



How to acquire Permanent Residency in the United Kingdom

UK Tier 1 (Investor) and Tier 1 (Entrepreneur) visas are for non-European Union investors and entrepreneurs with significant funds available to invest in the UK, or to set up a business. Successful applicants are granted a visa for themselves and their dependent spouse and minor children. The visa does not allow for other family members, such as parents or siblings to be included. Visa's are granted for an initial period of 3 years and 4 months and may be extended for further periods of two years subject to the requirements continuing to be met.

The Tier 1 (Investor) Visa

To qualify for the UK Tier 1 (Investor) Visa the applicant must make an investment of at least £2 million in qualifying investments (*excluding property related investments*), and meet eligibility requirements which include:

- Holding the investment funds in a UK regulated financial institution for 3 months prior to application
- Being able to prove that the money belongs to the applicant or their spouse or long-term partner
- Making the UK their main home and must spend at least 50% of their time in the UK to keep the visa
- The applicant must provide a Criminal Record Certificate confirming they have no criminal convictions
- The applicant can invest a higher sum than the minimum requirement which allows the applicant to apply for Indefinite Leave to Remain (permanent residency) more quickly

There are no employment restrictions or language and maintenance funds requirements for the Tier 1 Investor.

The Tier 1 (Entrepreneur) Visa

To qualify for the UK Tier 1 (Entrepreneur) Visa the applicant must invest at least £200,000 in either a new 'qualifying' business, or to take over an existing business, and meet eligibility requirements which include:

- Holding the investment funds in a UK regulated financial institution for 3 months prior to application
- Being able to prove that the money belongs to the applicant or their spouse or long-term partner
- Passing the 'Genuine Entrepreneur Test' by proving sufficient expertise and viable business plan
- Meeting the English Language requirements (*at least CEFR Level B1*)
- Having maintenance funds sufficient to support the applicant and dependents during their stay
- The applicant must work solely for the business but may form an Entrepreneurial Team with one other person and share the investment funds (*both investors must then only work for the same business*)
- The business must create the equivalent of 2 full time jobs for persons settled in the UK

Obtaining UK Permanent Residence

The Investor & Entrepreneur programs allow for the applicant to apply for UK permanent residence, which is known as Indefinite Leave to Remain (ILR), after 5 years residence, subject to meeting strict residency, language, and knowledge of life in the UK requirements. Applicants may apply for ILR sooner under certain conditions.

For the Investor route, applicants investing at least £5 million can apply for ILR after 3 years, and those investing at least £10 million can apply for ILR after 2 years. For the Entrepreneur route, applicants may apply for ILR after 3 years if they can show their business generated at least £5 million in revenue, or if they have created the equivalent of 10 full time jobs for persons settled in the UK.

Obtaining UK Citizenship

UK Citizenship applications can be made after holding permanent residence for at least 1 year and having legally resided in the UK for at least 5 years, subject to meeting further residency, language, and knowledge of life in the UK requirements.

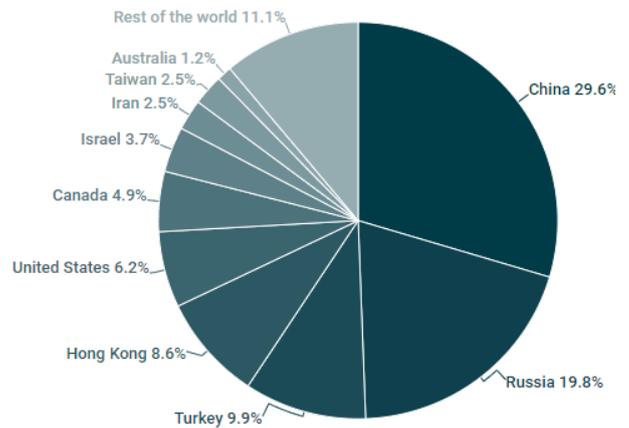
The applicant and dependents over 18 may apply separately, such that even if the main applicant or spouse do not qualify, then dependents may be granted citizenship if they meet the requirements.

Application Statistics

Tier 1 (Investor) Visa Statistics

The statistics produced by the Home Office and the Office for National Statistics (“ONS”) showed that a total of 355 Tier 1 (Investor) visas were granted during 2017 compared to 217 visas issued in 2016 demonstrating a growth of 64%.

China continued to provide the greatest number of Tier 1 Investors entering the UK, along with citizens of Russia, Turkey, Hong Kong and the USA making up the top 5 countries. China accounted for more than a third of Investor Visas issued (or almost half if Hong Kong is included). Tier 1 (Investors) numbers are expected to continue to rise further in 2018.

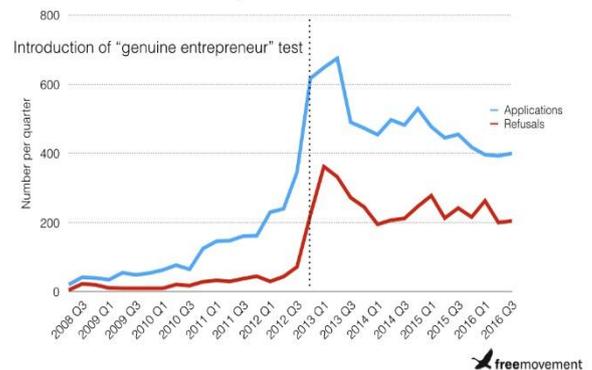


Tier 1 (Entrepreneur) Visa Statistics

The statistics produced by the Home Office and the Office for National Statistics (“ONS”) showed that a total of 983 Tier 1 (Entrepreneur) visas were granted during 2017 compared to 812 visas issued in 2016 demonstrating a growth of 20%.

Changes to Tier 1 Entrepreneur introduced on Jan 30, 2013, incorporated the *Genuine Entrepreneur Test*. This subjective test evaluates for Business Plan and Marketing Research with the Application and assesses the viability of the business and the applicant’s ability to make the business successful.

Grants and refusals for Tier 1 Entrepreneur visas



Following the introduction of the Genuine Entrepreneur Test the Tier 1 (Entrepreneur) visa refusal rate is currently approximately 50%, primarily due to applicants failing to pass the *Genuine Entrepreneur Test*.

For further information about the UK Tier 1 visas, contact your local HLG representative today.

Mr Bastien Trelcat

btrelcat@harveylawcorporation.com

Harvey Law Group – Managing Partner – Southeast Asia

Mr Steve Corbin

scorbin@harveylawcorporation.com

Harvey Law Group – Legal Consultant – Hong Kong