

Kate Kalmykov: Hi everyone, and welcome to the Immigration Insights podcast. My name is Kate Kalmykov and I co-chair the Global Immigration and Compliance Group at Greenberg Traurig. Today we're going to be talking about immigration to the UK, what companies and employers need to know and what recent [00:00:30] updates there are. And I'm thrilled to be joined by Ben Sheldrick of McGrath and Sheldrick. Ben, you're the managing partner of the firm. Can you tell us a little bit about yourself and your practice?

Ben Sheldrick: Yes, of course, Kate. Thank you. My name is Ben Sheldrick. I'm the managing partner here in the firm in London. I've been here for a long time. I've been here for 25 years, so I'm part of the furniture here and I specialize in UK immigration. Our firm deals with [00:01:00] all sorts of immigration cases around the world. Actually, we do provide global immigration services, but obviously because we're centered in London, our primary focus is inbound UK immigration, and I've been practicing in this field throughout my career. Yes, I've got lots of experience and it's a constantly changing landscape in terms of the immigration policies in the UK, so it'll be good to discuss those with you today.

Kate Kalmykov: Let's get right into it. Obviously [00:01:30] all of us were to say the least bit shocked when the UK decided to leave the European Union, which I personally didn't see coming. I would think many others were the same, but it happened and it's been a while now that it's happened. And so what are the changes that occurred? Obviously when the UK withdrew, they're no longer part of the European Union and what happened with immigration [00:02:00] law and policy?

Ben Sheldrick: Sure. You're absolutely right, so the Brexit and leaving the European Union has really dominated immigration policy development over the course of, well nearly 10 years now because the vote was in 2016 and it certainly dominated a lot of my work over that time. It really was the defining act in British politics over the last decade, and it set the direction of travel [00:02:30] and the context for immigration policy reform. Just taking a step back prior to that, immigration has been a really hot topic generally within politics really since about 2010 when the conservative government came in and there was a real focus on net migration targets, bringing the numbers down. Theresa May, who was the home secretary then, and she subsequently became Prime Minister, [00:03:00] imposed a target of net migration of less than 100,000 people a year, net migration being the difference between the number of people who leave the country on a long-term basis and those who come in on a long-term basis. And she tried to impose a target of tens of thousands annually, and that really put immigration policy and the success of that policy at the top of the political agenda.

She introduced various initiatives to try to achieve that, including [00:03:30] caps and numerical quotas to try to take control of the numbers. For example, for sponsored workers, there was a cap of 21,000 certificates of sponsorship available across the country annually. But the truth is that it was impossible to

achieve that target whilst we were a member of the European Union because being a member of a free movement zone means that you can't control the numbers because [00:04:00] free movement does really what it says, which it enables people in this case from across Europe, to enter another member state freely and to exercise what we call a treaty right. In other words, to work or set up a business, et cetera. They had a slogan to take back control, and immigration was [00:04:30] one of the central issues of the Brexit campaign.

And really it resonated with people because Brexit is a really complicated topic and most people don't really understand all of the nuances of the economic arguments around staying or leaving, but immigration feels like something that people can really understand because it's visible and apparent that people come [00:05:00] in from all sorts of different places and have interactions with communities and the state generally. Without going into all the arguments around Brexit, obviously eventually we left. There was a huge debate about how we were going to do that. That took years, and eventually it fell to Boris Johnson who had become Prime Minister by this point, to introduce a new immigration framework, which he did in around 2021 I think it was. [00:05:30] And that framework is around a points-based system. The truth is that we had a points-based system before Brexit, but obviously it was amended and altered after we had left the EU.

He actually [00:06:00] removed caps and quotas and had a points-based system that was relatively open. He didn't introduce, for example, a resident labor market test for employers to show that they had to attempt at least to recruit from within the resident labor market. And he set the salary and skill levels relatively low for admission under the skilled worker scheme, which is the primary route for the business employees to [00:06:30] come into the country. Again, ironically, immigration continued, net migration continued to increase and peaked at around a million, I think it was in real terms, in about 2023. It continued to be a really hot political topic, and it's been taken up by... You will have noticed that we've had various governments and prime ministers over the course of the last decade. It's been quite turbulent politically here in the UK, but each government as [00:07:00] they've come in have introduced policies to try to get the numbers down and to appease opinion in the general population, which is that immigration is too high. There have been various initiatives to try to disincentivize businesses, for example, from sponsoring foreign workers to come in.

