast, those with a Skilled Worker visa must remain sponsored by their employer to perform a specific job throughout their time with that visa and changing employer would require them to obtain a new visa.
- There is no Immigration Skills Charge applicable, saving sponsors up to £1,000 per year.
- After 6 months, the sponsor's administrative compliance obligations that accompany sponsorship fall away.

Disadvantages compared to the Skilled Worker visa

- The minimum salary requirement for a Scale-Up visa is relatively high at £33,000 per annum (or £10.58 per hour or the SOC code minimum, whichever the higher), whereas for Skilled Workers the minimum salary requirement is much lower at £25,600 per annum (or the SOC code minimum, whichever the higher).
- The skill level requirement for sponsorship is relatively high at RQF level 6 (deemed to be equivalent to degree level roles).
- Self-employed earnings will not count towards the minimum salary requirements for a visa extension. At least half of the time spent as a Scale-Up visa holder must be spent in employment where pay is paid through PAYE (Pay as You Earn).

Personal / Non-Sponsored Visas

Global Talent Visa

Overview

The Global Talent visa (formerly Tier 1 Exceptional Talent) is a flexible UK visa route aimed at individuals who can show that they have exceptional talent or promise in science, engineering, humanities, medicine, digital technology or arts and culture.

All applicants must obtain endorsement from one of six approved endorsing bodies recognised by the Home Office. Tech Nation is the body capable of endorsing digital technology applicants to enter the Global Talent route and Fragomen are proud to be the exclusive UK immigration provider for Tech Nation.

Tech Nation's criteria is designed for applicants with technical and business skills in the digital technology sector. Individuals can apply on the basis that they have been recognised as a leading talent in the digital technology sector (**Exceptional Talent**) or they have been recognised as having the potential to become a leading talent in the field of digital technology (**Exceptional Promise**).

What does the visa allow you to do?

The Global Talent visa allows the holder to live and work in the UK without restriction. It is not contingent on working for a specific business, though the holder must work in a job within their endorsement category. The visa can be granted for up to 5 years and can be extended.

Eligibility / Requirements

- All applicants must obtain endorsement from one of the six approved endorsing bodies recognised by the Home Office. An exception exists for those who hold certain eligible prestigious prizes for achievements in their field, who can bypass the endorsement stage and apply for a visa directly.
- Each endorsing body follows their own endorsement criteria, but share two sets of common criteria when assessing an applicant:
 - **Exceptional Talent** for applicants who have already demonstrated that they have made a significant contribution as a leader in their field; and
 - **Exceptional Promise** for applicants at an early stage in their careers (usually within the first 5 years) and have shown the potential to make significant contributions as a future leader in their field
- You do not need a job offer to apply for this visa.

Applicants must demonstrate at least two of the following:

- A proven track record of innovation (or for Promise – at least one example) as a founder, senior executive or employee working on a new digital field or concept.
- Proof of recognition for work beyond their occupation that contributes to the advancement of the field.
- Significant technical, commercial, entrepreneurial contributions as a founder, senior executive, board member or employee of a product-led digital technology company (or for Promise – at least one example).
- Demonstration of exceptional ability in the field by making academic contributions through research published or endorsed by an expert (or for Promise – at least one example).

The following specialisms are not considered suitable:

- Corporate roles or experience of managing large corporate teams.
- Junior investors / analysts. Such specialisms must be supported by an investment track record made at a senior level and are not suitable for Exceptional Promise.
- Service Delivery, Process Delivery, Outsourcing, Consultancy (technical or management), ERP Consultancy, Systems Admin and all related fields.

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependant children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does the visa lead to settlement?

Yes. If endorsed by Tech Nation under the Exceptional Talent criteria the applicant can qualify for settlement after 3 years residence in the UK. If endorsed under the Exceptional Promise criteria, then the qualifying period for settlement is 5 years.

Approximate Costs

It costs £623 to apply for the visa. The applicant will also be subject to the Immigration Health Surcharge which is £624 per year for most applicants.

Approximate Timeframes

Applications for endorsement typically take 5-8 weeks to be decided and can be “fast tracked” to 3 weeks.

Once the applicant has received their endorsement and is ready to submit the visa application itself, typically a decision will be received in about 3 weeks in most countries overseas or 8 weeks if applying from within the UK.

We'd suggest allowing approximately 4-6 months in total to obtain a Global Talent visa including preparing all the supporting documents.

