

Business Travel and Working in the UK – The Visa Rules

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AGENDA

- What Changed on 01 January 2021
- EU Settlement Scheme
- Frontier Work Permit
- Visitors – Permitted Activities
- International Agreement Visa
- Establishing a Permanent Base in the UK and the Transfer of Staff

What Changed on 01 January 2021

- The EU-UK Trade and Cooperation Agreement came into effect
- Meaning the free movement of workers between the UK and EU ended
- And in the UK a new Immigration Rules came into force
- These Rules introduced the same requirements for EU nationals as non-EU nationals

EU Settlement Scheme

- Scheme was launched by the UK in 2019 to process the registration of EU residents in the UK
- Deadline date to apply was by 30 June 2021 but then extended to 31 December 2021
- Applicant will need to provide evidence of being resident in the UK on or before 31.12.20
- 2 types of status granted
 - Pre-settled status if been in the UK less than 5 years
 - Settled-status if been in the UK more than 5 years
- You do not need to be in the UK to apply and once you are issued with a Certificate of Application you can enter the UK and commence work

EU Settlement Scheme

- The benefits of applying:
 - No application fee
 - Can work or set-up in business
 - Free NHS treatment
 - Family members can be included in the application
 - Absences of 2 years (pre-settled) or 5 years (settled)
 - After 1 year of settled status can to apply for British Citizenship

Frontier Work Permit

What is a Frontier Worker?

A worker who commutes regularly into the UK for their work, but who is usually resident outside of the UK

Frontier Work Permit

Applicant must be:

- EEA or Swiss national
- Not primarily resident in the UK
- Working in the UK at least once in the 12 months before 11pm on 31 December 2020
- A worker or self-employed person

Frontier Worker Permit

Initial Considerations:

- Test 1: present in the UK for less than 180 days in the 12 month period before 31.12.20
- Test 2: frequency of travel back to Germany
- Any exceptional reasons for not meeting tests? Illness/accident, pregnancy/child birth, Covid-19 related reasons

Frontier Work Permit

Employed	Self-Employed
Employment Contract	Contract of services
Genuine activities in the UK	Membership of UK professional body
Earnings from activities in the UK	Invoices
Frequency of work in the UK	Contracts for future work
Number of hours worked in the UK	Correspondence regarding future work
	Temporary or irregular work does not qualify

Frontier Worker Permit

Application Process:

- No application fee
- Application made online
- Can apply from inside or outside the UK
- No set deadline to apply
- No requirement to pay Immigration Health Surcharge
- Does not cover dependents

Frontier Work Permit

Features:

- Valid for 5 years
- No route to settlement
- But can be renewed indefinitely
- Can not study or take on additional work
- Permit can be lost if you no longer work in the UK

Visitors – Permitted Activities

- German citizens like all EU nationals are regarded as visa-free nationals
- Meaning that you do not need apply for a visa first to enter the UK as a visitor
- The visit visa will be endorsed on your arrival at a UK port
- You will be issued with a 180 day multi-entry visa

Visitors – Permitted Activities

The immigration officer at the UK port may ask questions or ask to see documents to confirm the purpose of your visit.

Answers and documents must confirm:

- That you are coming to carryout a permitted activity
- That you have a genuine intention to return
- That you will be able to fund the cost of your travel
- That you will not be paid directly by your customer in the UK

Visitor – Permitted Activities

Permitted Activities Include:

- Attend meetings, conferences, seminars, interviews
- Negotiate and sign deals and contracts
- Attend trade fairs for promotional work
- Carry out site visits and inspections
- Gather information for their employment overseas
- Briefings on the requirements of a UK customer
- Intra-corporate activities – meaning internal meetings, training and share skills and knowledge with UK employees of the same Group
- A client of a UK company may be seconded to the UK company to oversee the requirements of goods and services that are being provided under contract
- To receive training from a UK based company or provide training to employees of a UK company

Visitor – Permitted Activities

Permitted Activities Cont'd:

An employee of a German company may install, dismantle, repair service or advise on machinery, equipment, computer software or hardware (or train UK workers) where there is a contract of purchase, supply or lease with a UK company and either:

- The German company is the manufacturer or supplier; or
- The overseas company is part of a contractual arrangement for after sales services agreed at the time of the sale or lease

Visitors – Permitted Activities

Documents that should be carried:

- A letter from your business
- Invitation letter from your customer / business partner in the UK
- Passport – there must be at least 6 months validity
- Return ticket
- Travel medical insurance. No minimum requirement but we would recommend cover of 30,000 Euros
- Evidence of employment
- Evidence of accommodation requirements
- Evidence of adequate funds to support the trip
- Must also satisfy Covid-19 requirements in place at time of travel

NB: Must carry this information on each occasion of travel

Visitors – Permitted Activities

Letter From Your Business:

- The colleague's personal details (name, date of birth, passport number, job title)
 - Information of where colleague will be staying
 - A brief introduction of the company
 - The project address where the colleague will be working
 - Purpose of travel including arrival and departure dates
 - Confirmation that the colleague's salary will continue to be paid in Germany and that UK customer is paying you directly for the work
 - Confirmation of what costs the business is responsible for
- NB: Invitation letter will confirm the same

International Agreement Visa

Key Features:

- If a UK company contracts you to deliver services in the UK and the agreement that you have entered into is covered by an international trade agreement (EU-UK Trade and Cooperation Agreement) then the UK company can sponsor your workers
- The UK business must have a Sponsor Licence which includes the International Agreement Worker Category. If your UK customer does not have one the application process is straightforward
- There will be costs to the UK company associated with sponsorship, £536 or £1476 for the licence and then £199 to sponsor each worker. There will then be a visa fee of £189 and IHS of £624 if applying for more than 6 months

International Agreement Visa

Key Features Cont'd:

- The role that is being sponsored must require a degree level qualification or above and colleague must have worked for you for at least 12 months
- Length of validity is no more than 12 months
- Can bring dependents
- You will remain responsible for the salaries and will continue to be responsible for the terms of their employment in the UK though being sponsored by your client
- A number of engineering and integrated engineering services are covered under this visa route

Establishing a Permanent Base in the UK

- The Sole Representative Visa
- Applying for a sponsor licence
- Skilled Workers
- Intra-company transferees

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