



Home Office

Tier 1 (Entrepreneur)

Version 24.0

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About this guidance

This guidance tells you about the Tier 1 (Entrepreneur) category of the points-based system (PBS).

It is based on the [Immigration Rules part 6A, paragraphs 245D to 245DF](#) and [Immigration Rules appendix A](#).

It is for those investing in the UK by setting up or taking over, and being actively involved in the running of, one or more businesses in the UK.

This category is now closed to new applicants.

Individuals who have entry clearance, leave to enter or leave to remain as one of the following:

- a Tier 1 (Entrepreneur) Migrant
- a Tier 1 (Graduate Entrepreneur) Migrant
- a Start-up migrant, having previously held leave as a Tier 1 (Graduate Entrepreneur) Migrant

or have had such leave in the 12 months immediately before the date of application, may still apply in this category to extend their stay or for indefinite leave to remain.

For the purpose of [paragraphs 245D to 245DF](#) and paragraphs 35 to 53 of [appendix A](#), 'business' means an enterprise such as a:

- sole trader
- partnership
- company registered in the UK

All migrants entering the UK as a Tier 1 (Entrepreneur) migrant must have a valid entry clearance under this route. If they do not, entry will be refused.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you, or you think that the guidance has factual errors, then you can email the Economic Migration Policy team.

Border Force officers can also email Border Force OAS enquiries.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on), or have any comments about the layout or navigability of the guidance, then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **24.0**
- published for Home Office staff on **29 March 2019**

Changes from last version of this guidance

This version replaces the Tier 1 (Entrepreneur) guidance version 24.0 which has been withdrawn and archived. It provides guidance on how to process initial, switching and extension applications following the Immigration Rules change of 29 March 2019, and the closure of the route to most new applicants.

Related content

[Contents](#)

Safeguard and promote child welfare

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

Key facts

This page shows you the key facts for the Tier 1 (Entrepreneur) category.

Key facts	Summary
Eligibility requirements	<p>Applicants must score 95 points, made up of:</p> <ul style="list-style-type: none">• 75 points for attributes• 10 points for meeting the English language requirement• 10 points for meeting the maintenance requirement <p>Applicants must be at least 16 years old.</p> <p>If the applicant is under 18 years of age the applicant's parents, legal guardian, or sole parent with legal responsibility for the child must:</p> <ul style="list-style-type: none">• support the application• give their consent to the applicant's:<ul style="list-style-type: none">○ travel arrangements to the UK○ reception and care in the UK <p>Two applicants can claim points for the same investment and business activity if they name each other on their application forms and documents. The money for investment can be shared by a team of up to 2 entrepreneurs.</p> <p>Each member of the team may work in the UK as a Tier 1 (Entrepreneur) using the same investment funds. A maximum of 2 people in an entrepreneurial team are allowed. Neither applicant must have used the same funds with any other applicant.</p> <p>Tier 1 (Entrepreneur) migrants who invest in the same business and are not part of an entrepreneurial team may not use the same evidence of job creation.</p>

Key facts	Summary
	An applicant who has had entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) migrant in the 12 months immediately before the date of application, must meet the extension criteria and cannot use the initial criteria.
Closing dates for applications	<p>Existing Tier 1 (Entrepreneur) migrants can submit applications to:</p> <ul style="list-style-type: none"> • Extend their stay before 6 April 2023 • Settle before 6 April 2025 <p>Existing Tier 1 (Graduate Entrepreneur) migrants can submit applications to:</p> <ul style="list-style-type: none"> • Switch into Tier 1 (Entrepreneur) before 6 July 2021 • Extend their stay after switching into Tier 1 (Entrepreneur) before 6 July 2025 • Settle after switching into Tier 1 (Entrepreneur) before 6 July 2027
Application forms	Application made outside UK – Visa4UK Application made inside UK – Switching or extension - Tier 1 (Entrepreneur) Indefinite leave to remain – SET(O)
Cost of application	See Fees for Home Office services
Is entry clearance mandatory?	Yes
Is biometric information required for applications made in the UK?	Yes
Entry clearance endorsement	CAT D: Tier 1 (Entrepreneur) Migrant
Overseas criminal record certificate	Tier 1 (Entrepreneur) entry clearance applicants, and their adult partners (aged over 18), must provide an overseas criminal record certificate for any country they have been present in continuously or in total for 12 months or more in the last 10 years prior to their application.
Entry clearance condition code	Code 1 (+bus) (+sport)
Code of leave to remain granted	Code 4D

Key facts	Summary
Conditions of leave to remain	<p>Leave under this route is subject to the following conditions:</p> <ul style="list-style-type: none"> • no recourse to public funds • registration with the police, if this is required by paragraph 326 of the Immigration Rules • no employment other than working for the business or businesses the applicant has established, joined or taken over - working for such a business or businesses does not include any work the applicant does pursuant to (in line with) a contract of service or apprenticeship with another business whether express or implied, oral or written • no employment as a professional sportsperson (including as a sports coach) - this applies to applications made after 6 April 2011, but the biometric residence permit (BRP) only contained this condition from 1 December 2012- if you come across someone without the condition on their BRP, who is working as a sportsperson or coach, please contact the economic migration policy team for advice • study subject to the condition below <p>The migrant is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education institution before they start their study if:</p> <ul style="list-style-type: none"> • they are over age 18 (or will be over 18 by the time their leave expires) • their course is one of the following: <ul style="list-style-type: none"> ○ a doctorate or master's degree by research in one of the

Key facts	Summary
	<p>disciplines listed in paragraph 1 of appendix 6 of the Immigration Rules</p> <ul style="list-style-type: none"> ○ a taught master's degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of appendix 6 of the Immigration Rules ○ a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2 of appendix 6 of the Immigration Rules at an institution of higher education, where this forms part of an overseas postgraduate qualification <p>If their course (or research) completion date is postponed or delayed for more than 3 calendar months, or there are any changes to the course contents (or the research proposal), they must apply for a new ATAS certificate within 28 calendar days, and must provide a printout of the new certificate to their institution promptly.</p>
How long is leave normally granted for?	<p>Leave is normally granted for:</p> <ul style="list-style-type: none"> • 3 years and 4 months for entry clearance • 3 years for switching (leave to remain where the previous grant of leave was not as a Tier 1 (Entrepreneur) migrant, businessperson or innovator) • 2 years for extensions (leave to remain where previous grant of leave was as a Tier 1 (Entrepreneur) migrant, businessperson or innovator)
Are dependants allowed?	Yes
Are work and study allowed?	Genuine entrepreneur activity (no contract of service with another business)

Key facts	Summary
	<p>Migrants must only work for the business or businesses they have established, joined or taken over. Working for such a business or businesses does not include any work the applicant does pursuant to a contract of service or apprenticeship for another business, whether express or implied, oral or written.</p> <p>The migrant must be:</p> <ul style="list-style-type: none"> • employed as the director of the business they have invested in • working in a genuinely self-employed capacity <p>Where a migrant enters into contracts with another business in this capacity, this will normally be regarded as contracts for service.</p> <p>They may not be considered to be working for their own business if the work they do is considered to be employment by another business. For example, where the migrant's work involves the business, in effect, hiring them for their labour or to fill a position or vacancy. This includes where the business hires the individual using a recruitment or employment agency. Contracts entered into by the migrant with another business in this capacity will normally be regarded as contracts of service.</p> <p>This applies even if the applicant claims the work is undertaken on a self-employed basis.</p> <p>You must consider all of the factors below when considering whether the applicant's work amounts to genuine self-employment or is in fact employment by another business:</p> <ul style="list-style-type: none"> • whether the applicant is in business for themselves and is

Key facts	Summary
	<p>responsible for the success or failure of that business and it can make either a profit or a loss</p> <ul style="list-style-type: none"> • whether the applicant can decide what work they do and when, where or how they do it • whether the applicant can hire someone else to do the work • whether the applicant is responsible for fixing any unsatisfactory work in their own time • whether the applicant agrees a fixed price for the work – it does not depend on how long it takes to finish • whether the applicant uses their own money to buy business assets, cover running costs and provide tools and equipment for their own work • whether the applicant can work for more than one client • whether the applicant can put in bids or give quotes to get work • whether the applicant is under direct supervision when working • whether the applicant submits invoices for the work they have done • whether the applicant is responsible for their own National Insurance and tax • whether the applicant gets holiday or sick pay when they are not working • whether the applicant operates under a contract for services or consultancy agreement that uses terms like ‘self-employed’, ‘consultant’ or an ‘independent contractor’ <p>You should consider all of the available evidence as a whole. A single factor may not in itself determine whether the applicant’s work is genuine self-employment.</p>

Key facts	Summary
	<p>If you consider an applicant's work to be employment by another business, you may consider them to be working in breach of their conditions of stay. This makes them liable for curtailment and/or removal action.</p> <p>Study is allowed providing this does not prevent the migrant from meeting the extension criteria.</p>
Is switching allowed?	<p>Applicants can switch from the following categories:</p> <ul style="list-style-type: none"> • Tier 1 (Graduate entrepreneur) migrant
Does time spent in this category count towards indefinite leave to remain?	Yes
Is knowledge of language and life required?	Yes, for indefinite leave to remain applications.
CID case type	Tier 1 HS Entrepreneur
Immigration Rules paragraphs	Paragraphs 245D to 245DF, and appendices A, B and C

Related content

[Contents](#)

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

[Fees for Home Office services](#)

Entry or extension requirements

No new entry applications submitted on, or after, 29 March 2019 can be accepted, unless the applicant has held leave as a Tier 1 (Graduate Entrepreneur) migrant within the past 12 months.

Please note that applicants can apply for extensions from overseas if they have held leave as a Tier 1 (Entrepreneur) migrant in the past 12 months. It is therefore still possible for entry clearance applications to be made.

This page tells you what requirements a person must meet in order to be granted entry clearance or leave to remain as a Tier 1 (Entrepreneur) migrant.

Before you consider awarding points to an application, you must check that the:

- application is valid
- applicant's passport or travel document is genuine
- general grounds for refusal do not apply

For more information, see:

- Applications for leave to remain: validation, variation and withdrawal
- General grounds for refusal
- Biometric information: introduction

Requirements of paragraph 245DB and 245DD

To be granted entry clearance or leave to remain as a Tier 1 (Entrepreneur) migrant, a person must:

- be investing in the UK by both:
 - setting up, joining or taking over one or more businesses in the UK
 - being actively involved in the running of those businesses
- score 75 points for attributes
- score 10 points for English language
- score 10 points for maintenance
- have leave as a Tier 1 (Entrepreneur) migrant or be switching from Tier 1 (Graduate Entrepreneur) (or, for entry clearance applications, have held leave as a Tier 1 (Entrepreneur) migrant or Tier 1 (Graduate Entrepreneur) migrant in the past 12 months)
- for entry clearance applications, provide an overseas criminal record certificate

If the applicant is under 18 years of age

Their parents, legal guardian, or just one parent with sole legal responsibility for the child, must:

- support the application
- give their consent to the arrangements for the applicant's:
 - travel to the UK
 - reception and care in the UK

Requirements of paragraph 245DD and 245DE

To be granted an extension of leave to remain as a Tier 1 (Entrepreneur) migrant, a person must meet the following requirements and send in the appropriate supporting evidence. They must:

- have previous leave in the 12 months immediately before the date of this application as a Tier 1 (Entrepreneur) migrant
- be applying for leave to remain and have or were last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) migrant
- score 75 points for attributes
- score 10 points for English language
- score 10 points for maintenance

Entrepreneurial teams

Money for investment can be shared between a team with a maximum of 2 entrepreneurs. Each team member may apply to come to the UK as a Tier 1 (Entrepreneur) migrant using the same investment funds. Neither applicant must have used the same funds with any other applicant.