It's become very expensive here in the UK. There's an immigration skills charge, for example, which is a charge that employers [00:07:30] have to pay into the treasury every time they employ someone. There are additional costs for the NHS, which is our health system for every sponsored worker. But essentially what we have now is a points-based system under a number of different categories, but for business purposes, which I'm sure is your main interest for businesses and for entrepreneurs and investors, it's really around the points-

based system and the skilled worker [00:08:00] arrangements, so maybe we can touch upon how that works as we continue this conversation.

Kate Kalmykov: We will and I love everything you're talking about because we're sort of living through the same thing on the US side right now

Ben Sheldrick: Is that right?

Kate Kalmykov: Yeah. And they've even this past week introduced a proposal where instead of, for example, the H1B visa, instead of running [00:08:30] a random computer-generated lottery, they want to look at merit, which would be a first in the category. A lot of this I think mirrors each other and obviously the world is interconnected and we learn from each other's immigration systems. We do work with a lot of companies, companies that send employees just like you're working with around the world, and sometimes they want to come to the UK and they don't necessarily want to be employed in the UK, but they want to come maybe [00:09:00] for a short-term assignment, maybe for training, maybe for some meetings, essentially to be a business visitor. What are the rules, what are the current rules that employers need to be aware of now for those types of individuals?

Ben Sheldrick: That's a classic immigration question, which I'm sure you have dealt with throughout your career and so have I. Can you come into a country without needing a sponsorship or a work permit, and what are the rules around that and how long [00:09:30] you can do it for? Typically, entry to the UK is for up to six months as a business visitor, that's a little bit longer than most countries, which have a 90 day, many countries have a 90-day rule for visitors. The UK is longer, it's six months, but immigration officers at the port of entry really do expect people to be coming for shorter periods than that because if you enter a country for up to six months, it could be inferred that A, you are working as opposed [00:10:00] to just visiting and having meetings or B, that you are potentially moving your base to the country. Typically, as with many other countries, we operate a visa scheme for what we call visa nationals. That would be individuals who hold passports from countries where you always need a visa before you enter the UK, and you have to apply for that in advance.

That would be from countries which are considered to be more [00:10:30] a greater risk of breaches of the immigration rules than some other countries. The US is not a visa country. American citizens can come here freely without getting a visa. Also, countries like Canada, New Zealand, Australia don't need visas and many other countries, EU citizens don't need visas. Obviously, they do require permission to enter the country now that we've left the EU, but many other nationals will, so Indians, Russians, Chinese, [00:11:00] many countries in Africa, et cetera, will need visas before they come to the UK so that there's a prior permission to enter. People coming as visitors have to be what the rules describe as genuine visitors. And essentially that means they have to have an intention to leave. They won't create a home or a base here, they won't work.

And we can talk very quickly about what that actually means. They can't do their [00:11:30] job here, even if it's for a very short period of time, but they can undertake permitted activities.

And that would be things like meetings, signing off on a deal, potentially giving internal training within your own company, et cetera, but you can't undertake your job of work here, even if it's just for a few days and you certainly can't be paid here. I imagine that's very similar to the system in the US. [00:12:00] There has been a lot of innovations over the last few years really around digitization. The visa system is much more digital than it was previously through use of biometrics and applying online, et cetera. And one really significant innovation or change that's come in the last six months is around ETAs, which is an electronic travel authorization that's very similar to the ESTA arrangements [00:12:30] that have been in place in the US for so many years. Even non-visa nationals such as US citizens, EU citizens, Australians, et cetera, they do now have to apply for that ETA permission but they can ordinarily come in, as I say, in theory for up to six months. But in practice, the expectation is that it would be a shorter period than that. And as [00:13:00] long as they don't work, they should be fine.

