

## **White Paper Conference:**

The real-life experiences of applying for Tier 1 (Investor) and (Entrepreneur) visas from Russia, India, China & South Africa

With you today



**NADINE GOLDFOOT**

Partner

*London, UK*

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# About Fragomen



## Understand High Net Worth Individuals and Entrepreneurs



## Large Global Footprint

- 40+ offices providing immigration services into 170+ countries
- Multi-jurisdictional advice



## Best in Class Service Offering

- Sophisticated and bespoke advisory services
- Transactional services
- Document procurement



## Dedicated Relationship Manager

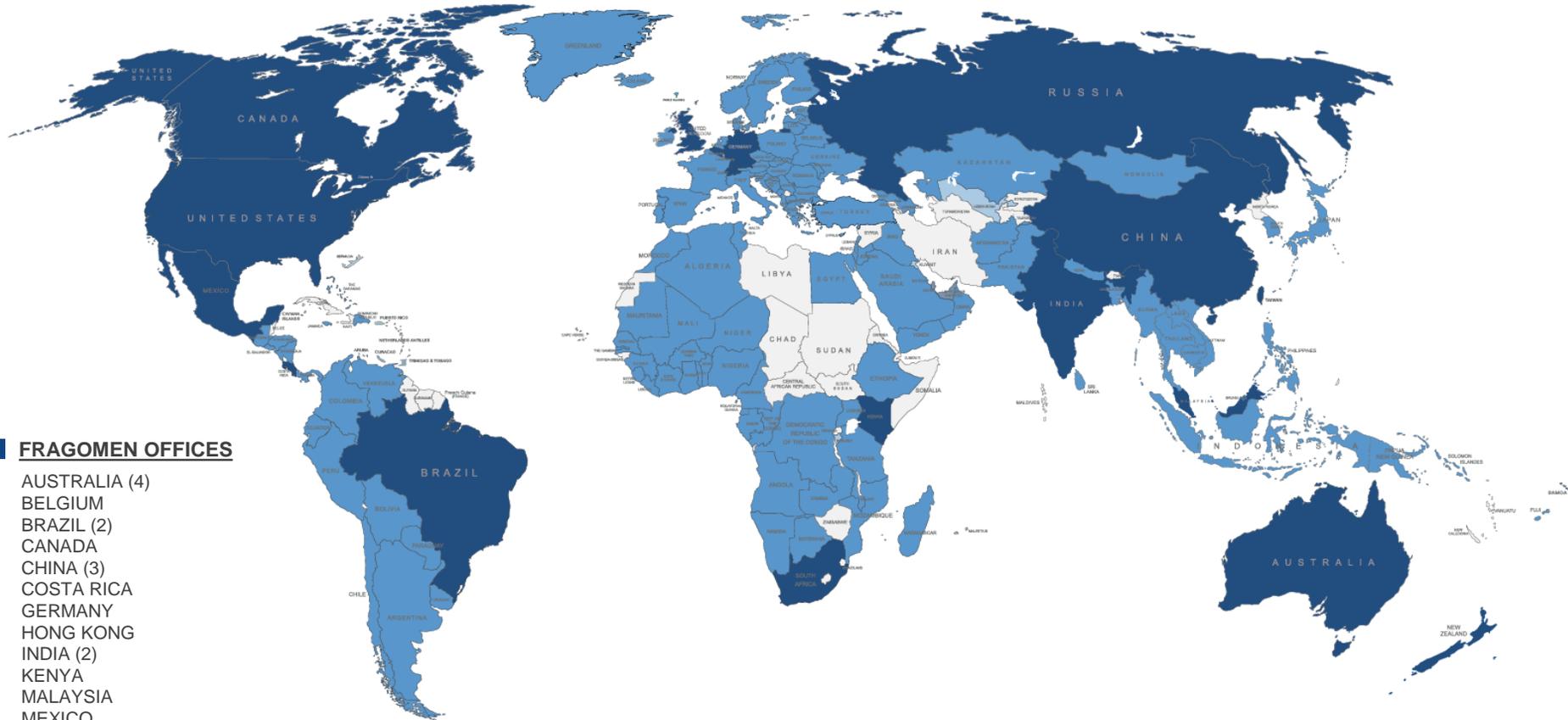
- Local single point of contact
- Seamless
- Language skills and cultural awareness



## Regulated Firm

- Sound legal advice from global network of leading experts
- Compliance and risk mitigation approach

# Fragomen Worldwide coverage



**FRAGOMEN OFFICES**

- AUSTRALIA (4)
- BELGIUM
- BRAZIL (2)
- CANADA
- CHINA (3)
- COSTA RICA
- GERMANY
- HONG KONG
- INDIA (2)
- KENYA
- MALAYSIA
- MEXICO
- NEW ZEALAND
- QATAR
- SINGAPORE
- SOUTH AFRICA
- SWITZERLAND
- UNITED ARAB EMIRATES
- UNITED KINGDOM (2)
- UNITED STATES (16)

**FRAGOMEN IN-HOUSE PRACTICES**

- IRELAND
- NETHERLANDS
- TAIWAN
- LUXEMBOURG
- MACAU

**FRAGOMEN LOCAL ADVISOR NETWORK**

IN 170 COUNTRIES, PROVIDING END-TO-END OR ADVISORY SERVICES  
*\*note: some locations may not appear due to scale*