For further details, see [Entrepreneurial teams](#).

Single fatal flaw: in country cases only

The single fatal flaw pilot has come to an end.

Official – Sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

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Related content

[Contents](#)

Applications for leave to remain: validation, variation and withdrawal

General grounds for refusal

Biometric information: introduction

Knowledge of language and life in the UK

ILR – calculating continuous period in UK

Applications from overstayers (non family routes)

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

[Appendix 6 of the Immigration Rules](#)

Documents not in English

This page tells you about what an applicant must provide if they are providing a document which is not in English.

All documents provided with an application must be in English. If they are not, the applicant must provide a copy of the original and a full translation which has been independently verified.

The translation must:

- confirm that it is an accurate translation of the original document
- be dated
- include the full name and signature of the translator or an authorised official of the translation company
- include the translator or translation company's contact details
- be fully certified and include details of the translator or translation company's credentials, if the applicant is applying in the UK

Related content

[Contents](#)

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

Documentary evidence

This page tells you about documentary evidence.

If the specified evidence does not meet all the requirements of the rules, it may be appropriate for you to contact the applicant or their representative, where applicable, to allow them to correct this - for example, if a bank statement from a series of statements is missing. For more information on this see evidential flexibility.

If an applicant's situation is unusual or particularly complex they may wish to include a covering letter with their application to:

- give an explanation of how they are claiming points, where it is not immediately clear how they score the necessary points from the specified documents they are providing with their application, and offer clarification on any complex parts to their application (if applicable)
- give a brief history of the business or businesses they have created or joined, the investments they have made, and the jobs they have created since their initial application was granted (for extension applications)

You must continue to process applications without this letter. It is important to note that, in all circumstances, applications must be caseworked using the evidence criteria set out in this guidance and in the Immigration Rules.

The information provided in their letter must not be used as a substitute for any of the specified documents and information the Immigration Rules require to be provided with Tier 1 (Entrepreneur) applications.

Related content

[Contents](#)

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules part 6A, paragraphs 245AA](#)

[Immigration Rules appendix A](#)

Genuine entrepreneur test

This section tells you about the genuine entrepreneur test for initial, extension and indefinite leave to remain applications.

If you have doubts over the credibility of an application, you can conduct a genuine entrepreneur test as follows:

- where you don't require any further evidence from the applicant, you can undertake a paper genuineness consideration on the evidence provided with the application
- if you need further information from the applicant in order to make the paper genuineness consideration, you must allow the applicant 28 calendar days from the date of request to submit this evidence to you
- if you cannot determine the credibility of the applicant from a paper genuineness test, you may invite the applicant to interview either in person, by telephone or by video conference

Initial applications

No new initial applications submitted on, or after, 29 March 2019 will be accepted, unless the applicant has held leave as a Tier 1 (Graduate Entrepreneur) migrant in the past 12 months.

For applications made from 29 March 2019, the genuine entrepreneur test applies only to extension and settlement applications. It does not apply to initial applications from those who were previously Tier 1 (Graduate Entrepreneur) migrants.

Migrants must comply with any request made for them to attend an interview, unless a reasonable explanation is provided as to why they cannot comply.

Available funds

You may ask the applicant to demonstrate that the funds they have used to apply under this category are still available to them beyond the date of their application. The funds must continue to be available to them until the funds are invested or spent as required by the Immigration Rules.

'Available' means that the funds must be one of the following:

- in the applicant's own possession
- in the financial accounts of a UK business which they are running as a member of a partnership or as a director
- available from the third party or parties named in their application (if applicable)

Invested or spent by the applicant's business excludes spending on all of the following:

- their own remuneration
- buying the business from a previous owner, where the money ultimately goes to that previous owner, rather than into the business being purchased, this applies:
 - irrespective of whether invested funds are received or held directly or indirectly by that previous owner
 - regardless of whether the money is channelled through the business on its way to the previous owner, for example, by means of the applicant or business purchasing 'goodwill' or other assets which were previously part of the business
- investing in businesses (other than those the migrant is running as self-employed or as a director)
- any spending which is not directly for the purpose of establishing or running their own business or businesses

It may also be appropriate to test if the funds remain available to the applicant at other stages, for example, where the Immigration Tribunal has sent a case back to the Home Office for reconsideration and the evidence of funds originally provided by the applicant is significantly out of date.

Additionally, if the funds cease to be available to the applicant, this can be a ground for curtailment following the approval of a case.

If the applicant relies on third party funding, the declaration from the third party must confirm the funds will remain available to the applicant until they are transferred to the applicant or to their business.

Business plan

If the applicant is making an initial application, they must provide a business plan, setting out their proposed business activities in the UK and how they expect to make their business succeed.

Extension applications

Existing Tier 1 (Entrepreneur) migrants can submit applications to extend their stay before 6 April 2023.

Existing Tier 1 (Graduate Entrepreneur) migrants can submit applications to extend their stay after switching into Tier 1 (Entrepreneur) before 6 July 2025.

Migrants making an extension application are subject to a genuine entrepreneur test.

You must be satisfied that the migrant:

- has established, taken over or become a director of one or more genuine businesses in the UK, and has genuinely operated that business
- has genuinely invested the money referred to in table 5 of appendix A into one or more genuine businesses in the UK

- intends to continue operating one or more businesses in the UK
- does not intend to take employment other than under the terms of paragraph 245DE

You must take into account the following:

- the evidence they submit
- the viability and credibility of the source of the money referred to in table 5 of appendix A
- the credibility of the financial accounts of their business or businesses
- the credibility of their business activity in the UK
- the credibility of the job creation for which they are claiming points if the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained
- any other relevant information

Indefinite leave to remain (Settlement) applications

Existing Tier 1 (Entrepreneur) migrants can submit applications to Settle before 6 April 2025.

Existing Tier 1 (Graduate Entrepreneur) migrants can submit applications to Settle after switching into Tier 1 (Entrepreneur) before 6 July 2027.

Migrants making an application for indefinite leave to remain are subject to a genuine entrepreneur test.

You must be satisfied that the migrant:

- has established, taken over or become a director of one or more genuine businesses in the UK, and has genuinely operated that business or businesses while they had leave as a Tier 1 (Entrepreneur) Migrant, a Businessperson or an Innovator
- has genuinely invested the money referred to in table 6 of appendix A into one or more businesses in the UK to be spent for the purpose of that business or businesses
- genuinely intends to continue operating one or more businesses in the UK

You must take into account the following:

- the evidence that they submit
- the viability and credibility of the source of the money referred to in table 5 of appendix A
- the credibility of the financial accounts of their business or businesses
- the credibility of their business activity in the UK
- the credibility of the job creation which they are claiming points for

- if the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained
- any other relevant information

You may request additional information to support the assessment of the application and can refuse the application if the evidence is not provided. Any requested documents must be received within 28 calendar days of the date of request.

At extension and indefinite leave to remain stage, migrants must comply with any request we make for them to attend an interview, unless a reasonable explanation is provided as to why they cannot comply.

Evidential flexibility or verification

Before you consider a genuine entrepreneur test, you should decide whether to apply the evidential flexibility rules and / or verify any of the documents supplied by the applicant. If you apply evidential flexibility, you must follow the published guidance on this.

It is good practice to verify documents submitted with the application before doing the genuine entrepreneur test. If you think an interview is required, you can go straight to this stage without the need to verify documents first. This is not obligatory (essential) because of the time added to the consideration as a result of this process.

If you expect to refuse the application on other grounds, you can still carry out the genuine entrepreneur test, if it is likely to make the refusal decision more robust. If you do not apply the test, it can be done with any subsequent application or appeal where the Tribunal has sent the case back to the Home Office to reconsider the decision.

Official – Sensitive: start of section

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Related content

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Points-based system – evidential flexibility

Genuine entrepreneur test form

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

[Statement of change for January 2013](#)

Genuine entrepreneur test: paper consideration

This page tells you how to consider a genuine entrepreneur test on paper.

For applications made from 29 March 2019, the genuine entrepreneur test applies only to extension and settlement applications. It does not apply to initial applications from those who were previously Tier 1 (Graduate Entrepreneur) migrants.

You can refuse an application without requesting any further information, evidence or them being invited for interview if the applicant falls for refusal:

- because they do not meet the points requirement for entry clearance to be granted
- on general grounds for refusal

However, if the applicant meets the above criteria and you have concerns over the credibility of the application, you may need to conduct a paper genuineness test.

Paper consideration

This test can be instead of, or in addition to, an interview. If you do not require further evidence from the applicant in order to make the genuineness assessment, then you should consider the evidence submitted with the application. However, if you require extra evidence from the applicant, you must allow them 28 days to submit this to you. If you intend to conduct a paper only assessment, you must consult a manager to make sure that the proposed course of action is fair and proportionate.

Documents received

When you assess the credibility of the migrant and/ or their funds, you must complete a genuine entrepreneur test form. This allows you to set out your consideration, showing information or evidence to suggest the application is credible or not, against the Immigration Rules for the genuine entrepreneur test.

If, on the balance of probabilities, you are satisfied the applicant meets the genuine entrepreneur test, you must grant the application. If you are not satisfied, you must arrange for an interview or refuse the application.

Documents not received

If the applicant fails to provide the information or evidence within 28 days of the date of request, you must refuse the application under paragraph 245DB(h) or 245DD(j). If the information or evidence requested relates to the award of points, for example,

evidence of investment, the application must also be refused under paragraph 245DB(b).

For more information on the test, see the related links below:

Related content

[Contents](#)

Points-based system – evidential flexibility

[Stages in the paper genuine funds test](#)

Genuine entrepreneur test form

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

[Statement of change for January 2013](#)

Genuine entrepreneur test: stages

This page tells you the stages to follow in the paper genuine funds test.