Strangely, also, it's becoming increasingly rare to actually talk to an immigration officer on arrival in the UK. We have a system of e-gates and many nationals qualify to simply go through an electronic process whereby you go through a gate, you present your passport, you have your photograph taken by the machine. And it will recognize you [00:13:30] and check your identity and your passport match, and also that it will know that you have the electronic travel authorization. In order to facilitate movement in the airports and to reduce the queues, et cetera, the system of entering the country has become increasingly digitized over recent times that the overarching policy that's been developed over the last few years and continues to be developed [00:14:00] is what they call a universal permission to travel, which means that anybody coming into the country should be prior authorized to enter either because they have a British or an Irish passport. Ireland obviously is a separate country, but we do have a special arrangement with Ireland called the common travel area, which means that Irish people can enter the UK freely.

If you have the passport or you have permanent residence [00:14:30] or you have a visa, which I mentioned, and typically that's now in the form of an e-visa rather than old-fashioned stamp in a person's passport that we used to see for so many years, or an ETA, which is, as I say this, electronic travel authorization. The idea behind the universal permission to travel scheme is that people are assessed prior to traveling to the UK on a risk basis [00:15:00] for security purposes and also for protecting the immigration rules to ensure that they're not allowing people in who may breach the immigration rules. All of that is done before they come here. For employers it's really important to ensure that when you're bringing people into the country, and you will say the same thing to your

clients coming into the US, to ensure that they are compliant with the activities that are permitted [00:15:30] and that they're not working.

Because obviously if you're in breach of immigration rules, that can incur all sorts of difficulties around coming in again in the future, potentially being removed or sponsors losing, sponsors i.e. employers, losing their reputation with the authorities, which could impact their ability to sponsor people again in the future. That kind of diagnosis, if you like, around whether a person qualifies as a business [00:16:00] visitor or whether it's necessary to go through a more detailed process of sponsoring them, that's really important every time.

Kate Kalmykov: I don't think people, even big companies that we work with sometimes really appreciate the complexity of it and what activities are permitted and the repercussions for violating them, so thank you for explaining that. And the ETA requirements, it's interesting because first of all, I will tell you I used to stand in those two hour lines [00:16:30] and cheap row and it was quite painful, so those improvements I think have been very good. And also the ETA mirrors what other countries are doing with the European Union, with the US, Israel, a lot of countries are implementing this sort of requirement. And for travelers it's critical to know that before you go because you don't want to have an issue for not having filled out the online application, which is fairly straightforward.

Ben Sheldrick: It's becoming really [00:17:00] standard I think for most countries to have an electronic system of prior approval. And as you touched upon just then, the European Union is introducing a similar scheme, which they are calling the ETIAS. You have ESTA in the US, you have ETA in the UK and ETIAS in the EU, but they're all broadly the same thing, which is that digital permission to enter the country in advance.

Kate Kalmykov: What do companies need to know if they're in a different scenario? Now they want to transfer somebody to [00:17:30] the US, sorry, to the UK, and is there an intercompany transfer visa? Does the situation differ if they have operations in the UK and they just want to employ someone from the UK to work for them or somebody who hasn't worked previously for the company overseas doesn't have a work relationship, but now they want to transfer to the UK without previous work, so a new recruit?

Ben Sheldrick: We have a system of sponsorship in the country, which means that employers, as you've [00:18:00] suggested, can sponsor people to come here either because they are already employed by the company overseas and they're being transferred on assignment or as is often the case, they are recruited to work on a long-term permanent basis here in the UK and they may not in that situation have been employed by the company before. Sponsorship requires employers who wish to benefit from the scheme to obtain a license to assign what's called a certificate of sponsorship. And [00:18:30] that is a process of applying to the relevant government authority here, which is our home office, and they apply for a sponsor license. It normally takes around about eight weeks to obtain a

sponsor license and the sponsor will need to prove or provide evidence of that they're a genuine trading entity and that they have the HR personnel systems in place to monitor and to ensure that [00:19:00] they know who's working for them and that those individuals will qualify under the relevant rules. There's a whole system of monitoring, tracking, record keeping and reporting that sponsors have to comply with.

