



The Nathanson Partnership  
IMMIGRATION SERVICES



# **Tier 1 (Investor) Visa Frequently asked questions**

2021

## REQUIREMENTS FOR A TIER 1 INVESTOR VISA

### Applying for a Tier 1 Investor visa

In order to qualify for a Tier 1 Investor visa, you will need to satisfy UK Visas and Immigration at the Home Office that:

- You have £2 million belonging to yourself, your partner or the two of you jointly;
- The money is held in a regulated financial institution;
- The money is freely transferable to the UK and able to be converted to pound sterling;
- You have opened a bank account with a UK regulated financial institution for the purpose of investing not less than £2 million in the UK.

If you have held your investment funds for less than 2 years then you will need to prove the source of your funds and, in every case, the Home Office will need to be satisfied as to the provenance of your funds.

If applying for a UK Investor visa from overseas, you and any adult dependants will need to provide an overseas criminal record certificate for any country that you have lived in for at least 12 months in the last 10 years.

As a UK Investor visa applicant, you will not need to satisfy any English language, maintenance funds or accommodation requirement.

### Extending a Tier 1 Investor visa

In order to extend your stay in the UK as a Tier 1 Investor, you will need to satisfy UK Visas & Immigration that:

- You have invested not less than £2 million in the UK by way of UK share capital or loan capital in active and trading UK registered companies;
- You made your investment either
  - (i) within 3 months of your entry to the UK, if you were granted entry clearance as a Tier 1 Investor and there is evidence to establish your date of entry to the UK (unless there are exceptionally compelling reasons for the delay in investing); or
  - (ii) within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 Investor (unless there are exceptionally compelling reasons for the delay in investing); or
  - (iii) no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 Investor;
- You have maintained the level of investment for the whole of the remaining period of your leave.

## Settlement in the UK on the basis of a Tier 1 Investor visa

In order to settle in the UK as a Tier 1 Investor, you will need to satisfy UK Visas & Immigration that:

- You have money of your own, under your own control, in the UK amounting to no less than £2 million;
- You have invested your capital in the UK by way of share capital or loan capital in active and trading UK registered companies;
- The investment was made no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 Investor Migrant;
- You have maintained the level of investment for the whole of the remaining period of your leave;
- You have spent a continuous period of either 2 years (if you have maintained an investment of at least £10 million), 3 years (if you have maintained an investment of at least £5 million) or 5 years (if you have maintained an investment of at least £2 million) lawfully in the UK as a Tier 1 Investor;
- You have been absent from the UK for no more than 180 days in any rolling 12 months during the continuous period relied on;
- Unless you are aged 65 or over, you have sufficient knowledge of the English language and Life in the UK.

## Our commitment to our clients

At The Nathanson Partnership, we want to make sure that we understand your long term immigration requirements and. In doing so, we will be able to provide a strategic and bespoke plan for you to achieve this goal and working in partnership with you.

We are committed to providing :

- Direct access to specialist immigration experts
- Expert knowledge of immigration law and procedure
- Honest and independent legal advice
- Professional and reliable service with fast response times
- Practical and affordable immigration solutions
- Consistent record of success and positive client feedback

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Commissioner (OISC)  
Regulation No: F201900067

## THE 5 YEAR ROUTE TO SETTLEMENT IN THE UK

APPLICATION STAGE	PROCESSING TIME
<b>Initial Application:</b> <ul style="list-style-type: none"><li>• At least £2 million available.</li><li>• Held in a regulated financial institution.</li><li>• Freely transferable to the UK.</li><li>• Source of funds.</li><li>• UK bank account.</li><li>• Criminal record certificate.</li></ul>	<b>3 YEARS GRANTED</b>
<b>Extension Application</b> <ul style="list-style-type: none"><li>• Invested at least £2 million in the UK.</li><li>• Invested within 90 days.</li><li>• Permitted investment.</li><li>• Investment level maintained.</li></ul>	<b>2 YEARS GRANTED</b>
<b>Settlement Application</b> <ul style="list-style-type: none"><li>• Invested at least £2 million in the UK.</li><li>• Invested within 90 days.</li><li>• Permitted investment.</li><li>• Investment level maintained.</li><li>• Residence requirement.</li><li>• English language and Life in the UK.</li></ul>	<b>INDEFINITE LEAVE TO REMAIN GRANTED AT 5 YEARS</b>

## FREQUENTLY ASKED QUESTIONS

### ON YOUR FUNDS

#### Can I rely on funds that are not in pounds sterling?

Yes. If your investment funds are held in a foreign currency, their value will be converted to pounds sterling using the spot exchange rate which appears on [www.oanda.com](http://www.oanda.com) on the date of application.