Stage	Action	Method	Timescale
Consideration date: no extra documentation required.	Consider the application.	Using the paper genuine entrepreneur test.	Not applicable.
Consideration date: extra documentation required.	Contact the applicant and request documents as needed.	Letter, and email or telephone. Record details of the time and method of contact on CID.	Allow applicant 28 calendar days to supply the documents.
After requesting the documents.	Put into brought forward (b/f).		Set recall date to 16 days to allow for postage time.
After 16 days.	Check for documents marked as received on CID or delivered directly to you.		If documents are received, consider the application and verify if needed. Complete the genuine entrepreneur test form
No documents received.	Contact the applicant for a final time stating you have not yet received the requested evidence and reminding them of the deadline by which they must respond.	Send a letter and email or telephone. Record details of the time and method of contact on CID.	Set recall date to 16 days to allow for postage time.
After requesting the documents.	Put into b/f.		Set recall date to 16 days to allow for postage time.
After a further 16 days.	Check for documents.		If documents received, consider application, verify if needed. Complete the genuine entrepreneur test form

Stage	Action	Method	Timescale
No document received.	Refuse the application.	Failing genuine entrepreneur test.	See Genuine entrepreneur test – paper consideration .

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Genuine entrepreneur test: arranging the interview

This page tells you how to arrange an interview for the genuine entrepreneur test.

For applications made from 29 March 2019, the genuine entrepreneur test applies only to extension and settlement applications. It does not apply to initial applications from those who were previously Tier 1 (Graduate Entrepreneur) migrants.

You must get agreement from your manager before you refer the case to the interview team.

You must complete a referral and forward this to the genuine entrepreneur test team, who will refer to the interview administration team to get an interview date and time. Once they allocate an interview slot, the interview team will send a letter to invite the applicant to attend.

Official – Sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – Sensitive: end of section

The interview can be rearranged if the applicant raises compelling circumstances why they cannot attend the interview and the interview team are satisfied with those reasons.

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Genuine entrepreneur test: interviewing

This page tells you about interviewing when assessing an application as part of the genuine entrepreneur test.

An applicant can be asked to attend an interview at any stage during the application process, including the day the application is submitted.

If you invite the applicant for interview, you must follow the standard procedure already in place.

If the applicant fails to attend a scheduled interview without a reasonable explanation, you must refuse the application under [paragraph 320\(7D\) of the Immigration Rules](#) for entry clearance applications or [paragraph 322\(10\) of the Immigration Rules](#) for leave to remain applications. An example of a reasonable explanation for non-attendance is an emergency which could not have been avoided.

English language

Applicants must have English language ability to B1 level. However, this level is not high enough to assume they are fluent in English. You must provide an interpreter, if the applicant wants or needs one.

Official – Sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – Sensitive: end of section

Interview questions

Applicants who are interviewed on the day they submit their application will be asked questions in relation to the application and the information contained in it. This interview will then form part of the consideration process and could lead to refusal if the decision maker is not satisfied that the applicant is a genuine entrepreneur.

When applicants are invited to interview post application submission, interview questions should take account of specific concerns identified in each case and the appropriate genuineness criteria, depending on whether the applicant has applied for entry clearance, leave to remain or indefinite leave to remain.

Before interview, you should review the documents and do basic background checks before referring the application to the interview process. If an interview is necessary, the following list contains suggestions of evidence to request that could assist in your assessment. You must assess each application individually to consider the types of evidence needed. The following list of required evidence is not exhaustive and may not apply to every application:

- a curriculum vitae (CV) to assess the applicant's previous experience in the field and in business
- a business plan and any market research to assess how much consideration the applicant has put into starting their business: this information can be purchased as a package, so plans that appear general may provide an indication of how genuine the applicant is
- evidence of appropriate accreditation, registration or insurance for the relevant business section (if the business is established)
- financial information overseen by a bank - for example, a small business loan
- hierarchy charts of larger businesses
- evidence of advertising
- contracts showing trading, if the business is established
- tax documentation (for example, returns or evidence of registration with HMRC) but only if the business is actually trading: non-trading businesses may still be registered
- affidavit from any mentors: for example, if the applicant is being mentored by a member of the British Business Angels Association
- evidence of previous businesses owned by the applicant
- details of trading premises, and permissions if the business is trading in the applicant's home
- evidence of investment
- evidence of job creation

If you have reasonable doubts based on the evidence provided, you can verify the evidence submitted, if appropriate. If you cannot satisfactorily verify this evidence, you must discount it. For applications from entrepreneurial teams, information on the formation of the team could aid your assessment, such as information on how they met and why they decided to form a team.

Following the interview, you must consider all the available evidence and assess, on the balance of probabilities, whether the applicant is a genuine entrepreneur.

If you consider the migrant to be genuine, you should grant them entry clearance or leave to remain, providing:

- they meet all the requirements of [paragraphs 245DB to 245DC](#) or [paragraphs 245DD or 245DF of the Immigration Rules](#)

- none of the general grounds for refusal in [paragraphs 320 to 322 of the Immigration Rules](#) apply

At this stage, if you do not consider the migrant to be genuine, you should refuse them entry clearance or leave to remain under the genuine entrepreneur test and any other grounds for refusal which apply.

Record keeping

Interviewing is a business as usual practice. Interview records must be concurrent and you must record all interviews exactly. You must give a copy of the interview notes to the applicant or their representatives, if they ask for one.

Entry clearance staff

You must use an interview template and save the completed template to Proviso notes, together with a full description of any financial documents.

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Genuine entrepreneur test: after the interview

This page tells you what happens after the interview for the genuine entrepreneur test.

Failure to attend

If the interviewer confirms the applicant failed to attend the first interview, the interview team will try to contact the applicant to check the contact details (address, email, telephone) provided. The interview team will then send a letter inviting the applicant to a rescheduled interview, using the most up to date contact details.

If the interviewer confirms the applicant failed to attend the second interview, with no reason or the reason given was unacceptable, you must:

- refuse the application on the grounds of failure to attend the interview
- award zero points for any relevant attributes
- refuse on the genuine entrepreneur test in [section 6A of the Immigration Rules](#)

For applications submitted on or before 5 April 2013, failure by the applicant to attend an interview was covered by [section 9 \(general grounds for refusal\) of the Immigration Rules \(322\(1D\)\)](#).

For applications submitted on or after 6 April 2013, the relevant refusal paragraph appears in [section 6A of the Immigration Rules](#).

Credible entrepreneur applicant

The genuine entrepreneur team will assess the application if the interviewer notes that, in their (the interviewer's) opinion, the applicant appears credible as an entrepreneur applicant. When passed back, you must note the details on the system and complete the consideration of the case.

Applicant not a credible entrepreneur applicant

The genuine entrepreneur team will assess the application if the interviewer notes that, in their (the interviewer's) opinion, the applicant is not credible as an entrepreneur applicant at interview. When the application is passed back, you must complete the consideration and take this information into account. If you refuse the application, it will be on the balance of probabilities, because the applicant has not satisfied the genuine entrepreneur test.

If you assess the credibility of the migrant and/or their funds, you must complete the genuine entrepreneur test form. This allows you to set out your consideration,

showing information or evidence to suggest the application is credible or not, against the Immigration Rules for the genuine entrepreneur test.

If you refuse the application, you must award the applicant zero points for all relevant attributes and refuse on the genuine entrepreneur test. You must make sure the refusal letter fully explains the reasons for the decision and covers any information obtained at interview (if applicable). The letter must include any concerns raised as part of the caseworking process.

Refusals on this basis are subjective and a detailed refusal letter, as well as a transcript of the interview (if applicable), must support any decision. These documents will be important in any appeals so they must set out the reasons for refusal as fully and clearly as possible.

Abuse

If the applicant admitted, at an interview, that they provided fraudulent information as part of the application process, you must also refuse the application under the general grounds for refusal. You must also pass the application to a higher executive officer (HEO) to quality check.

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Points scoring

This section tells you the points scoring requirements in the Tier 1 (Entrepreneur) category.

To obtain leave in this category an applicant must score:

- 75 points for attributes
- 10 points for English language
- 10 points for maintenance

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[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

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Switching

This page tells you when people can switch into the Tier 1 (Entrepreneur) route.

Switching into the Tier 1 (Entrepreneur) route is **only** allowed for applicants who have, or were last granted, leave as a:

- Tier 1 (Graduate entrepreneur) migrant

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Attributes – initial application

Any initial application made on, or after, 29 March 2019 will fall for refusal, following the closure of this route, unless the applicant has held Tier 1 (Graduate Entrepreneur) leave in the past 12 months.

This page tells you how points are scored in the attributes requirement for an initial application in the Tier 1 (Entrepreneur) category.

Attributes: pass mark = 75 points	Points
The applicant must demonstrate that they have access to funds of at least £50,000 which is available to them or their business.	25
The applicant's money is held in one or more regulated financial institution	25
The applicant's money is disposable in the UK. If the applicant is applying for leave to remain the money must be held in the UK.	25

English language: pass mark = 10	Points available
There is evidence to prove the applicant speaks English to the required standard and meets the requirements	10

Maintenance: pass mark = 10	Points available
There are sufficient funds to support the migrant and any dependants in the UK	10

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Attributes – extension application

Existing Tier 1 (Entrepreneur) migrants can submit applications to extend their stay before 6 April 2023.

Existing Tier 1 (Graduate Entrepreneur) migrants can submit applications to extend their stay after switching into Tier 1 (Entrepreneur) before 6 July 2025.

This page tells you how points are scored in the attributes requirement for an extension application in the Tier 1 (Entrepreneur) category.

Attributes: pass mark = 75 points	Points available
<p>The applicant has invested, or had invested on their behalf, not less than £200,000 (or £50,000 if, in their last grant of leave, they were awarded points for funds of £50,000) in cash directly into one or more businesses in the UK.</p>	20
<p>The applicant has registered with:</p> <ul style="list-style-type: none"> • HM Revenue and Customs (HMRC) as self-employed • Companies House as a director of a new or an existing company or a member of a new or existing partnership - you must not award points to directors who are on the list of disqualified directors provided by Companies House <p>If the applicant's last grant of entry clearance, leave to enter or leave to remain was as a Tier 1 (Entrepreneur) migrant, they must meet the above condition within 6 months of their entry to the UK. This should be on the basis that they were granted entry clearance as a Tier 1 (Entrepreneur) migrant and there is evidence to establish their date of arrival to the UK, or the date of the grant of leave to remain.</p>	20
<p>On a date no earlier than 3 months before the date of application, the applicant was registered with:</p> <ul style="list-style-type: none"> • HMRC as self-employed 	15

Attributes: pass mark = 75 points	Points available
<ul style="list-style-type: none"> Companies House as a director of a new or an existing company or member of a new or an existing partnership - you must not award points to directors who are on the list of disqualified directors provided by Companies House 	
<p>The applicant has:</p> <ul style="list-style-type: none"> established a new business or businesses that has or have created the equivalent of at least 2 new full-time jobs for persons settled in the UK taken over or joined an existing business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or businesses for persons settled in the UK by creating the equivalent of at least 2 new full-time jobs <p>If the applicant's last grant of entry clearance or leave to enter or remain was as a Tier 1 (Entrepreneur) migrant, the jobs must have existed for at least 12 months of the period for which the most recent leave was granted or, where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of the current application.</p>	20

English Language: Pass mark = 10	Points available
There is evidence to prove the applicant speaks English to the required standard and meets the requirements.	10

Maintenance: Pass mark = 10	Points available
There are sufficient funds to support the migrant and any dependants in the UK.	10

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Attributes - indefinite leave to remain

Existing Tier 1 (Entrepreneur) migrants can submit applications to Settle before 6 April 2025.