And that really is around ensuring that those who benefit from the system of immigration, in other words, employers who benefit from bringing people into work for them, that they take some responsibility for administering the system. And so it's [00:19:30] like a devolved responsibility to track and monitor and ensure that people are compliant. It's an occupation-led system, so the skilled worker scheme, which is for people who may not have been employed previously, so not ordinarily transferees, but individuals who coming to work on potentially a permanent basis, that's an occupation-led system and it's really, salary is the most important [00:20:00] feature of that, so skill and salary. And as part of the process of trying to reduce numbers, which governments have been engaged in over the last few years, the salary thresholds have increased really year-on-year. Until about 2023, '24, the threshold was relatively low. It was 26,200 pounds sterling is a potential salary as long as the role [00:20:30] was sufficiently skilled.

That was then increased, I think to 38,700, and most recently it's been increased again to 41,700 pounds, so it's gone up a lot, but it's still, for most of our clients, it's a very achievable minimum salary threshold. But more importantly than the minimum threshold, the role has to be [00:21:00] paid at what is considered to be the appropriate rate for the role. The government publishes a set of codes which identify various job types, and each job type will have what's called an SOC code attached to it. And as part of the process of sponsorship, the employer or the representative, if they're working for them, as is often the case, will have to identify the appropriate code and the appropriate salary level for that particular job. [00:21:30] In many, many cases, the real salary that has to be paid will be a lot more than the minimum threshold under the scheme. Salary is important, the skill level is important, ensuring that the SOC codes are met and now under the Skilled Worker Scheme, the jobs that are listed under the SOC codes have been reduced again as an attempt to reduce numbers.

Ordinarily [00:22:00] jobs have about 180 different roles have been taken out of the qualifying list over the course of the last few months as a part of the most recent set of reforms. Again, making it harder for employers to bring people in. I had a case yesterday actually, for example, chefs used to be permissible [00:22:30] under the immigration rules because for highly skilled chefs and top level chefs, and we are currently working for a very well-known restaurant that's one of the world's leading restaurants, and they want to bring in a very skilled French chef. And under the current rules, it may not be possible for that to be the case because chefs have been removed, so that's something we're going to have to argue I think with the home office, [00:23:00] but that's just one

example. But for most of our clients that are in more professional services areas and banking and finance, et cetera, the roles that they sponsor into generally all still qualify under the SOC codes.

The benefit of the skilled worker scheme is that you can stay here on a long-term basis, and it's a category that leads to permanent residence, so what we call indefinite leave to remain, but there is a requirement of English [00:23:30] language, so if you come from an English speaking country like the US, that's fine. If you have a US passport, there's no issue with English language because that on the face of it shows that you've come from an English-speaking country, but obviously EU countries don't have English as their first language other than Ireland, so there may be an English test that the applicants will need to take before they come here. And there are various other requirements in terms [00:24:00] of financial maintenance. You have to show that you have a minimum amount of money available to you just to show that there's no risk of recourse to public funds, but that doesn't tend to be too problematic.

The skilled worker scheme is the one that employers tend to gravitate towards just because it means that people can stay here on a long of time basis if they choose to do so, because people's intentions may change over time. Whereas the intercompany transfer route, which is [00:24:30] what we now call global business mobility, that's a temporary category, so typically for your SINEs who are coming on a short-term basis. It can be for a few years, but it isn't a category that leads to what we call indefinite leave to remain. For the global business mobility route, that tends to be for senior workers, senior or specialist workers who have proprietary [00:25:00] knowledge of a business and its procedures and methodologies, et cetera, so classic intercompany transfer for somebody with specialist in-house knowledge. The advantage of the ICT scheme or the global business mobility scheme is that English language isn't a requirement, so you don't have to send people off to do English tests if they come from non-English speaking countries but the disadvantage is that it doesn't lead to permanent residence.