#### Do I need to move my funds to the UK before applying for a Tier 1 Investor visa?

No. You can rely on funds that are held in an overseas financial institution, provided the funds are freely transferable to the United Kingdom and the financial institution holding the funds is willing to confirm this in writing.

#### Can I rely on funds that have been gifted to me by a third party?

Yes. Legal ownership of the funds will need to have been irrevocably transferred to you and you will need to provide the supporting documents specified by the Immigration Rules.

#### What other sources of funds are permitted?

Investment funds can originate from any legal source, provided relevant documentation can be provided as evidence of the source of the money, together with independent supporting evidence.

### **Can I rely on funds belonging, individually or jointly, to my spouse, civil partner or unmarried or same-sex partner?**

Yes. You will need to demonstrate that your relationship is genuine and subsisting and that the funds are under your control and you are free to invest them.

### **Do I need to have held my investment funds for at least 2 years?**

No. If you have held your investment funds for less than 2 years then you can still qualify for a UK Investor visa if you can provide specified evidence of the source of your funds.

### **Do I need to prove the source of my funds if I have held the funds for at least 2 years?**

The Immigration Rules do not require any mandatory evidence of the source of funds where the funds have been held for at least 2 years.

However, the Home Office does have power to refuse an application for a Tier 1 Investor visa if it is not satisfied that the funds were lawfully obtained. We strongly advise all clients to provide evidence to establish the provenance of their funds.

### **Can I rely on funds that I have already invested in the UK?**

Yes. You can qualify for a Tier 1 Investor visa by relying on funds that you invested in the UK during the 12 months before the date of application.

### **Do I need a UK bank account?**

Yes. You will need to have opened an account with an FCA-regulated financial institution for the purpose of investing at least £2 million in the UK.

## **INVESTING IN THE UK**

### **What are my investment options?**

You will need to invest at least £2 million in share capital and/or loan capital in active and trading UK registered companies.

### **Can I invest in UK government bonds?**

From 29 March 2019, UK government bonds are no longer a Tier 1 qualifying investment. Tier 1 Investor visa holders can still invest in UK government bonds, but any such investment must be made outside the Tier 1 Investor visa scheme.

### **Are there any other restrictions on investments?**

The Immigration Rules for Tier 1 Investors contain various restrictions on permitted investments. For example, investments in offshore companies or trusts, open-ended investment companies and companies mainly engaged in property investment, property management or property development are all prohibited.

### **Does this mean that all investments into property-related companies are prohibited?**

No. The Home Office will look to see how the UK business derives its revenue. Business income must be generated from the supply of goods and/or services and not derived from the increased value of property or any income generated through property, such as rent.

Investments into companies mainly engaged in construction or hotels, for example, would be permitted.

### **Can I invest in a UK start-up business?**

Tier 1 Investors are required to invest in active and trading UK registered companies. This means that at the date of the investment the company must be registered with Companies House in the UK, registered with HM Revenue and Customs for corporation tax and PAYE, have accounts and a UK business bank account, both showing regular trading of its own goods or services and have at least two UK-based employees who are not its directors.

### **How long will I have to make my investment?**

You will need to invest at least £2 million in actively trading UK companies within 90 days of entering the Tier 1 Investor category.

### **Is there any flexibility in the 90 day requirement?**

The Home Office has a discretion to waive the 90 day requirement where there are compelling reasons for a delay in investing. The reasons will need to be unforeseeable, outside of your control and, where possible, reasonable steps must have been taken to mitigate the delay. Delays caused by failing to take timely action will not be accepted.

### **What happens if the value of my investment drops below £2 million?**

Market fluctuations in the value of your investment will not impact on your ability to demonstrate that you have maintained a particular level of investment throughout your period of leave.

### **Can I sell any of the funds once I have invested?**

Where any part of the qualifying investments is sold (whether at a gain or at a loss) during the specified continuous period of leave, the gross proceeds must be re-invested in qualifying investments before the end of the next reporting period, or within six months of the date of completion of the sale, whichever is sooner.