Existing Tier 1 (Graduate Entrepreneur) migrants can submit applications to Settle after switching into Tier 1 (Entrepreneur) before 6 July 2027.

This page tells caseworkers about the indefinite leave to remain (settlement) requirements for the Tier 1 (Entrepreneur) category of the points-based system.

Requirements for indefinite leave to remain

You must grant indefinite leave to remain if the following criteria are met:

- the applicant meets all the requirements of paragraph 245D or 245DF of the Immigration Rules
- none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply (for more information, see related link)
- the applicant is not an illegal entrant
- the applicant scores 75 points for attributes (see table below)
- the applicant has enough knowledge of the English language and enough knowledge about life in the UK, with reference to [appendix KoLL of the Immigration Rules](#), unless the applicant is under the age of 18 or aged 65 or over at the time the application is made
- the applicant is not in breach of immigration laws, except:
 - any period of overstaying allowed under the Immigration Rules
 - where the application was submitted before 9 July 2012

For more information, see Applications from overstayers (non-family routes).

Attributes: pass mark = 75 points	Points available
<p>The applicant has invested, or had invested on his behalf, not less than £200,000 (or £50,000 if, in his last grant of leave, he was awarded points for funds of £50,000) in cash directly into one or more businesses in the UK.</p> <p>The applicant will not need to provide evidence of this investment if they were awarded points for it, as set out in Table 5, in their previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) migrant (this includes the evidence to demonstrate that the investment was in a UK business).</p>	20
<p>On a date no earlier than 3 months prior to the date of application, the applicant was registered with:</p> <ul style="list-style-type: none">• HM Revenue and Customs (HMRC) as self-employed	20

Attributes: pass mark = 75 points	Points available
<ul style="list-style-type: none"> • Companies House as a director of a new or an existing company or member of a new or an existing partnership - you must not award points to directors who are on the list of disqualified directors provided by Companies House <p>The applicant's last grant of entry clearance, leave to enter or leave to remain was as a Tier 1 (Entrepreneur) migrant, on a date within 6 months of their entry to the UK (if he was granted entry clearance as a Tier 1 (Entrepreneur) migrant) and there is evidence to establish their date of arrival in the UK), or in any other case, at the date of the grant of leave to remain, the applicant was registered with:</p> <ul style="list-style-type: none"> • HM Revenue and Customs (HMRC) as self-employed • Companies House as a director of a new or an existing company or new or an existing partnership - you must not award points to directors who are on the list of disqualified directors provided by Companies House <p>The applicant will not need to provide the evidence of registration for condition (2) if they were awarded points from row 2 of Table 5 in his previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) migrant.</p>	
<p>The applicant has:</p> <ul style="list-style-type: none"> • established a new UK business or businesses that has or have created the equivalent of at least 2 new full-time jobs for persons settled in the UK • taken over or invested in an existing UK business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or businesses for persons settled in the UK by creating the equivalent of at least 2 new full-time jobs <p>If the applicant's last grant of entry clearance or leave to enter or remain was as a Tier 1 (Entrepreneur) migrant, the jobs must have existed for at least 12 months of the period for which the most recent leave was granted or, where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of the current application</p>	20

Attributes: pass mark = 75 points	Points available
<p>The applicant has spent the specified continuous period lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified period must have been spent with leave as a Tier 1 (Entrepreneur) migrant.</p> <p>The specified continuous period is:</p> <ul style="list-style-type: none"> • 3 years, if the number of new full-time jobs created is at least 10 • 3 years, if the applicant has: <ul style="list-style-type: none"> ○ established a new UK business with an income from business activity of at least £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) migrant ○ taken over or invested in an existing UK business and their services or investment have resulted in a net increase in income from business activity to that business of £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) migrant, when compared to the immediate preceding 3 year period • 5 years in all other cases 	15

Time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man in a category equivalent to the categories set out above may be included in the continuous period of lawful residence, provided the most recent period of leave was as a Tier 1 (Entrepreneur) migrant in the UK.

In any such case, the applicant must have absences from the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man (as the case may be) of no more than 180 days in any 12 calendar months during the specified continuous period.

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Type of application

This section tells you how a person who makes an application for entry clearance, leave or extension of leave as a Tier 1 (Entrepreneur) migrant can evidence funds used to claim points for attributes.

These criteria apply if the applicant seeks an extension of leave and they:

- previously held leave as a Tier 1 (Entrepreneur) migrant in the 12 months immediately before the date of this application, and are applying **before 6 April 2023**
- are applying for leave to remain and have, or were last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) migrant and are applying **before 6 April 2023**

In order to obtain any grant of leave as a Tier 1 (Entrepreneur) migrant, they must score enough points and send supporting evidence where appropriate.

For more information see:

- [Invested funds](#)
- [Access to funds for investment](#)

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[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

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Access to funds for investment

This section tells you how much in funds an applicant for Tier 1 (Entrepreneur) category must hold or have invested.

Initial application

No new initial applications submitted on, or after, 29 March 2019 will be accepted unless the applicant has held Tier 1 (Graduate Entrepreneur) leave in the past 12 months.

The applicant, the applicant and the entrepreneurial team member together, or the business they have established, must have access to no less than £200,000 or £50,000, if appropriate, which is available to make a fresh investment into business in the UK.

They must supply documents which show the money in their own name (or their own name together with the name of their entrepreneurial team member).

For more information on the evidence they must provide, see [Documentary evidence of funds](#).

If the applicant is applying for leave to remain, the money must be held in the UK.

If the money is made available to the applicant's business, the business must be a company, or a partnership, and the applicant must be registered as a director of that company, or member of that partnership in the UK. The applicant must provide a Companies House document which shows the:

- address of the registered office in the UK, or head office in the UK if it has no registered office
- applicant's name as it appears on the application form as a director of the company, or a member of the partnership

Access to funds

Applicants can only be considered to have access to funds if:

- they provide the specified documents to show cash money to the amount required (this must not be in the form of assets and, where multiple documents are provided, they must show the total amount required is available on the same date)
- the specified documents are provided to show that they have permission to use the money to invest in a business in the UK

and they have either:

- held the money for a consecutive 90 day period of time, ending no earlier than 31 days before the date of application
- held the money for less than a consecutive 90 day period of time, ending no earlier than 31 days before the date of application, and they provide the following specified evidence:
 - a bank statement or bank letter to demonstrate funding is available to the applicant at the time of their application
 - the additional specified documents for third party funding
 - a letter from one or more UK Seed Funding Competitions or one or more UK Government Departments, or Devolved Government Departments in Scotland, Wales or Northern Ireland as evidence of the source of those funds

Migrants who have held money for less than 90 days

If a migrant is using money which has been transferred to them from a third party less than 90 days before the application, they will need to supply the evidence required for third party funding.

If the applicant is applying with funding from a UK seed funding competition endorsed by the Department for International Trade (DIT) or UK government department or devolved government department in Scotland, Wales or Northern Ireland, then they do not need to provide the additional evidence for third party funding. They need to provide a letter from the source, stating that this is being made available to them. However, if the money has already been transferred to the applicant at the point of application, then they will also need to supply a personal bank statement or letter from a bank to demonstrate they are in possession of the funds when they apply.

Money available for investment must be disposable in the UK

If the money is not held in the UK, all of the funds needed for the investment must be freely transferable to the UK and able to be converted to pounds sterling.

Money held in an overseas account but in a financial institution regulated by the Financial Conduct Authority (FCA) or Prudential Regulation Authority (PRA) will satisfy this requirement.

Money held overseas in an institution not regulated by the FCA or PRA must be transferrable to the UK. The applicant must provide evidence to confirm this, such as a document from the financial institution. Banks are not, however, required to guarantee that this money will be transferred.

For overseas companies not registered with the FCA or PRA, you can check for information on:

- Companies House list of overseas regulatory institutions under Worldwide registries

- the International Organization of Securities Commissions (IOSCO) general membership lists

If the funds are overseas and subject to any applicable financial sanctions regime, the migrant must provide confirmation from HM Treasury that the funds are transferable and disposable in the UK.

Third party funds

The applicant can include money made available by other people known as a third party or third parties so long as the third party is not another Tier 1 Entrepreneur migrant or another Tier 1 Entrepreneur migrant's close family members or businesses. In these cases, the applicant must also provide both:

- a declaration from every other contributor to show the money is available to the applicant (and their entrepreneurial team member if appropriate), or their business
- confirmation from a legal representative that the declaration is valid: the legal representative must be independent from the third party or parties- for more information, see [third party evidence](#)

However, if the applicant is applying using funding from seed funding competition, or UK Government Department or Devolved Government Department in Scotland, Wales or Northern Ireland, they do not need to provide this additional documentation.

Joint accounts

The applicant may use money held in a joint account with any of the following people, but only if these people are not applying to be a Tier 1 (Entrepreneur) migrant (unless they are applying as a team). The applicant's:

- husband
- wife
- civil partner
- unmarried or same-sex partner

An unmarried or same-sex partner is defined as a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least 2 years before the date of application.

Extension application

Existing Tier 1 (Entrepreneur) migrants can submit applications to extend their stay before 6 April 2023.

Existing Tier 1 (Graduate Entrepreneur) migrants can submit applications to extend their stay after switching into Tier 1 (Entrepreneur) before 6 July 2025.

The applicant must show they have invested the full amount of either £200,000 or £50,000, if appropriate, in cash in business in the UK.

If they have moved on to other activities and are no longer involved in the business they initially invested in, they must still provide this evidence to show the full amount invested.

If their initial application was as part of an entrepreneurial team, both team members can use the same evidence for investment.

The amount of money invested must not:

- include the value of any residential accommodation
- be a director's loan, unless it is unsecured and is subordinated in favour of the third-party creditors: this means that the loan agreement states that any loans to third parties are to be repaid before the director's loan is repaid

If they acquire any property for the business which includes residential accommodation, the value of the residential part of the property is not acceptable as investment in the business.

The applicant must provide an estimate of the value of this living accommodation from a surveyor who is a member of the Royal Institution of Chartered Surveyors (RICS). The valuation must be produced and dated no earlier than 3 months before the date of application. For more information, see related external link.

Indefinite leave to remain (ILR) applications

Existing Tier 1 (Entrepreneur) migrants can submit applications to settle before 6 April 2025.

Existing Tier 1 (Graduate Entrepreneur) migrants can submit applications to settle after switching into Tier 1 (Entrepreneur) before 6 July 2027.

If the applicant has already demonstrated they have invested the relevant level of funds, you must not reassess this. If, however, the applicant is making an accelerated ILR application and was not awarded points for their investment previously, the extension requirements above will apply.