[00:25:30] Typically, an individual must have been employed for a 12-month period by the company overseas before they can benefit from the global business mobility route. Most of the time that's not an issue. For more highly paid roles, it's possible to circumvent that requirement. The salary for circumventing that requirement is 73,900 pounds, so it is possible in theory at least to be employed [00:26:00] for a couple of weeks as long as you're paid at or above that salary level and to benefit from global business mobility.

We tend to use the skilled worker scheme for our clients where we can just because as I say, it gives that flexibility in terms of future planning for indefinite leave to remain permanent residence. The salary thresholds for the transfer, the global business mobility route are now very similar to the skilled worker route, just the skilled worker route's gone up. For [00:26:30] global business mobility, the minimum salary is 45,800 pounds. And again, the skill level that is set for it is

at university level, what we call RQF 6, which is a technical way of describing degree-level education. Under all of those categories, it's possible to bring family members. In the UK, family members are your [00:27:00] spouse or your unmarried partner if you've been living together for a period of at least two years or civil partner. And when I say spouse or civil partner, I mean opposite sex or same-sex relationships and people who have been living together as if they were married for a period of at least two years. And children entering the UK, children have to be under the age of 18. I think in some countries it's extended to 21.

Kate Kalmykov: That's actually very interesting because [00:27:30] there's so many similarities with the US system, but so many differences too. For example, we have no relief for people who are unmarried and oftentimes we find ourselves doing a separate visa for them or coming up with some other creative solution or even having them travel in and out, which is very difficult obviously from a family reunification perspective, so thank you for sharing that. Now, you talked a lot about permanent residence and obviously in many cases, employers [00:28:00] want to keep their best employees, they want them to remain on payroll, so tell us a little bit about the options for permanent residency, the process, what does it look like, how long does it take, and typically what are the costs?

Ben Sheldrick: There are provisions within most categories under our immigration rules to obtain permanent residence. Ordinarily you can apply after five years, so in your typical sponsored worker situation, employees [00:28:30] who have been sponsored under the skilled worker route that I was talking about, as long as they remain in the category as a sponsored worker for a period of five years, they can apply at the end of that five-year period. They have to have continuous residence. Essentially what that means is that they have to have made the UK their base for that five-year period, and that's measured by looking at absences, so there shouldn't be absences in excess of 180 days [00:29:00] over any one-year rolling period, which is quite generous actually. As long as the UK has been their primary place of residence and they've been sponsored throughout that period, they don't have to have been sponsored by the same employer throughout that period. As the labor market, obviously is quite dynamic, so people may work for two or three years for a particular employer and then take an opportunity elsewhere.

And as long as they are sponsored correctly by the new employer, [00:29:30] they'll have to go through a process of achieving that obviously but as long as they have the certificate of sponsorship and they go through the process of obtaining the permission to stay et cetera, then that the time will qualify by adding the time with the first employer and the second employer. As long as you get to the five-year period, you can apply for indefinite leave to remain. There are some changes afoot, which I'll touch upon later on, but the government has published [00:30:00] a white paper, a policy paper in the last couple of months around immigration to try to look at ways of producing numbers. And there is talk of increasing that eligibility period from five years to



10 years, which would be a really big change and is a long period of time for people to wait before they can get permanent residence. The UK immigration system is expensive. It's very expensive. I think it's one of the most expensive in the world.

[00:30:30] I talked about the immigration skills charge and the NHS surcharge that are payable every year for individuals who are sponsored in the process of applying for indefinite leave to remain will cost a few thousand pounds as well. But in the context of all the general costs that have been incurred over the five-year period, it's not too bad. There is a scheme or a requirement called Knowledge of life and [00:31:00] language in the UK, that's around ensuring that people who obtain permanent residence understand the British culture, know something about British history and that they speak English, so there's a test that is taken. Essentially the way to pass that test is to read a book that accompanies it and that will tell you all about British history and politics and how parliament works. And you learn about kings and queens, and all sorts of various things [00:31:30] in relation, but are specific to the UK, and there's a multiple choice test that people take. Obviously that's also written in English, so you can only really pass it if you understand the English, so that's one of the requirements.

