

The UK Expansion Worker visa route: a complex option for overseas (EU) business wanting to expand in the UK

The new sponsored Global Mobility route aims to meet the needs of overseas businesses with no previous trading presence in the UK to expand into the UK by providing a specific immigration route for senior employees to come here to set up a UK subsidiary or branch.

22 July 2022

The UK Expansion Worker visa replaced the Sole Representative visa on 11 April 2022.

This new sponsored Global Mobility route aims to meet the needs of overseas businesses with no previous trading presence in the UK to expand into the UK by providing a specific immigration route for senior employees to come here to set up a UK subsidiary or branch.

Unfortunately, the new route is not a straightforward easy pathway.

Obtaining a sponsor licence is now a prerequisite for companies who have not traded in the UK before in order for them to sponsor their first worker coming from overseas. The flexibility offered by the Sole Representative (unsponsored route) has vanished and Appendix A contains an overly complex and demanding list of requirements and documents a business must deal with which go far beyond the four documents required under the Skilled Worker route. Overseas businesses will have to prepare for a complex, time consuming and paper heavy application.

It would be reasonable to expect an overseas business to plan for a long-term expansion into the UK before incorporating a company in the jurisdiction. However, an initial permission to stay in the UK given to a senior worker responsible for implementing the expansion is limited to one year and the maximum time a UK Expansion Worker visa can be valid is two years. After two years businesses who have established a successful trading presence in the UK will need to make use of alternative immigration routes. Considering them will accordingly present businesses with an additional hurdle.

The overseas business still needs to consider, before applying for a sponsor licence, the conditions under which their UK expansion worker must be eligible for a visa. The following requirements must be met:

- has worked outside the UK for the sponsor group for a cumulative period of at least 12 months or be a "high earner" (paid £73,900 + a year, based on a maximum 48 hours week; and
- meets the minimum salary requirement of £42,400 a year or the going rate for the role in the UK; and
- has a genuine job at the minimum skill level (NQF level 6); and
- meets the financial requirement (£1,270 held for 28 days or maintenance certified by sponsor); and
- does not have an adverse immigration or criminal history.

So why apply under the UK Expansion Worker route rather than the Skilled Worker route?

There is one unarguable reason: the new route is the only viable option for companies to sponsor overseas senior staff when they have not had a UK based representative and have never traded in the UK. Helpfully, the application for a sponsor licence under the UK Expansion Worker route can be completed without the business having to provide evidence of an existing UK bank account. This has

been compulsory for businesses who had operated in the UK for less than 18 months and is almost impossible to meet under the Skilled Worker route for new businesses without a UK based Director.

A second reason to apply under the UK Expansion Worker route is that the overseas business will be able to bring up to five people to the UK at one time. This is however limited to one person initially if there is no UK based representative at the time of the incorporation.

Therefore, the Skilled Worker or Senior or Specialist Worker routes will remain attractive options for businesses wanting to expand into the UK. Due to the intricacies of applying for a sponsor licence under the UK Expansion Worker route, using it is likely to be limited to overseas businesses who are not in a position to appoint a settled UK Director at the time the UK entity is incorporated.

Contact

Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

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