Other Considerations

Advantages

- No sponsorship required – no cost to the employer and no Immigration Skills Charge.
- Unrivalled flexibility – the visa holder can be an employee of a tech firm or establish their own start-up.
- Leads to settlement in the UK after 3 years (Talent) or 5 years (Promise) – you can also combine time spent in the UK in certain other categories, such as Skilled Worker and Innovator.

Disadvantages

- Subjective and challenging endorsement criteria – this visa is for those who are leading talents or have shown potential to one day be a leading talent in tech. It is therefore not a suitable route for everyone.

High Potential Visa

Overview

The High Potential visa allows individuals to come to the UK without needing a job offer. Aimed at attracting top international talent to the UK – the route is open to those who have 'graduated from a top global university'.

This visa is particularly appealing to employers, as it is not a 'sponsored' route, i.e. the employer will not have to cover the costs of sponsorship, as they would in the Skilled Worker category for example.

What does this visa allow you to do?

Successful applicants will be issued with a 2-year work visa, or 3 years for those that hold a PhD.

High Potential visa holders will be able to switch into other long-term employment visas if the eligibility requirements are met.

Eligibility/Requirements

- Applicants must be 18 and over and have enough money to support themselves without relying on public funds, they'll usually need to have at least £1,270 available (unless an exemption applies).
- Applicants must have graduated from an eligible university in the 5 years immediately prior to making the application. The list of eligible universities is updated annually and the applicant will need to refer to the list from the year they graduated.
- The applicants academic qualification is required to have been verified by UK Ecctis.

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependent children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does this route lead to settlement?

The High Potential visa does not lead directly to settlement; however, it is possible to switch into other long-term employment visas if the eligibility requirements are met.

Approximate Costs

The current application fee is £715. The applicant will also be subject to the Immigration Health Surcharge which is £624 per year for most applicants.

Approximate Timeframes

A decision should be made on the application within 3 weeks for applications outside the UK or within 8 weeks for applications inside the UK. However, additional time is required to prepare the application.

Start-up Visa

Overview

The Innovator and Start-up visa routes replaced the Tier 1 Entrepreneur and Graduate Entrepreneur routes. Entry to either scheme rests on the applicant obtaining endorsement from a Home Office authorised endorsing non-governmental body – typically UK universities, accelerators and investors (a full list of endorsing bodies is published by the Home Office).

The Start-up visa is for individuals with little to no business experience who want to set up a new business in the UK. There is no need to evidence available investment funds but the business must be innovative, viable and scalable – something that's different from anything else on the market.

The visa will only be issued for a maximum period of 2 years, after which the applicant must either switch to another visa category, such as the Innovator visa or leave the UK.

What does this visa allow you to do?

The applicant will be able to set up and work in their business but will also be permitted to work in another job (other than as a doctor or dentist in training or as a professional sportsperson or coach).

Eligibility / Requirements

- Before applying for the visa, the applicant must get their business or business idea endorsed by an endorsing body. They will need to show in a business plan that their business idea is innovative, viable and scalable.
- The endorsement letter must be issued within 3 months of application.
- The applicant must not have previously established a business in the UK.
- The applicant must meet an English language requirement.
- Be at least 18 years old.
- The applicant must have enough money to support themselves in the UK – they'll usually need to have at least £1,270 available (unless an exemption applies).

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependent children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does this route lead to settlement?

The Start-up visa will be granted for up to 2 years and time spent in the UK under this category does not count towards settlement. However, the applicant could potentially switch in to another visa category, for example the Innovator category where settlement can be applied for after 3 years.

Approximate Costs

The current application fee is £378 for applications filed from outside the UK, or £508 for applications to switch in to the visa category for those already in the UK.

The applicant will also be subject to the Immigration Health Surcharge which is £624 per year for most applicants.

Approximate Timeframes

A Start-up visa is a relatively complex application compared to other routes such as Skilled Workers. The endorsing body is likely to take approximately 4-6 weeks to make a decision on the endorsement application, and preparing the supporting documentation for that endorsement application can take some time.

Once the endorsement is received the visa application must still be processed. Processing will typically take approximately 3 weeks from overseas or up to 8 weeks within the UK (though there are priority services available to expedite). We therefore recommend allowing approximately 3-6 months to obtain the visa from start to finish.

Other Considerations

This route can be complicated, challenging and the endorsement process can be costly – in return for endorsement, endorsing bodies may want a fee to mentor the applicant or may want a stake in the business.

