



McGILL & CO

# SOLE REPRESENTATIVE OF AN OVERSEAS BUSINESS VISA

You can apply to come to the UK as a representative of an overseas business if you are the sole representative of an overseas company planning to set up a UK branch, or a wholly owned subsidiary for an overseas parent company. You must be employed by the company outside the UK, hold a senior position within the company and have extensive experience of the market and industry in which the company trades. You can work for your employer full time, bring your immediate family with you, extend your visa as circumstances require, and apply to settle (permanent residence) after 5 years.

## Eligibility

You will need to be outside the UK when applying for this visa, meet the English language requirements and have sufficient funds to maintain yourself without recourse to public funds. You must be recruited and employed outside the UK by a company whose principal place of business is outside the UK. You must have extensive related commercial awareness and knowledge of the industry and hold a senior position within the company, but not be a majority shareholder. You must be in a position to make decisions on behalf of the company and have authority to establish and operate a registered branch of the business in the UK or a wholly owned subsidiary.

## Evidence needed

When applying as a sole representative of an overseas company you'll need to provide:

- full description of the parent company's activities,

including details of assets and accounts

- a letter confirming the overseas company will establish a wholly-owned subsidiary or register a branch in the UK in the same business activity as the parent company
- your job description, employment contract and salary details
- a letter confirming you're familiar with the company and have the power to take operational decisions
- Tuberculosis test results and English language test results confirming English language requirement is met (these are not required for all applicants)
- Evidence of accommodation in the UK and bank statements covering last 6 months.

You should also provide evidence that you:

- are directly employed by the parent company and aren't acting as a sales agent (i.e. hired by a company to sell or distribute their products within the UK, but working for yourself and providing your services for a fee)
- were recruited to the company outside of the UK, hold a senior position and are able to make decisions on its behalf and have the authority to establish and operate a registered branch
- will be working full time for the company for the duration of your stay and won't carry out any other work
- are not a majority shareholder in the company

## Visa extension

To extend the visa, you must ensure that:

- you're still working for the same employer as when you were issued your previous visa
- you're still working to establish the company's first presence in the UK
- your employer's principal place of business is still outside the UK

➤ you are in the UK to make the application for extension.

## How long can you stay

You can remain in the UK for 3 years being the initial period of entry which can be extended for a further 2 years leading to an application for settlement once 5 years in the UK have been completed.

## SERVICES

- Expert advice on the requirements of the Immigration Rules, specified evidence, and application procedure.
- Drafting of detailed legal submissions and preparation of full portfolios of evidence to accompany all applications.
- Ongoing support and advice throughout the duration of the visa with a view to meeting the necessary business targets for visa extension and permanent settlement.
- Referral management to business and corporate solicitors to ensure financial compliance.

## GRACE MCGILL



Grace McGill established McGill & Co in April 2008, having specialised in immigration law since 1995. She has extensive experience in all aspects of UK immigration law, focusing on family migration, inter-country adoption work and commercial immigration. Grace manages large corporate clients within the UK and worldwide and is adept at the successful progression of complex immigration matters for individuals, providing skilled representation at all levels of the process. In recent years Grace has become increasingly involved in high level foreign investment and corporate work. Her role continues to develop in respect of overseas strategic investment work which has

seen recent emphasis for corporate clients on strategic development relationships in Cyprus, UAE and the USA. Grace sits on the Board of Trustees of the Immigration Law Practitioners Association in London and is a former trustee of the Scottish Child Law Centre in Edinburgh. She is an appointed Board member & Company Secretary of an International Sports Co founded in Scotland. She is an appointed Council member of the Society of Writers to her Majesty's Signet (WS) and sits on the Professional Conduct committee of the Law Society of Scotland.

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## CLARA SMEATON



Clara Smeaton joined the team at McGill & Co in June 2021. She qualified as a solicitor in 2018, having previously worked at the Crown Office and Procurator Fiscal Service, gaining extensive advocacy experience, working in the Sheriff summary courts, the Domestic Abuse courts, and doing Sheriff and Jury trials. She was also seconded to Eurojust, in The Hague, working at the UK Desk on cases involving trans-border prosecutions.

Clara is a Trustee of the Scottish Legal action group and also sits as a committee member on the Law Society of Scotland Asylum & Immigration sub committee. She was appointed as a Trustee for Chamber Music Scotland in January 2021 and is a member of Women in Law Scotland. She holds an MA (Hons) in Hispanic studies & Music from the University of Glasgow and an LLB (Hons) from the University of Strathclyde.

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