And there's also a residence requirement for that, I mentioned I think 180 days over the rolling period. Once you obtain indefinite leave to remain, you become a permanent resident [00:32:00] but that's different to citizenship obviously. It's the equivalent of a green card in the US, and it's possible to lose that status if you leave the country. The rule is that you shouldn't leave the country for two years or more without returning to reclaim your residence. If you get indefinite leave to remain and let's say you get a post to another country through work, that is fine [00:32:30] as long as you return within a two-year period. After two years, it becomes difficult to return because you're perceived to have renounced your status. In terms of converting indefinite leave to remain into citizenship, which a lot of our clients choose to do, there is a naturalization process which you can apply for once you have had indefinite leave to remain for at least a year. And [00:33:00] again, as with most countries, there are residence requirements that go with that.

You can't be outside the country for more than 450 days over the five-year period and not more than 90 days in the preceding year, so when we're helping people with citizenship, there's a lot of going through passports and checking dates to see how the absences add up and how they're spread over the time. If you're married [00:33:30] to a British citizen, there are quicker routes, so if you're married to a British citizen, you can apply after three years instead of five, and you don't have to wait for a year after getting indefinite leave to remain before applying. The absences' requirement is more generous, so no more than 270 days over that three year period. We and as I'm sure you do too, we have long-term clients who we will help over many years [00:34:00] in terms of obtaining their initial entry to the UK as sponsored workers, and then five

years later helping them with indefinite leave to remain and then a year later potentially helping them with citizenship.

If they do increase it to 10 years, then I might have retired by the time some of my new clients actually qualify, but I'll worry about that at the time.

Kate Kalmykov: It is quite a long time to extend out ability for [00:34:30] citizenship, but the process is quite similar in the US in many ways. But what about people who don't fit into the mold of employer sponsorship? In the US we have an investor-based green card where people can self-sponsor for it. We have investor treaties with other countries where they can apply for investor work visas. Does the UK have something similar for people who are entrepreneurs, investors, people who want to really [00:35:00] start their own business and maybe even work in a few different types of businesses at the same time?

Ben Sheldrick: Yeah, absolutely. I'll give you a brief overview of the options, which I have to say have become more complicated and difficult to navigate over the course of the last several years. For many years we had very clearly defined schemes for investors and for entrepreneurs. Investors [00:35:30] for a long time, the minimum investment was one million pounds that could be invested in stocks and shares in UK companies or in government bonds. That prevailed for many years. It was increased to two million at one point, and then there were various options for larger investors to invest more money and to obtain permanent residence more quickly. That investor scheme was abolished several years ago, [00:36:00] unfortunately, because we used to use it quite a lot for some of our more high net worth clients.

And we had an entrepreneur scheme as well for genuine business people who wanted to invest. [00:36:30] At one point it was 200,000 pounds in a trading business here in the UK, and the requirement was that that would be an active investment, so they would invest money and they would run the business and hopefully make a success of it. Those schemes have gone, but we do still have schemes that encourage what the government here likes to call the brightest and the best because there is an acknowledgement that even though we tried to control migration and keep numbers under control and answer the public [00:37:00] concern around migration numbers that we do as a country really need to bring people in to participate in the economy. And particularly that is the case now that we've left the European Union where we don't have a natural supply of the brightest and the best from the EU, so we do have to have schemes. There are various schemes available. We try to attract bright young people, so there's a graduate scheme for people who have obtained degrees here in the UK.

They can [00:37:30] work for up to two years after they have graduated from a regular bachelor's degree or a master's degree. I think if you obtain a PhD, you can be here for three years. There's a scheme called a high potential individual. Again, that's oriented towards bright young people who have been in the top

universities around the world, so if you obtain a degree from one of the top 50 universities, of which many will be in the US because you've got some fantastic universities [00:38:00] in the US on the global universities list, as long as you've obtained that degree in the last five years, you can obtain a visa to come to the country for up to two years and you don't have to be employed, you can set yourself up in business, et cetera. There's a global talent scheme, which is for people working in science, engineering, humanities, digital technology, [00:38:30] and the arts, so it's pretty broad.

