

CHAPTER 5: SECTION 3 - SOLE REPRESENTATIVES OF OVERSEAS FIRMS

ANNEX K: LETTER SETTING OUT EVIDENCE REQUIRED FOR ENTRY CLEARANCE OR FURTHER LEAVE TO REMAIN AS A SOLE REPRESENTATIVE

Dear

Thank you for your recent enquiry concerning the procedure for becoming the sole representative of an overseas firm in the United Kingdom.

The Immigration Rules provide that sole representatives of overseas firms that have no branch, subsidiary or other representative in the United Kingdom are not required to obtain a work permit. Such a person, does however, require prior entry clearance (visa/entry certificate) for which application must be made at the appropriate British Embassy, Consulate or High Commission overseas.

With an application the following information must be provided:-

- a. full description of the company's activities with details of the company's assets and accounts including full details of the company share distribution for the previous year.
- b. Confirmation that the overseas company will establish a wholly owned subsidiary or register a branch in the United Kingdom;
- c. the applicant's job description, salary and contract of employment;
- d. confirmation that the applicant is fully familiar with the company's activities and that he/she has full powers to negotiate and take operational decisions without reference to the parent company;
- e. a notarised statement from the company that the applicant will be their sole representative and that they have no other branch, subsidiary, or representative in the United Kingdom;
- f. a notarised statement confirming that the company's operations will remain centred overseas;
- g. a notarised statement that the applicant will not engage in business of his or her own nor will he or she represent any other company's interest;
- h. the applicant's passport.

Applications will normally be decided overseas but occasionally it may be necessary to refer an application to the Home Office for further enquiries and decision. In that event it would take some time before a decision is reached.

If the applicant is successful he/she will, on entry to the United Kingdom, be given leave to enter for 24 months initially. At the end of that time he/she may apply to the Home Office for an extension of stay. The applicant should then supply evidence as follows:-

- I. a letter from the parent company stating that they wish to continue to employ the applicant as previously;
- II. evidence in the form of accounts of the business generated (this form can be flexible according to the nature of the company's business);
- III. evidence of the salary paid to the applicant in the first two years of operation and the terms on which the salary will in future be paid;
- IV. evidence that he has established and is in charge of a registered branch or wholly owned subsidiary of the overseas parent company;
- V. the applicant's passport.

When a sole representative has remained in the United Kingdom for 5 years in this capacity he may be eligible to apply for settlement.

Yours