### **Can I withdraw interest and dividends?**

Yes. Tier 1 Investors may withdraw interest accrued and dividends declared after the date on which they purchased their qualifying investments.

### **Can I settle any fees, transaction costs or tax liability from the invested funds?**

Fees, for example those charged by institutions for managing a portfolio, and transaction costs and tax incurred through buying and selling investments cannot be paid for from investment funds relied on to score points but can be paid from any surplus investment.

## **SETTLEMENT IN THE UK**

### **Does the Tier 1 Investor visa lead to settlement in the UK?**

If you invest at least £2 million into permitted investments and maintain your investment, you may be eligible for settlement under the Tier 1 Investor route once you have resided in the UK as a Tier 1 Investor for a continuous period of 5 years.

### **What are the requirements for accelerated settlement?**

Tier 1 Investor visa holders may apply for accelerated settlement after a continuous period of either 2 years (if they have maintained an investment of at least £10 million) or 3 years (if they have maintained an investment of at least £5 million).

### **Can I increase my investment amount and qualify for accelerated settlement?**

Yes. You will need to provide evidence of holding the additional funds for a 2 year period before investing, or provide evidence of the source of those additional funds. You will only be able to include time from up to 3 months before your investment was increased to £5 million or £10 million towards your accelerated continuous period.

## **FAMILY & DEPENDENTS**

### **Can a Tier 1 Investor bring family members to the UK?**

Yes, Tier 1 Investors may bring, or be joined by, their spouse, civil partner, unmarried or same-sex

partner and any children under the age of 18. Investors cannot bring their parents, siblings or other extended family members.

### **Can my dependants qualify for accelerated settlement?**

No. Dependants must reside in the UK for a continuous 5 year period in order to qualify for indefinite leave to remain.

## **INDEFINITE LEAVE TO REMAIN, RESIDENCY & CITIZENSHIP**

### **What is the residence requirement for indefinite leave to remain as a Tier 1 Investor?**

You will need to have not spent more than 180 days outside the UK during any rolling 12-month period during the relevant continuous 2, 3 or 5 year period.

### **How is the 180-day residence requirement calculated?**

The Home Office will look at all the rolling 12-month periods during the continuous residence period relied on, counting back from the date of application for indefinite leave to remain.

Travel days, on which you spend part of the day in the UK and part of the day outside the UK, will not be counted.

### **Does the 180-day residence requirement apply to dependants?**

Your spouse, civil partner, unmarried or same-sex partner will need to satisfy the 180-day residence requirement in order to qualify for indefinite leave to remain. Children under the age of 18 do not need to satisfy a residence requirement.

### **Do I need to be able to speak English?**

There is no English language requirement for an initial or extension Tier 1 Investor application. However, unless aged 65 or over, you will need to take and pass an approved English language test at CEFR Level B1 before you apply for settlement. You will also need to take and pass the Life in the UK test, which is in English.

### **Can I withdraw my investment funds once I have been granted Indefinite Leave to Remain?**

Yes. You may liquidate your investments and withdraw your investment funds from the UK, in whole or in part, once you have been granted indefinite leave to remain.

### **Does the Tier 1 Investor visa lead to British citizenship and a British passport?**

Yes. You can apply to naturalise as a British citizen once you have held indefinite leave to remain (ILR) for a 12-month period (or upon being granted ILR if married to a British citizen). You will need to be of good character and satisfy a more stringent residence requirement.

## **MAKING THE APPLICATION**

### **When should I apply for a Tier 1 Investor visa?**

You should make an application for a Tier 1 Investor visa no more than 3 months before you intend to travel to the UK.

### **Can I switch into the Tier 1 Investor from within the UK?**

You can switch into the Tier 1 Investor visa category from within the UK if you have, or were last granted, entry clearance, leave to enter or remain as a Highly Skilled Migrant, Tier 1 (General) Migrant, Tier 1 (Entrepreneur) Migrant, Tier 1 (Investor) Migrant, Tier 2 Migrant, Skilled Worker, Tier 4 (General) Student (subject to conditions), Student or as a Tier 4 (Child) Student or Child Student.

### How much does a Tier 1 Investor visa cost?

The Home Office application fee for a Tier 1 Investor visa is currently £1,623. In addition, you will need to pay the Immigration Health Surcharge, which is currently £624 per person per year of the visa.

The Nathanson Partnership will charge a fee for assisting you with your visa application. This is a flat fee and will not increase over the period of your application unless additional services such as appeals and additional applications, are required. There will also be other government; legalisation, apostille and translation costs to be considered.