Innovator Visa

Overview

The Innovator visa is for established entrepreneurs who wish to set up and run an innovative new business in the UK. The applicant must be prepared to invest in a new, innovative, viable and scalable business and must have significant capital (at least £50,000) to invest into that business. The applicant must spend their entire working time in the UK developing their business venture and their endorsement must be maintained for the duration of the visa.

As with the Start-Up visa, the Innovator scheme rests on the applicant obtaining endorsement from a Home Office authorised endorsing non-governmental body – typically UK universities, accelerators and investors (a full list of endorsing bodies is published by the Home Office).

Eligibility / Requirements

Before applying for the visa, the applicant must get their business or idea endorsed by an endorsing body. This can be complex and we have provided only a high-level overview here.

- If setting up a new business venture, the applicant must have at least £50,000 in investment funds and be able to evidence the source of the funds. This requirement is waived if switching from the Start-up visa category to continue with the same business and the applicant can show the business has made significant progress against their original business plan.
- If applying to continue the same business as in a previous application, the endorsing body will require evidence of significant achievements as set out in the business plan. The applicant should have registered at Companies House as a Director or Member of the business, the business should be active and trading, and the applicant must have a key role in the day-to-day management of the business.

In addition, the applicant must also:

- Have an endorsement letter issued within 3 months of application.
- Meet an English language requirement.
- Be at least 18 years old.
- The applicant must have enough money to support themselves in the UK – they'll usually need to have at least £1,270 available (unless an exemption applies).

Points Overview for Innovator Applicants

The applicant must score 70 points per the table below depending on whether the business is a new business or the same business as was relied on in a previous application.

Requirements	Points Available	New business	Same business
Business plan	10	X	
Business venture is innovative, viable and scalable.	20	X	
£50,000 available funds to invest or having been invested	20	X	
Applicant's previous permission was in the Innovator, Start-up or Tier 1 (Graduate Entrepreneur) route and they are pursuing a business assessed by a Home Office approved endorsing body, either for the previous endorsement or at a contact point meeting during their last grant of leave	10		X
Business is active, trading and sustainable and demonstrates significant achievements against the business plan	20		X
Applicant is active in day to-day management and development of business	20		X
English Language requirement at level B2	10	X	X
Financial requirement	10	X	X
Total Required		70	

Can you bring family members?

Yes, the applicant can bring a dependant partner (husband, wife, civil partner or unmarried partner cohabitating for at least 2 years) and any dependent children (under the age of 18). Family members will receive the same period of leave as the main applicant.

Does this visa lead to settlement?

The initial visa will be granted for 3 years and can be extended. The applicant may also qualify for settlement after a minimum of 3 years of residence if all eligibility criteria are met. Specifically for Innovators the applicant must have invested at least £50,000 into their business and satisfied at least one further benchmark relating to the performance of their business.

Benchmarks include:

- Customers doubling in 3 years and more than national comparators (other similar businesses).
- Significant R&D supported by an application for IP protection in the UK.
- Gross revenue of £1,000,000 in last full financial year, or gross revenue of £500,000 with £100,000 exported.
- 10 x new full-time jobs for resident workers, or 5 x jobs earning at least £25,000 per annum.

Approximate Costs

The current application fee is £1,036 for applications filed from outside the UK, or £1,292 for applications to extend an existing Innovator visa or switch into the visa category for those already in the UK.

The applicant will also be subject to the Immigration Health Surcharge which is £624 per year for most applicants.

Approximate Timeframes

The Innovator visa is relatively complex, the endorsing body is likely to take approximately 4-6 weeks to make a decision, and preparing the supporting documentation for that endorsement application can take some time. Once the endorsement is received the visa application must still be processed after that. Processing will typically take approximately 3 weeks from overseas or up to 8 weeks within the UK (though there are priority services available to expedite). We therefore recommend allowing approximately 3-6 months to obtain the visa from start to finish.

Other Considerations**Sharing investment funds**

An applicant can form a team with other Innovator applicants, but cannot share the same investment funds. The team must have £50,000 for each Innovator applicant. For example, if there are 2 Innovator applicants, the team must have £100,000 to invest.

These routes can be complicated, challenging and the endorsement process can be costly – in return for endorsement, endorsing bodies may want a fee to mentor the applicant or may want a stake in the business.

Notably the government have earmarked this route as due for reform. We anticipate that the business eligibility criteria will be simplified and there will be a lighter touch endorsement process for certain applicants. Likely there will no longer be a requirement to have at least £50,000 in investment funds where the endorsing body is satisfied that the applicant has sufficient funds to grow their business. The restriction on doing work outside of the applicant's primary business will also be removed. This route could therefore become much more accessible in the future.