**FRAGOMEN OFFICE OR IN-HOUSE PRACTICE GROUP**

FRAGOMEN PROVIDES SERVICES



# UK Tier 1 Investors & Entrepreneurs

# UK Investor and Entrepreneur Migration Models



## INVESTOR

- Residence
- Education
- Passive investment



## ENTREPRENEUR

- Establishing/expanding business overseas
- Active investment

# Tier 1 (Investor)

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- **Status granted:**
  - Temporary residence: Years one - five
  - Permanent residence: Year five\*
  - Citizenship: Year six or Year 5 (accelerated route)
- **Investment criteria:**
  - GBP 2,000,000
  - UK Government bonds, share capital or loan capital in active and trading UK companies, with the exception of property development companies
  - Investment must be made within three months and maintained throughout the entire period of leave
  - UK bank account opened in advance
  - Criminal Record Certificate
- **Dependants:** Spouse/partner and children under 18
- **Residency requirement:**
  - 185 days per year for permanent residence
  - On average nine months per year for citizenship

*\*Option to expedite*

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# Tier 1 (Entrepreneur)

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- **Status granted:**
  - Temporary residence: Years one - five
  - Permanent residence: Year five\*
  - Citizenship: Year six or Year 5 (accelerated route)
- **Investment criteria:**
  - GBP 200,000 own funds or third party funds
  - Invested in a new or existing UK business, with the exception of property development companies
  - Genuineness Test
  - Director of the UK business, or self-employed
  - Create equivalent of 2 full-time jobs for settled workers
  - English language skills
  - Criminal Record Certificate
- **Dependants:** Spouse/partner and children under 18
- **Residency requirement:**
  - 185 days per year for permanent residence
  - On average nine months per year for citizenship

*\*Options to expedite*

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# Case Studies



# Russia - Tier 1 (Entrepreneur)

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- Ex-husband and wife applied as Entrepreneurial team
  - Both had PhDs, highly-experienced with an entrepreneurial background in technology
  - Application refused on grounds of genuineness:
    - lack of awareness as to how finances would be used;
    - lack of preparedness;
    - not satisfied investment would be made; and
    - business plan insufficient.
  - **Administration review:**
    - caseworker guidance had not be properly applied
    - business plan and other supporting documents not properly considered
  - Original decision repealed and applications approved
  - Registration of status in Russia
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# China - Tier 1 (Entrepreneur)

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- Applicant had a background in Education and HR, no entrepreneurial experience
  - Challenge with obtaining documents
  - Challenge at interview - details lost in translation
  - Application refused on grounds of genuineness
  - Application re-submitted with amended business plan in line with experience and representations as to the interview
  - Second application refused - again on genuineness grounds and poor English skills
  - Administrative review:
    - written evidence had not been properly considered and
    - subjective assessment had been applied in terms of English language
  - Second decision repealed and application approved
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# China - Tier 1 (Investor)

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- PRC national with spouse and child as dependants
  - Currency exchange controls:
    - ForEx annual limit of 50,000 USD;
    - Considered splitting into numerous transactions;
    - Currency swap; and
    - Transferred to UK account.
  - Dependant applications refused following interview:
    - Did not intend to stay in the UK 'throughout' wife's stay; and
    - Child's application refused as only one parent had permission.
  - Decision challenged and overturned
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# South Africa - Tier 1 (Entrepreneur)

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- Wealth management company owned by offshore trust company
  - Business looking to expand UK presence and 3 owners seeking entry to the UK
  - Sole Representative and Tier 2 (General) initially excluded
  - 2 applicants formed an Entrepreneurial Team
  - 1 applicant applied individually
  - £400,000 of funds invested in unsecured and subordinated director's loan
  - 3<sup>rd</sup> funding declaration obtained from authorised representative
  - UK company obtained Tier 2 sponsor licence - sponsoring migrants under Tier 2 (General)
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# South Africa - Tier 1 (Investor)

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- Applicants where husband and wife with young children
  - Both parents actively engaged in running the family business
  - Who should be the main applicant?
  - Urgency - funds held < 3 month requirement v disclosing source
  - Document requirements - third party difficulties
  - SARS
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# India - Tier 1 (Entrepreneur)

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- Two business partners, Entrepreneurial Team considered
  - Established business in India and UK pipeline already in place
  - Urgency - funds held < 3 month requirement v disclosing source
  - Issues obtaining letters from bank - incentivize and escalate
  - Documents obtained and application successful
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# Recap: Tier 1 (Investor) & Tier 1 (Entrepreneur) Overview

|                       | Minimum Investment         | Nature of Investment       | Status Granted                                     | Residency Requirement | Time to Citizenship |
|-----------------------|----------------------------|----------------------------|--|-----------------------|---------------------|
| Tier 1 (Investor)     | GBP 2,000,000 <sup>^</sup> | Government bonds/shares    | Temporary residence leading to permanent residence | 185 days per year     | 5 or 6 years        |
|                       | Minimum Investment         | Nature of Entrepreneurship | Status Granted                                     | Residency Requirement | Time to Citizenship |
| Tier 1 (Entrepreneur) | GBP 200,000*               | Business and job creation  | Temporary residence leading to permanent residence | 185 days a year       | 5 or 6 years        |

<sup>^</sup> Expedited path to permanent residence permit for higher investment

\*Expedited path to permanent residence permit depending on business turnover or number of jobs created

Thank you  
**Questions?**

Nadine Goldfoot  
Partner  
+44 (0)207 090 9156  
[NGoldfoot@fragomen.com](mailto:NGoldfoot@fragomen.com)