### How long will it take for my Tier 1 Investor visa application to be decided?

Most visa application centres outside the UK offer a priority service which allows Tier 1 Investor visa applicants to receive a decision on their applications for entry clearance within 5 working days.

### How long will my Tier 1 Investor visa be valid for?

You will be given permission to enter and remain in the UK as a Tier 1 Investor for 3 years initially. Beyond this, you will need to submit a further application for leave to remain, which will be valid for 2 years. After 5 years in the UK as a Tier 1 Investor, you may be eligible to apply for settlement.

### What documents do I need to provide in support of my application?

The Immigration Rules contain strict requirements in terms of the documents that must be submitted in support of a Tier 1 Investor visa application, as well as the content and format of these documents. Our immigration experts can advise in detail as to the required documents and check all documents for compliance with the Immigration Rules, as part of our visa application preparation and submission service.

Contact us for more information or guidance:

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## OUR SERVICES

Our immigration experts work directly with individuals and businesses, within the UK and overseas to prepare high quality Tier 1 Investor visa applications.

If you instruct us to prepare an application for entry clearance, leave to remain or settlement as a Tier 1 Investor we will:

- Work on your matter;
- Accurately identify both the type of immigration application you should make and how your application should be structured for success;
- Provide you with expert advice as to the requirements of the Immigration Rules for your immigration application, as well as any relevant Home Office policies and case-law;
- Advise you in detail as to the documentary evidence that you will need to submit in support of your immigration application, including any requirements in terms of the content and format of these documents;
- Introduce you to a selection of leading FCA-regulated investment management firms with experience of the Tier 1 Investor visa category;
- Liaise directly with your investment management firm to obtain the necessary documents in support of your application, in the correct format;
- Check all your supporting documents for compliance with the requirements of the Immigration Rules and advise you as to any required or recommended amendments;
- Complete the relevant immigration application form(s);
- Draft a witness statement in support of your immigration application (this is a detailed personal statement, which you will sign, explaining the factual basis of your application (where necessary));
- Draft a 'immigration opinion' in support of your immigration application (this is an expert legal opinion, prepared by your immigration adviser, which will set out all the requirements of the Immigration Rules and explain to the Home Office, in detail, why your application should be approved);
- Prepare your application bundle ready for submission to the Home Office;
- Arrange for a second senior immigration adviser to independently check your completed immigration application prior to submission to the Home Office;
- Scan your finalised application bundle ready for submission to the Home Office;
- Submit your immigration application to the Home Office on your behalf;
- Act as your agent for all correspondence with the Home Office, up to and including receipt of the decision on your immigration application;
- Provide you with professional advice throughout the process of preparing your immigration application, by email, telephone or in-person as required;
- Provide you with professional advice as to the next steps once you have received a decision on your immigration application.

Through our network of trusted partners we can also offer a range of ancillary relocation services including but not limited to school and university placement, tax advice, property search, private banking and wealth management to name a few.

## ABOUT THE NATHANSON PARTNERSHIP

The Nathanson Partnership is a niche immigration practice and we provide a dedicated service to all our clients. We have more than 20 years' experience in immigration and our mission is to deliver the confidence to trust in our services offering you a full advisory and end-to-end managed service.

We work on a transparent fixed fee basis and will support all our clients through the visa or work permit application process from start to finish.

We can help you with:

### UK BUSINESS IMMIGRATION SERVICES

- Corporate Immigration Strategy & Planning
- Sponsor Licence Applications
- Work Permit applications & Intra Company Transfers
- Business Visas
- Audit & Review services
- Compliance Checks & Training UK Private Immigration

### PRIVATE CLIENT IMMIGRATION SERVICES

- Investor Visas
- Entrepreneur Visa
- Student & Family immigration
- Post Graduate Visa Route
- BNO Citizenship Program
- Settlement
- Naturalisation & Citizenship
- Passport Services

### GLOBAL IMMIGRATION SERVICES

- Short- & Long-term work authorisation
- Business Visit Visas
- Visa & Consular Assistance
- Citizenship
- Permanent Residency
- Legalisation & Apostilles

Please feel free to contact us for an initial assessment, advisory or guidance services.

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*This document is for guidance only and does not constitute legal advice. Please contact us at The Nathanson Partnership for clarification, queries and further information.*

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