Key Differences between Start-up and Innovator Visas

	Start-up	Innovator
Business Experience	Little or none needed	Established entrepreneurs
Investment funds	None	At least £50,000
Length of visa	2 years, non-extendable, must change visa category or leave the UK	3 years, extendable indefinitely
Leads to settlement	No	Yes, after 3 years
Work	Work for any business	Only work for their own business

Graduate Visa

Overview

The Graduate visa is a new route introduced by the Home Office in 2021. It allows international students who have recently graduated from within the UK to further extend their stay in the UK, to work, or look for work, at any skill level.

The Graduate visa is granted for a period of up to 2 years following the successful completion of their course (3 years if graduating with a PHD or other doctoral qualification). After this period, the applicant must either switch to another visa category or leave the UK.

What does this visa allow you to do?

The Graduate route is an unsponsored route, meaning the individual does not need a job offer to apply for the visa. The individual can work, switch jobs, and develop their career without the need of sponsorship.

In addition, study is permitted, provided the study is not eligible for sponsorship via the 'Student visa' route. If it is eligible, then an extension of the Student visa would need to be applied for.

Eligibility / Requirements

The Graduate route is available to international students, who have completed a degree at undergraduate level or above at a higher education provider and who have a valid Tier 4/Student visa at the time of application.

The entirety of the course must have been studied in the UK (Study abroad programs and COVID remote study concessions are permitted).

The applicant can apply once the education provider has published their final course results or provided a letter to that effect. There is no need to wait for graduation or to receive a final certificate.

The applicant must apply for the visa from within the UK whilst their Tier 4/Student visa is still valid.

Can you bring family members?

If the applicant's partner (husband, wife, civil partner or unmarried partner cohabiting for at least 2 years) and children were previously dependants of the Tier 4/Student visa, they can apply to stay as dependants under the Graduate visa.

If a child is born in the UK, they may apply for a dependant visa, which will expire at the same time of the expiry of the Graduate visa.

Approximate Costs:

It costs £715 to apply for the visa, in addition the applicant will usually need to pay the Immigration Health Surcharge of £624 per year.

Approximate Timeframes

Once all documentation and information is submitted it is anticipated that applications will take approximately 3 weeks to be processed. However additional time is required to prepare the application.

Does this visa lead to settlement?

The Graduate visa will be granted for 2 or 3 years and time spent in the UK under this category does not count towards settlement. However, the applicant could potentially switch in to another visa category, for example the Skilled Worker category where settlement can be applied for after 5 years.

Other Considerations

If the intent of the applicant is to remain in the UK permanently and they have an offer of employment from an employer that is licensed to sponsor Skilled Workers, then it could be in their interest to apply for the Skilled Worker visa rather than the Graduate visa. They could also consider switching to the Skilled Worker visa as soon as practicable so they can begin the 5 year residency requirement that leads to settlement. The Skilled Worker visa does have comparatively more conditions compared to the Graduate visa, for example the Skilled Worker visa holder must be continuously employed whilst in the UK and can only work for a specific employer whereas neither of these conditions apply to a Graduate visa holder. Careful consideration should be given to the individual's circumstances and priorities to determine the best option.

Conclusion

Thank you for reading our Immigration Guide - we hope you have found it useful.

If, after reading this guide, you realise that you require further legal support or advice and are looking to hire a lawyer, you can find Fragomen's details below.

If, after reading this guide, you realise you would like to feedback specific concerns about your journey in hiring talent to policymakers, you can find Coadec's details below.

Fragomen

Established in 1951, Fragomen is a leading firm dedicated exclusively to immigration services worldwide. The firm has more than 4,900 professionals and staff—including more than 680 lawyers and equivalent professionals—in more than 55 offices located in the Americas, Asia Pacific and EMEA. In total, Fragomen offers support in more than 170 countries. Fragomen's professionals are respected thought leaders in the immigration field, as recognised year after year by Chambers, Best Lawyers and Who's Who.

Should you require any support with your immigration needs, Fragomen are available to advise on any of the options mentioned here and more.

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Coadec

The Coalition for a Digital Economy (Coadec) is an independent not-for-profit advocacy group that serves as the policy voice for Britain's technology-led start-ups and scale-ups. We fight for a policy environment that enables early-stage British tech companies to grow, scale and compete globally.

If you have a policy concern that you want to flag with us, or if you would like to sign up to our network, contact us below:

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