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[Royal Institution of Chartered Surveyors \(RICS\)](#)

[Searching the financial services register](#)

£50,000 funding

This page tells you how to assess if an applicant for Tier 1 (Entrepreneur) has £50,000 funds.

If the migrant is applying for leave to remain, the money must be held in the UK.

The applicant must have £50,000 of their own money or third party funding available to invest into business in the UK. They must supply documentary evidence of the funds as specified in the Immigration Rules.

The applicant can include money made available by other people known as a third party or third parties. In these cases, the applicant must also provide:

- a declaration from every other contributor that the money is available to the applicant (and their entrepreneurial team member if appropriate) or their business
- confirmation from a legal representative that the declaration is valid (the legal representative must not be the third party who is making the funds available), for more information, see: [Third party evidence](#)

The applicant may use money held in a joint account with any of the following people, but only if these people are not applying to be a Tier 1 (Entrepreneur) migrant. The applicant's:

- husband
- wife
- civil partner
- unmarried or same-sex partner

Funds from the applicant, their unmarried or same sex partner and third party money can be made up from money already invested in a UK business. This is providing the investment was made no more than 24 months before the date of the application and the applicant provides the additional evidence required for this investment under appendix A of the Immigration Rules, together with access to any balance of money needed to total £50,000.

If they have formed an entrepreneurial team with another applicant, the documents must confirm the funds are available to both team members or their business.

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Acceptable investment

This page tells you the types of investment you can accept for the award of points.

Direct cash investment

To make sure the money is used by the business, the applicant must provide the accounts of that business for assessment. These accounts must show the investment in money made directly by the applicant, in their own name.

Share capital

If the applicant has invested by way of share capital, the business accounts must show the shareholders, the amount and value of the shares (on the date of purchase) in the applicant's name as it appears on their application. If the value of their share capital is not shown in the accounts, then they must supply a copy of the company's register of members from Companies House.

The accounts must clearly show the name of the accountant, the date the accounts were produced, and how much the applicant has invested in the business. The accounts must be prepared and signed off by the accountant in accordance with statutory requirements.

Director's loan

This only applies to migrants who become directors of a company. A director's loan to the company will be considered for the award of points as long as it is unsecured and subordinated in favour of third-party creditors. This means that the loan agreement states that any loans to third parties are to be repaid before the director's loan is repaid.

For the purposes of this guidance an unsecured loan is where the applicant has loaned money to the business that is not secured by property or assets that become subject to seizure on default. Third-party creditors are those individuals or companies that the business owes money to, not including the applicant.

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Investments not accepted

This page explains the types of investment you must exclude when you award points in this category.

A loan to the business will not be accepted

The investment must not be in the form of a director's loan, unless it is unsecured and subordinated in favour of third-party creditors. The Home Office will use any legal agreement between the applicant and the company to assess this.

If no legal agreement is provided or if the investment appears to be in the form of a loan which does not meet these conditions, you must award no points for this investment.

Investment in property development and property management

You cannot award points to anyone whose investment in the UK is for property development or management. This is because it is not the intention of this category to allow the applicant to set up as a landlord and let properties in the UK.

The intention is to promote UK competitiveness in business and to focus the investment on promoting business beneficial to the UK economy.

Property development is any development of property (real estate) owned by the applicant or their business to increase the value of this property with a view to earning a return either through rent or a future sale, or both.

Property management is the management of property, regardless of whether or not it is owned by the applicant or their business, for the purposes of renting it out or for resale.

An applicant is permitted to invest in:

- a company that is mainly involved in construction
- a decorating business if they do not own the property being improved
- a hotel, where the property is not being rented and guests don't sign a tenancy agreement
- an estate agency if they are not involved in letting the properties, or acting as landlords

The core principle is that the business income must be generated from the supply of goods and/or services, not from increased property values or from rent.

Applicants may not invest in student accommodation management services.

How the money must be used

Money deposited in a bank account, even if it is in a UK business bank account, is not counted as investment in business.

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Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

Invested funds

This page tells you how to assess invested funds, and may apply to an extension application or an initial application if the migrant is claiming points for funds previously invested in a business.

If the applicant has already invested the required level of funds in a legally established business in the UK, they can use this investment to claim points if it satisfies the requirements. If all of the money needed is invested, all of the points needed for attributes can be awarded.

The investment must be a fresh investment. This means that it must be made in the 12 calendar months before the date of application (or 24 months if the applicant last had leave as a Tier 1 (Graduate entrepreneur) migrant).

You must not count any investment made more than 12 months before the application, unless the applicant last had leave as a Tier 1 (Graduate entrepreneur) migrant, where you can accept up to 24 months.

Those who apply under this provision need to show that the funds were invested in a UK business and that they are registered as self-employed or as the director of the business the funds are invested in.

If they have moved on to other activities and are no longer involved in the business they initially invested in, they must still provide the evidence to show they have invested enough money in a UK business.

The amount of money invested must not:

- include the value of any residential accommodation or property development, or property management
- be in the form of a director's loan, unless it is unsecured and is subordinated in favour of the third-party creditors

If they bought property for the business which includes residential accommodation, you cannot accept the value of the residential part of the property as investment in the business. You must deduct the value of this part of the property from the amount of the investment.

The applicant must provide an estimate of the value of this living accommodation from a surveyor who is a member of the Royal Institution of Chartered Surveyors (RICS). It must be dated within the 3 months before the date of application. For more information on membership of RICS, see: [Royal Institution of Chartered Surveyors \(RICS\)](#).

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Financial regulation

This page tells you about financial regulation. It gives you guidance on what is classed as a financial institution for the awarding of points in this category.

Financial institutions

A financial institution acts as an agent to provide financial services for its clients. Common types of financial institutions include:

- banks
- building societies
- credit unions
- stock brokerages
- asset management firms

They are responsible for transferring funds from investors to companies in need of those funds. Financial institutions fall under financial regulation from a government authority.

Financial regulation

Financial regulations are a form of control or supervision, subjecting financial institutions to:

- local requirements
- restrictions and guidelines
- maintaining the integrity of the financial system

This is handled by either a government or non-government organisation. Under UK law, most financial service firms who want to do business in the UK must be authorised by the Financial Conduct Authority (FCA) and/or the Prudential Regulation Authority (PRA).

The home regulator

The home regulator is an official financial regulatory body, appropriate for the type of financial transaction required, in the country of operation where the transaction is made.

Venture capital firms

To be considered acceptable as a source of investment funds, venture capital firms must be registered with [Financial Conduct Authority \(FCA\)](#), and their entry onto the register must include permission to:

- arrange, deal in or manage investments
- manage alternative investment funds

Overseas institutions not regulated by the FCA or PRA

The International Organization of Securities Commissions (IOSCO) general membership list is made up of a high percentage of ordinary, associate and affiliate members. You may need to look under all 3 membership categories to find the regulatory body. For example, Canada's regulatory bodies are listed under affiliate bodies.

Central banks may also have supervision over some financial markets. For a list of international central banks not registered with the FCA or PRA, you should use the list of central bank websites on the Bank for International Settlements website.

Only overseas regulatory bodies which appear on the websites listed may be accepted for the purpose of this guidance. If an applicant relies on money held in a financial institution not regulated by one of these bodies, you must not accept this for the award of points.

European Economic Area (EEA) financial institutions

If the EEA firm already operates in the UK, it will be on the Financial Services Register. If not, the firm must be registered for operations in the country in which it operates (see [the lists of regulatory bodies on the IOSCO website](#)).

Under 'passporting' agreements, an EEA firm can provide financial services in the UK if it is entitled to carry on an activity in another EEA state, but in this case the firm must still be regulated by the appropriate overseas authority.

Financial exchanges are not responsible for control

Financial exchanges are a type of market for the financial industry, and may be in charge of some of the listing and disclosure requirements for traded financial products on stock markets.

These exchanges are not likely to operate any form of control or monitoring of firms. Therefore, you must not accept listing on a financial exchange as an appropriate form of regulation of an overseas firm.

For example, if a bank is listed on a recognised stock exchange, this is no guarantee that the bank is properly regulated and authorised. You will need to seek evidence of registration from an authority on one of the websites listed in the related external links.

Related content

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Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

[Companies House](#)

[International Organization of Securities Commission](#)

[Bank for International Settlements](#)

[FCA website](#)

[Searching the financial services register](#)

Regulated financial institution

This page tells you about the need for the money used for investment to be held in a regulated financial institution.

The money being used for investment must be held in one or more financial institutions (for example, a bank or building society), each of which must be regulated by the appropriate regulator in the country where the applicant is operating.

To hold money on someone's behalf, the financial institution must first be authorised by its home regulator and meet the minimum requirements to safeguard these funds. This activity can be called 'deposit taking'.

Money held in a financial institution not regulated by the home regulator cannot be accepted for the award of points. The home regulator is an official financial regulatory body, in the country where the financial institution operates and the funds are located. The regulatory body must be appropriate for the type of financial transaction.

The Financial Conduct Authority (FCA) and Prudential Regulation Authority (PRA) listing process

The authorisation process is split between the FCA and the PRA. Firms which carry out PRA regulated activities as a bank, credit union, insurer, or managing agent of a Lloyds syndicate need to apply to the PRA for authorisation.

However, authorisation will not be granted unless the FCA is also satisfied. Firms who are dual regulated must apply to the PRA unless directed otherwise. Solo regulated firms, for example, e-money institutions and payments service institutions and other providers, will need to apply to the FCA for authorisation.

Firms who apply to the FCA or PRA for registration may not carry on regulated activities until their registration is complete. This may take 3 months or longer in some cases.

Money available for investment must be in a regulated financial institution (unless already invested)

A financial institution regulated by the home regulator must confirm the money is available.

Money held in the UK must be in an institution regulated by the FCA and the PRA.

You must not accept evidence of money from a financial institution if the Home Office is unable to make satisfactory verification checks. For a list of financial institutions which do not satisfactorily verify financial statements, see: [Appendix P of](#)

[the Immigration Rules](#). This is currently only for overseas institutions in certain countries.

You can check if a financial institution is regulated by the home regulator by accessing the appropriate website and/or by contacting the institution directly.

You must access the [Financial Services Register](#) first.

Institutions are registered as 'firms' under the name of the institution or as 'individuals' if a person is the authorised body.

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Related external links

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Documentary evidence of funds

This section tells you what evidence of funds an applicant must provide to claim points for attributes under Tier 1 (Entrepreneur) category.