And just as a brief overview, essentially you have to show that you either have exceptional talent, which means that you've got an amazing resume in that particular area, or you have what they call exceptional promise, which means that you may not have all the experience that the exceptional talented qualifying people have, but you've got some good experience plus relevant qualifications. There's a system of endorsement [00:39:00] for this, so the government has outsourced, if you like, the approval process to some independent institutions such as the Arts Council and Tech Nation, which deals with the technology sector to look over applicants and to determine whether they are considered to be within that exceptional category, meaning that they have a sufficient level of ability and talent and [00:39:30] experience to qualify. And that threshold is relatively high, so it's not something that we encourage everybody to apply under because the threshold is pretty high in terms of your resume.

There are various other schemes such as Ancestry, so we as a country have relationships with many countries around the world through our historical links to a lot of countries, so if you have a grandparent, if you're from a Commonwealth [00:40:00] country and you have a grandparent who was born in the UK, so Commonwealth countries would include Australia and New Zealand, et cetera. And many other countries around the Caribbean and India, then you can show... If you have an ancestral connection through grandparents, you can obtain a long-term visa to come here and obtain permanent residence at the end of that period. We have schemes for youth mobility, so that is for young people from [00:40:30] a list of countries that have a reciprocal arrangement with the UK. In other words, they allow our young people to go and work there for periods of time. They can come for up to two years to work. And there are some entrepreneur schemes which are not as easy as the ones that I mentioned before around just investing 200,000 pounds in a business.

But there is a scheme called an Innovator Founder, which enables individuals who've got a business plan that has to be innovative, [00:41:00] viable, and scalable. Innovative means that it's original, that it's different from anything else on the market. Viable means that it's got potential for growth, and scalable means that there is evidence of planning that would enable the creation of new jobs. As long as the business plan meets those requirements, it is possible to, again, to get an endorsement as I mentioned, the home office likes to [00:41:30] outsource these decisions to specialists. One of the endorsing bodies would

approve that business plan and then you could apply for a visa to come here to set up that business, so that's quite good. And you can apply, as long as that scheme works, as long as the business works, you can apply for permanent residence after three years. There are a few other schemes such as what they call an expansion worker, that's for people who are coming to the country to [00:42:00] set up a branch or a subsidiary of an existing entity overseas. It used to be called a sole representative of an overseas entity.

It's a little bit like a sponsorship scheme in that the UK entity has to obtain a sponsor license to sponsor the expansion worker, but it's a light touch establishment, so as long as the company has been set up on a footprint basis, which would be either showing that they have premises or registration that companies [00:42:30] house, a bank account, that sort of thing, then they can bring people in to expand an overseas business into the UK. They need to have a credible expansion plan, and that person would have to be paid a minimum salary, I think it's 48,500 pounds, so that's a good scheme that people do use.

But I have to say, these schemes are not as good as the ones that I used to work in for many years, which were much more straightforward [00:43:00] around entrepreneurs and investors. But I noticed in the white paper that was published not so long ago, I've talked about the fact that they might increase the eligibility period for indefinitely from eight to 10 years, there is also language in that white paper about making these entrepreneur schemes easier to access and a little bit more flexible because as I said at the outset, there is a recognition that we need to bring brilliant people into the country, and there's a lot of competition between [00:43:30] countries for the best. And so we have to have schemes that enable that to happen.

Kate Kalmykov: The studies also show that the contributions once these individuals come are just so numerous in terms of investment, in terms of jobs and innovation. It's amazing.

Ben Sheldrick: Exactly.

Kate Kalmykov: ... [00:44:00] to bring in that talent. And here in particular in the STEM fields, we have a shortage.

Ben Sheldrick: And we do too, so that's part of the rationale behind the global talent scheme, et cetera. There's a lot of competition between countries for these people.

Kate Kalmykov: Well, thank you so much for joining us today, Ben. I learned a tremendous amount and it is quite complex.

Ben Sheldrick: As always, it keeps me busy, so as I'm sure it does you.

Kate Kalmykov: [00:44:30] And we're lucky to be able to work with you and to have you on the program, so thank you so much. And I think at the end, we'll include your

contact information for anyone who's interested in reaching out to you and learning more.