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UK Visa Rules to be relaxed for the super-rich

Visa rules for foreign high net worth individuals and families prepared to invest their money in the UK may be relaxed under proposals expected to be announced shortly by the Home Office. The proposed changes to Tier 1 "investor visas" will make it easier for wealthy individuals and families to obtain permanent UK residency.

Under the new proposals, wealthy investors would need to spend only 6 months in the UK (as opposed to 9 months under the current rules) in order to qualify for a visa. The 9 month criteria for living in the UK each year was often a burden on entrepreneurs who had to both hand over management of their businesses in their home country to a new management team and still participate in international business for their group necessitating frequent international travel.

The wait for permanent residency may also be cut dramatically for the wealthiest of migrants. Investors bringing in £10m would qualify for permanent residency within 2 years. Those bringing in £5m and £1m would qualify in 3 and 5 years respectively. Currently, anyone on an investor visa must wait 5 years to qualify.

Restrictions for entrepreneur visas may also be relaxed. This will allow businesses to bring in an extra employee from overseas in return for an additional investment of £50,000.

However this has not changed the residence requirements for applications for British nationality, by naturalisation, after permanent residency has been granted. Normally, for people who are not married to, or the civil partner of, a British citizen, a foreign person who as achieved permanent residency will qualify to apply for British nationality 12 months after being granted permanent residency.

However, an applicant must not have had:

- more than 450 days outside the UK in the 5 year period before making the application
- more than 90 days outside the UK in the 12 month period before making the application

There is in certain cases a discretion to disregard absences in excess of these limits. However, the rules relating to this are extremely complex, but we would be happy to advise on any individual's proposed absences (preferably before or at the beginning of the 5 year period).

In relation to the new work permit system, now known as Tier 2 - General under the points-based system, with effect from July last year, UK Border Agency introduced an interim cap on the numbers of applicants who can be admitted for employment. This limit does not apply to intra-company transfers. The current interim limit runs until the beginning of April. In addition to limiting the number of applicants, UKBA have only been allowing licensed sponsor employers to bring in workers from overseas in cases where the salary offered has been more than £36,000. However, proposals were announced yesterday that non-European Union workers who are to earn more than £150,000 a year are to be excluded from the cap. However, these are only proposals at this stage.

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