All documents must either be:

- in English
- a copy of the original and a full translation, provided by the applicant, which can be independently verified, see: [Immigration Rules paragraph 39B\(f\)](#)

The translation must:

- confirm it is an accurate translation of the original document
- be dated
- include the full name and signature of the translator or an authorised official of the translation company
- include the translator or translation company's contact details
- be fully certified and include details of the translator or translation company's credentials, if the applicant applies in the UK

For evidence of funds, they must provide one or more of the following documents:

- a letter from a financial institution holding the funds
- for money held in the UK only, an account statement (only migrants with investment funds in their personal account can provide this)
- for money from a venture capital firm, seed funding competition or UK government department, devolved government department or intermediary public body, a letter from an accountant authorised by the firm, competition or department to provide the letter
- for money from a venture capital firm a letter confirming the following must also be provided:
 - the dates funds were transferred to the applicant or invested in their business and that the venture capital firm was registered with the Financial Conduct Authority at the time
- a letter from an authorised official of a UK government department, devolved government department or intermediary public body awarding the funds

You must not accept evidence of money from a financial institution if you cannot make satisfactory verification checks. See [Appendix P](#) of the Immigration Rules for a list of financial institutions that do not satisfactorily verify financial statements. If Appendix P is amended, you must apply the most favourable conditions for the applicant.

If the money is in several financial institutions, the applicant must supply a letter from each institution.

Where the applicant provides documents which show the required level of funds (either £50,000 or £200,000) are held in more than one place, for example in 2 different bank accounts, the evidence must show the total amount (either £50,000 or £200,000) is available on the same date.

You must not accept evidence that does not show the full investment is available. For example, if the applicant provides:

- a bank statement covering the period ending 2 weeks before the date of application and showing £100,000
- a letter from a different bank, dated one week before the date of application which states that they have access to £100,000

This evidence does not demonstrate that the applicant has access to the full £200,000, as this could be the same £100,000 which has been moved between the 2 different accounts.

For money held outside the UK, you must use the [OANDA database](#) to convert overseas currencies into pounds sterling. You must use the exchange rate that applies on the date of the application.

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Related external links

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Letter from financial institution

This page tells you what is required in the letter from a financial institution, should a migrant provide one.

Each letter must:

- be on the institution's official headed paper
- have been issued by an authorised official of that institution
- have been produced within the 31 days immediately before the date of application

Each letter must also confirm each of the following details:

- the account number
- that the institution is regulated by the appropriate body
- the migrant's name, and their team member's name if they have formed a entrepreneurial team
- the date of the document
- the minimum balance available from their own funds (if applicable) that has been held in that institution during a consecutive 90-day period of time, ending on the date of the letter
- the amount of money available to their business
- that, if the money is not in an institution regulated by the FCA/PRA, the money can be transferred into the UK

If money is available to the applicant's business rather than to them by name, the applicant must be registered as a director or member of that business in the UK. They must provide a Companies House document showing the address of the registered office in the UK or head office in the UK. The Companies House document must also show their name (and the name of their team member if appropriate) as it appears on the application form as a director or member.

If the money is awarded by a third party (other than a venture capital firm, seed funding competition or UK government department or devolved government department), then the letter from the financial institution holding the funds must also include the following details:

- for money being held by a third party at the time of the application and not in the possession of the applicant both of the following:
 - confirmation that the third party has informed the institution of the amount of money that the third party intends to make available
 - confirmation that the institution is not aware of the third party having promised to make that money available to any other person,
- the name of each third party and their contact details - these must include their full address, postal code, telephone contact number and any email address.

Any letter from the third party's financial institution must state that the third party has confirmed that they intend to make the money available.

If the migrant has £50,000 awarded by a venture capital firm, seed funding competition or UK government department or devolved government department, then they do not need to supply this bank letter.

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[OANDA website](#)

[Immigration Rules paragraph 39B\(f\)](#)

Personal bank statement

This page tells you the evidence required if the migrant is in the UK and holds the money in their personal bank account.

The applicant must provide recent personal bank or building society statements covering a consecutive 90-day period of time, with the most recent statement being dated no earlier than 31 days before the date of their application, from the UK financial institution holding the funds which confirm the amount of money available to the applicant or their entrepreneurial team. However, if the applicant has held the money for less than 90 days, and is providing third party evidence as the source of funds, then the statements do not need to cover a consecutive 90-day period of time.

The total amount of available money must be either at least:

- £200,000
- £50,000, for those who are able to take advantage of this provision

If the money is held in several financial institutions, the applicant must supply a statement from each institution.

The evidence must meet the following criteria:

- the bank or building society holding the money must be based in the UK and regulated by the Financial Conduct Authority (FCA) or the Prudential Regulatory Authority (PRA)
- the money must be in cash in the account - individual savings accounts (ISAs) or assets such as stocks and shares must not be accepted
- the account must be in the applicant's own name (or both names for an entrepreneurial team) only - accounts in the name of a business or third party must not be accepted
- each bank or building society statement must be on the institution's official stationery and confirm the:
 - applicant's name, or their name and their entrepreneurial team member's name
 - name of the applicant's spouse, civil partner or unmarried or same-sex partner if they hold a joint account
 - account number
 - date of the statement
 - financial institution's name and logo
- bank or building society statements must have been issued by an authorised official of that institution and have been produced within the 3 months immediately before the date of the application

Electronic statements

You cannot accept printouts of electronic statements from an account without:

- a supporting letter from the bank, on the bank's headed paper, which confirms the authenticity of the statements
- the official stamp of the bank in question on each page of the statement

Applicants cannot provide a UK bank or building society statement from a third party account to meet the evidential requirements. If they are relying on funds from a third party, they must provide an alternative form of evidence. See: [Third party evidence](#).

Bank statements can only be used as evidence if the migrant holds the funds in their personal bank account. If the funds are held in a business bank account, including a business of which they are a director, you must not accept bank statements from these accounts as evidence. If the funds are coming from their business, they must provide the evidence for third party funding. See: [Third party evidence](#).

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Letter from accountant or authorised official

This page tells you what is required if £50,000 funds are awarded to a migrant from a venture capital firm, UK seed funding competition, UK government department, devolved government department or intermediary public body.

The applicant must provide a recent letter from an accountant, which confirms the amount of money made available to them.

In the case of:

- a UK government department, devolved government department or intermediary public body
- a UK seed funding competition

the letter can be from an authorised official of that department or fund.

Each letter must:

- be on the institution's official headed paper
- have been issued by an accountant engaged by the venture capital firm, seed funding competition or UK government department or devolved government department to provide the information - if the funds are from a UK government department or devolved government department, the letter may come from another authorised official
- have been produced within the 3 months immediately before the date of the application

Each letter must also confirm each of the following details:

- applicant's name and team member (if applicable) or the business name
- date of the document
- amount of money available to the applicant or their business from the venture capital firm, seed funding competition, UK government department, devolved government department in Scotland, Wales or Northern Ireland or intermediary public body
- name of the venture capital firm, UK seed funding competition or UK government department, devolved government department in Scotland, Wales or Northern Ireland or intermediary public body and the contact details of an official of that organisation (including their full address including postal code, telephone contact number and any email address)
- for a UK seed funding competition only:
 - confirmation that either the applicant, their entrepreneurial team or their business have been awarded money
 - confirmation that the competition is listed as endorsed on [the Department for International Trade \(DIT\) pages](#) of the GOV.UK website

- confirmation of the amount of the award and naming the applicant, their entrepreneurial team or their business as a winner
- for a UK government department, devolved government department or intermediary public body, confirmation that it has awarded money available for the specific purpose of establishing or expanding a UK business, and the amount

The accountant must have a valid licence to practise or practising certificate and must be a member of a recognised UK supervisory body as follows - if they are not, you cannot accept this item of evidence and you must not award any points for this evidence:

- Institute of Chartered Accountants in England and Wales (ICAEW)
- Institute of Chartered Accountants in Scotland (ICAS)
- Institute of Chartered Accountants in Ireland (ICAI)
- Association of Chartered Certified Accountants (ACCA)
- Association of Authorised Public Accountants (AAPA)
- the Chartered Institute of Public Finance and Accountancy (CIPFA)
- the Institute of Financial Accountants (IFA)
- the Chartered Institute of Management Accountants (CIMA)
- the Association of International Accountants (AIA)
- the Association of Accounting Technicians (AAT)

The letter must not be provided by a practising accountant who is also the applicant.

If the migrant has £50,000 awarded by a venture capital firm, seed funding competition, UK government department, devolved government department or intermediary public body, then they do not need to supply a bank letter. They must, however, provide the additional evidence for third party funding. See: [Third party evidence](#).

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[Solicitors Regulation Authority](#)

[The Law Society](#)

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Third party evidence

This page tells you what additional evidence is required if the migrant is relying on funding from a third party.

Third parties may include:

- venture capital firms
- any other businesses which are not being used to score points
- other investors such as family members

Third parties may **not** include:

- funding from other Tier 1 Entrepreneur migrants
- funding from the close family or businesses of other Tier 1 Entrepreneur migrants

If the applicant is relying on third party funding, or on funds transferred to them by a third party less than 90 days prior to the date of the application, they will also need to provide the additional evidence for third party funding.

However, if the money is being made available by a:

- UK seed funding competition
- UK government department and devolved government department

the applicant does not need to provide this evidence.

The additional evidence for third party funding is set out below.

Declaration from third party

If they rely on this type of funding applicants must, in addition to evidence of the money, supply a declaration from every third party who has made the money available. This declaration must contain:

- the names of the third party
- the applicant's name (and team member's name if they have formed an entrepreneurial team)
- the date of the declaration
- the applicant's signature and the signature of the third party (if they have formed an entrepreneurial team, both team members must sign)
- the amount of money available from the third party in pounds sterling
- confirmation that the money will remain available until it is transferred to the applicant or their business
- the relationship or relationships of the third party to the applicant

- for a venture capital firm only, confirmation of whether this body is a Financial Conduct Authority (FCA) registered venture capital firm, in the form of a document which must include:
 - confirm the award and the amount of money
 - include the FCA registration number
 - confirm that the firm's entry in the register includes permission to arrange, deal in or manage investments, or to manage alternative investment funds
- for third party funding provided by a business in which the applicant is self-employed or a director, confirmation of their status within that business - if they are not the sole controller of that business's finances, the letter must also be signed by another authorised official of the business

Letter from a legal representative

The applicant must also supply a letter from a legal representative, which confirms the validity of signatures on each third-party declaration. This must confirm the letter or letters of permission from the third party or parties containing the signatures of the people stated. This can be a single letter, which covers all third party permissions, or several letters from several legal representatives.

The confirmation must come from a legal representative capable of providing the information. This means it must be from a legal representative who is allowed to practise in the country where the third parties or money is.

The letter must clearly show the:

- name of the legal representative
- registration or authority of the legal representative to practise legally in the country in which the permission or permissions, was, or were, given
- date of the confirmation letter
- names of the applicant and third party (and the team member's name if they have formed an entrepreneurial team)
- letter from the third party is signed and valid
- number of the third party's identity document, such as a passport or national identity card, and the place of issue of the identity document, and dates of issue and expiry (this is not needed from a venture capital firm, seed funding competition or UK government department or devolved government department in Scotland, Wales or Northern Ireland)

As there is no central list showing the registration or authority of legal representatives around the world, you will need to search the internet to confirm if the registration or authority is appropriate.

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Evidence for invested funds

This page tells you about the evidence required from migrants making an initial application and wishing to claim points for already having invested some or all of the required level of funds, or migrants making an extension application, who are claiming points for investing their funds by the end of their initial grant of leave.

If the applicant is:

- making an initial application and wishes to claim points for already having invested some or all of the required level of funds
- making an extension application

then they must provide all the appropriate specified documents needed to establish the amount they have invested.

Audited accounts

Registered companies required to produce audited accounts must do so. For information on who needs to produce these accounts, see the [Companies House website](#).

Unaudited accounts and an accountant's certificate of confirmation

Businesses that are not required to produce audited accounts must provide:

- unaudited accounts, sometimes called management accounts
- an accounts compilation report from a suitably regulated accountant

The accounts compilation report is a service whereby practitioners compile accounts for the company directors who are responsible for the preparation of the financial statements and for being satisfied they give a true and fair view. The accounts compilation report explains how practitioners have helped the directors prepare the accounts.

Director's loan

If the applicant has made the investment in the form of a director's loan, it must be shown in the relevant set of financial accounts provided. Investments made on or after 19 November 2015 must also be shown through readily identifiable transactions in the applicant's business bank statements, which must clearly show the transfer of this money from the applicant to the business. They must also provide a legal agreement, between them (in the name that appears on their application) and the company.

This agreement must show:

- the terms of the loan
- any interest payable
- the period of the loan
- evidence to show the loan is unsecured and subordinated in favour of third-party creditors

If the information provided does not clearly show the loan is unsecured and subordinated in favour of third-party creditors, you cannot accept the loan for the award of points. Subordinated loans rank after other debts, should a company fall into liquidation or bankruptcy.

Previous investment

An initial applicant who wishes to claim points for already having invested some or all of the required level of funds before the date of that application may only rely on money which was invested in a UK business 12 months before the application. The applicant may rely on investments made within the last 24 months if their last grant of leave was as a Tier 1 (Graduate entrepreneur) migrant.

If the migrant is claiming points for investing £50,000 and has not been awarded points in a previous application for having those funds available, they must provide a letter as evidence of the source of those funds. This applies to funds awarded by:

- a venture capital firm
- seed funding competition
- UK government department
- devolved government departments in Scotland, Wales or Northern Ireland
- intermediary public body

Applicants using money awarded by a venture capital firm must also supply the additional documentation for venture capital funding. See: [Documentary evidence of funds](#).

If the applicant is relying on funds invested in a business, any money already 'spent' for business purposes must be shown as investment in the financial accounts.

Evidencing investment

The audited or unaudited accounts must show the investment in money made directly by the applicant, in their own name or on their behalf (and showing their name).

For investments made by one or more UK seed funding competitions listed as endorsed on [the Department for International Trade \(DIT\) pages](#) of the GOV.UK website, or one or more UK government departments, investment can be shown in the accounts as being made in the name of the above funding sources.

Where the investment is shown in the name of one of the above funding sources
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the accounts must be supplemented by a letter from the source, which confirms that the investment was made on behalf of the applicant.

If the applicant's business has an existing support relationship with DIT, investment can be shown in the accounts as being made in the name of the investing entity. Where this is the case the financial accounts must be supplemented by a letter from DIT confirming that this investment was made on the applicant's behalf, for the purposes of compliance with the rules. This only applies if the source of funds is not:

- one or more UK seed funding competitions listed as endorsed on the Department for International Trade pages of the GOV.UK website
- one or more UK government departments or devolved government departments in Scotland, Wales or Northern Ireland

If the applicant has invested by way of share capital, the business accounts must show the shareholders and the amount and value of the shares (on the date of purchase) in the applicant's name as it appears on their application. If the value of their share capital is not shown in the accounts, then a printout of the company's register of members from Companies House must be provided.

The accounts must clearly show the name of the accountant, the date the accounts were produced, and how much the applicant has invested in the business. The accounts must be prepared and signed off by an accountant, who is not the applicant (if they are working in their business as an accountant), in accordance with statutory requirements.

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[Financial Reporting Council website](#)

[OANDA website](#)

Accountant verification

This page tells you the documentation required to show that an accountant is suitably regulated to provide evidence of business accounts.

Evidence of accounts submitted from accountants must be from members of one of the following supervisory bodies for auditors (these are set out in the Companies Act 2006 on the Companies House website):

- Institute of Chartered Accountants in England and Wales (ICAEW)
- Institute of Chartered Accountants in Scotland (ICAS)
- Institute of Chartered Accountants in Ireland (ICAI)
- Association of Chartered Certified Accountants (ACCA)
- Association of Authorised Public Accountants (AAPA)
- the Chartered Institute of Public Finance and Accountancy (CIPFA)
- the Institute of Financial Accountants (IFA)
- the Chartered Institute of Management Accountants (CIMA)
- the Association of International Accountants (AIA)
- the Association of Accounting Technicians (AAT)

The accountant must:

- not be the applicant, if they are working in their business as an accountant
- have a valid licence to practise or practising certificate

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[Immigration Rules appendix A](#)

[Companies House – life of a company](#)

Evidence of UK business

This page tells you the evidence required to show the applicant invested in a UK business.

Applicants must provide evidence to show the business they have:

- has premises in the UK
- is subject to UK taxation
- has a UK bank account

They must provide one piece of evidence for each of these requirements.

Business Premises in UK

The applicant must provide the following evidence to show that their business has premises in the UK:

- if they are self-employed, evidence of their registration with HM Revenue and Customs to show that the business is based in the UK
- if they are a director of a UK company or a member of a UK partnership, a printout of a Companies House document showing the address of the registered office in the UK, or head office in the UK if it has no registered office, and their name, as it appears on the application form, as a director or member

Not all self-employed applicants will have a business office. If they had no business premises you must use their registration with HMRC to show that the business is based in the UK.

UK bank account

The applicant must provide the following evidence to show that their business has a UK bank account of which they are a signatory

- if they are self-employed, a personal or business bank statement showing transactions for their business (which must be currently active), or a letter from that same bank, on its headed paper, confirming that they have a business and act through that bank for the purposes of that business
- if they are a director of a UK company or member of a UK partnership either:
 - a business bank statement from a UK account, which shows business transactions
 - a letter from a UK bank, on its headed paper, confirming that the company or partnership has a bank account, that they are a signatory of that account, and that the company or partnership uses the that account for the business purposes

UK taxation

They must provide the following evidence to show that their business is subject to UK taxation:

- if they are self-employed as a sole trader or a member of a UK partnership, HM Revenue & Customs documentation to demonstrate they are making tax returns within the self-assessment system
- if they are a director of a UK company, it must be registered for corporation tax and they must provide documentation from HM Revenue & Customs which confirms this

The business must be actively trading and, if the business is a company, it must not be:

- dormant
- struck-off
- dissolved
- in liquidation

You must only consider a business as new if it was established no earlier than 12 months before the start of a period throughout which they have had continuous leave as a Tier 1 (Entrepreneur) migrant, and which includes their last grant of leave.

For applicants who held entry clearance or leave to remain as a Tier 1 (Graduate entrepreneur) no more than 28 days before the application which led to the start of the continuous period, a business will be considered to be new if it was established no earlier than 24 months before the start of that period.

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[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

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Business registration

This page tells you how a person who makes an extension application for leave as a Tier 1 (Entrepreneur) migrant must have registered within 6 months of entering the UK and how they must also be registered at extension and/or indefinite leave to remain (ILR) stage.

The applicant must have registered with:

- HM Revenue & Customs (HMRC) as self-employed
- Companies House as a director of a new or an existing business or member of a new or an existing partnership - you must not award points to directors who are on the list of disqualified directors provided by Companies House

Registration as any of the above must be within 6 months of the date of any of:

- entry to the UK, if they were granted entry clearance as a Tier 1 (Entrepreneur) migrant and there is evidence to establish the date of their entry to the UK
- the grant of entry clearance, if they were granted entry clearance as a Tier 1 (Entrepreneur) migrant and there is no evidence to establish their date of entry to the UK
- the grant of leave to remain, in any other case

If the applicant does not meet one or more of these conditions within 6 months of the specified date, you can curtail their leave.

They do not need to meet this requirement if the last grant of leave (before their current grant of leave) was as a businessperson or innovator.

Applicants who are applying for accelerated indefinite leave to remain (ILR) and have not demonstrated this requirement in a previous grant of leave (for example, at extension stage) must do so when they make their accelerated ILR application.

If the applicant's last grant of leave before the current grant was as an entrepreneur (for instance, a second extension), they will have met this requirement in a previous application and do not have to demonstrate it again.

Evidence accepted as proof of the above includes:

- a passport which contains the visa stamped on entry to the UK
- flight tickets and boarding card
- other documents which prove the date they entered the UK

If they have moved on to other activities and are no longer involved in the business they initially invested in, they must still provide evidence of the initial investment.

Registered when applying for an extension or ILR

The applicant must be engaged in business activity at the time of their extension or ILR application. They may change from being self-employed to being a director of a company or member of a partnership, or from director of a company or member of a partnership to self-employed, as long as they are engaging in business in the UK as one or the other. They must show they were registered on a date no earlier than 3 months directly before the date of application.

They may choose which evidence to supply if they have acted in both capacities, but points are only awarded for one registration.

Not the sole partner or a sole director

If the applicant is not the sole partner or sole director in their business or businesses, they must confirm:

- the names of the other partners or directors
- whether any of the other partners or directors are also Tier 1 (Entrepreneur) migrants
- the dates that any other Tier 1 (Entrepreneur) migrants became a partner or director of the business

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Evidence for business registration: director or member

This page tells you the evidence an applicant needs to show registration as a director of a company or a member of a partnership who apply for an extension to their leave or for indefinite leave to remain (ILR).

You must check registration at 2 periods during the leave when you consider extension applications, once within the 6 months just after the entrepreneur entered the route, and again within the 3 months before they applied to extend. Also, applicants must show they registered within the 3 months before they apply for ILR.

Current registration

A director of a company or member of a partnership must provide a printout from Companies House (CH) of the company's filing history page and of a Current Appointment Report, listing the applicant as a director of a company or member of a partnership that is actively trading.

This documentation must:

- be dated within the 3 months immediately before the date of this application
- show the applicant's name (as on the application form)
- show the applicant is the director of a company or member of a partnership that is actively trading and not dormant or struck-off, or dissolved or in liquidation
- include the filing history page

You must check with Companies House to see if the applicant is on the list of [disqualified directors](#). If they are, you must not award them any points.

If the migrant is member of a UK partnership, you can accept either HM Revenue & Customs or Companies House documentation if this evidence confirms they are currently registered.

Evidence to show they met the criteria required immediately after entry to the UK

The applicant must provide evidence to show they registered with HM Revenue & Customs (HMRC) within 6 months of their specified date.

The specified date can be the date of any of:

- their entry to the UK (if they were given entry clearance and have evidence of the date of entry)
- their grant of entry clearance
- their grant of leave to remain if they applied in the UK

If they were a director of a new or existing company, they must provide a printout from Companies House of the company's filing history page. Applicants must also provide a print out of a Current Appointment Report. The Current Appointment Report must list the applicant as a director of a company or member of a partnership that is actively trading, and show the date of their appointment as a director of that company / member of that partnership.

The Current Appointment Report must be dated no more than 6 months after the specified date.

If their last grant of leave, before the grant of leave they currently have, was as a businessperson or innovator, they do not need to fulfil this requirement, and you can award them the appropriate points.

Not the sole partner or a director

If the applicant is not the sole partner or sole director in their business or businesses, they must confirm:

- the names of the other partners or directors
- whether any of the other partners or directors are also Tier 1 (Entrepreneur) migrants
- the dates that any other Tier 1 (Entrepreneur) migrants became a partner or director of the business

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Evidence for business registration: self employed

This page tells you the evidence needed to show registration as a self-employed person who applies for an extension to their leave or indefinite leave to remain (ILR).

You must check registration at 2 periods during the leave when you consider extension applications, once within the 6 months just after the entrepreneur entered the route (their specified date), and again within the 3 months before they applied to extend. Applicants must show they registered within the 3 months before they apply for ILR.

Evidence

The applicant must provide evidence of their registration with HM Revenue & Customs- once within 6 months of their specified date and again within the 3 months before they applied to extend/applied for ILR.

The specified date can be the date of either:

- their entry to the UK (if they were given entry clearance and have evidence of the date of entry)
- their grant of entry clearance
- their grant of leave to remain if they applied in the UK

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Job creation

This page tells you the requirement for a person who makes an extension application for leave as a Tier 1 (Entrepreneur) migrant or indefinite leave to remain (ILR) application to have created jobs in the UK.

If the applicant established a new business or businesses or invested in an existing business, they must have created the equivalent of 2 extra full-time paid jobs for at least 2 people who are settled in the UK. Each job must have existed for at least 12 months.

The Home Office defines full-time as a 30-hour working week.

If they are self-employed, they must employ the workers directly. If they are a director of a company or member of a partnership, they must have created 2 new posts.

Both team members of an entrepreneurial team can use the same evidence for creating employment.

Tier 1 (Entrepreneur) migrants who invest in the same business and are not part of an entrepreneurial team may not use the same evidence of job creation. If the applicant is not the sole partner or director of the business or businesses, they must confirm:

- the dates that any other Tier 1 (Entrepreneur) migrants became a director of the company/member of the partnership
- whether the applicant and the other Tier 1 (Entrepreneur) migrant are team members who will be sharing evidence of job creation

A single job need not consist of 12 consecutive months (for example it could exist for 6 months in one year and 6 months the following year), providing it is the same job (different jobs that have existed for less than 12 months cannot be combined together to make up a 12 month period). The jobs need not exist at the date of application, provided they have existed for 12 months.

The jobs must comply with the UK regulations, including the working time directive. See: [GOV.UK](https://www.gov.uk) for further information.

Self-employed contractors who are working for the business do not count when awarding points.

Further leave

If the applicant has already been granted a Tier 1 (Entrepreneur) extension and is applying for a further extension, they can score points for job creation in either of the following ways:

- if the jobs created in their initial grant of leave were maintained for at least a further 12 months during their most recent extension
- if the jobs from the previous leave no longer exist, they must show they have created 2 new jobs which have existed for at least 12 months during their most recent extension

This will not be possible if the most recent extension was granted less than 12 months ago. In such cases, the jobs must have existed for at least the last 12 months leading up to the date of the current application. This 12 month period will fall across the applicant's last 2 grants of leave.

If the applicant is applying for a second extension or a 5 year settlement application:

- they can only score points for employment activity from their most recent extension period of leave
- they cannot claim points for any employment activity from their initial period of leave (as this can only be used to score points for the applicant's first extension application)

The only exception is if the most recent extension was granted less than 12 months ago. In such cases, the applicant can score points for employment activity from the last 12 months leading up to the date of the current application.

During their initial leave	They are applying for their first extension application	During their extension period of leave	They are applying for a second extension or 5 year settlement application
They need to create 2 jobs which exist for 12 months.	You must assess the employment activity from the initial period of leave.	They must: Maintain the 2 jobs created in their initial leave for a further 12 months, or Create 2 more jobs which exist for 12 months, if the 2 jobs created during their initial period of leave	You must assess the employment activity from the extension period of leave.

During their initial leave	They are applying for their first extension application	During their extension period of leave	They are applying for a second extension or 5 year settlement application
		have ceased to exist.	

If an applicant makes an application for indefinite leave to remain through the accelerated route on the basis of the creation of 10 jobs, they may include the same 2 jobs created during their initial leave. The applicant can only use this provision if these jobs are maintained for at least 12 months during their most recent extension.

The exception to the above rule is if their current leave was granted less than 12 months ago. In such cases the jobs must have been maintained for at least the 12 months before the date of the current application. This will include the full extension period plus the balance needed to make up the rest of the 12 months from the initial period.

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Entrepreneurial teams

This page tells you how to consider applications from entrepreneurial teams under Tier 1 (Entrepreneur).

Under the Immigration Rules, 2 applicants can apply to the Tier 1 (Entrepreneur) route by claiming points for the same investment.

The applicants must:

- have equal control over the funds and the business or businesses
- be named in each other's applications and in the specified evidence required

The applicants must not have previously been granted leave as a Tier 1 (Entrepreneur) on the basis of investment and/or business activity with any other applicant (other than each other), if the same funds are being relied on as in a previous application.

You must not award points for funds if they are also available to anyone else besides the entrepreneurial team members. This includes other business partners who are not applying for a visa (for example EEA residents).

You can accept money held in an account which the applicant has jointly with any of the people listed below, providing the money is also available to the other entrepreneurial team member. They are the applicant's:

- husband
- wife
- civil partner
- unmarried or same-sex partner

An unmarried or same-sex partner is defined as a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least 2 years before the date of application. Money made available from third parties to the team's business is acceptable.

Consideration of entrepreneurial team applications

Team members may enter the category at different times and apply from different locations (for example one in-country applicant and one out of country applicant).

Applicants are encouraged to supply a set of documents on each team member's application, but this is not a requirement of the Immigration Rules. If you receive an application for a team member, you must make all reasonable attempts to link this to the other team member's application. This makes sure you have consistency and all the required documents.

Tier 1 (Entrepreneur) migrants investing in the same business who are not part of an entrepreneurial team may not use the same evidence of job creation.

If either one or both members of the entrepreneurial team is applying in the UK, they may only rely on funds located in the UK.

The Immigration Rules are subject to revision and update. Therefore, if there is a delay between the submission of one application and that of their entrepreneurial team member, any changes to the Immigration Rules that take place during a period between applications may affect their ability to apply as an entrepreneurial team.

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Evidence of job creation

This page tells you about the evidence the applicant must provide to show they have created 2 full-time posts in their business.

An applicant can only use employment created whilst they were engaged in the business.

In order to confirm the applicant created the jobs after they joined the business, they must supply evidence of the date they joined the business. See related links:

- [Registration as a director or member](#)
- [Registration as self-employed](#)

Not the sole partner or a director

If the applicant is not the sole partner or sole director in their business or businesses, they must confirm:

- the names of the other partners or directors
- whether any of the other partners or directors are also Tier 1 (Entrepreneur) migrants
- the dates that any other Tier 1 (Entrepreneur) migrants became a partner or director of the business
- whether the applicant and the other Tier 1 (Entrepreneur) migrant are team members who will be sharing evidence of job creation
- the names of the jobholders they are claiming points for

Number of hours worked by an employee

The applicant must provide evidence for each worker of employment created this must show they are reporting Pay As You Earn (PAYE) income tax appropriately to HMRC and have done so for the full period of employment for which points are being claimed. They must provide printouts of Real Time-Full Payment Submissions which confirm the report of PAYE income tax to HMRC. These types of submissions have been mandatory for all reporting from 6 October 2013.

The evidence above must show the total payments made to the settled workers as well as the tax deducted and date which they started work with the applicant's business.

The applicant must also provide:

- duplicate wage documents issued to the worker covering the full period of their employment

- confirmation of the start date, number of hours paid and the hourly rate for each employee used to claim points, including any changes in the number of hours paid or hourly rate and the dates of the changes
- documents which show the employee is a settled worker, such as the biometric data page of the passport containing the photograph and personal details of the employee- where the worker is an overseas national:
 - a copy of any UK government stamp or endorsement within the passport
 - the employee's full birth certificate showing the name of at least one parent
- a printout from Companies House of the company's filing history page and their personal appointments history, showing the date of their appointment as director of that company or member of that partnership, as applicable

You must check that the applicant was a director of the company or member of the partnership that employed the worker. You must also check that the applicant was a director of the specific employing company or member of the specific employing partnership at the time that the settled worker was employed.

If the applicant is self-employed, you must cross-check the details of the business with the evidence the applicant provides to show that it was a UK business. This will include the dates that the applicant became self-employed, the names on the Employee Payment Record or the Real Time Full Payment Submission, the bank account, and the address of the business.

Settled status: additional documentation

If it is not possible to establish the parent's settled status from the birth certificate alone, the applicant will also need to provide additional documentation, such as pages from their parent's passport to demonstrate this. For more information, see: [Who qualifies as a settled worker.](#)

Applicant takes over or joins an existing business

If the applicant took over or joined a business that employed workers before they joined it, they must provide payroll information in the form of either:

- a duplicate form HM Revenue & Customs full payment summary (FPS) document (they could submit either 12 months' worth of monthly Full Payment Submissions, or a financial year end document running April-March) sent to HMRC under Real Time
- a form P35, if the business started employing staff for which points are being claimed before they were reporting under Real Time

If they took over or joined an existing business, they must also provide a letter from an accountant, to verify the job creation. The accountant's letter must contain:

- the name and contact details of business
- the status of the applicant in the business
- the number of posts created in the business

- dates of the employment created
- registration or permission of the accountant to operate in UK
- the date the accountant created the letter on behalf of the applicant
- If the business did not employ workers before the applicant took over or joined it, confirmation of this
- a statement from the accountant to confirm the content of the letter to the Home Office

The accountant must not be the applicant (if they are working in their business as an accountant) and must have a valid licence to practise or practising certificate.

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[Tier 1 \(Entrepreneur\) of the points-based system – policy guidance](#)

Who counts as a settled worker?

This page tells you who qualifies as an employee of the entrepreneur's business when you award points in this category.

The jobs created must meet UK legislation. More information on employment legislation is available on [GOV.UK](https://www.gov.uk).

Not everyone who works for someone else is an employee. You can only count employees who are:

- part-time and full-time workers
- under an employment contract with the applicant's business

The applicant cannot claim points for a self-employed worker who is contracted to work for them. It is the applicant's responsibility to consider the status of employees, and they can get advice from the HM Revenue & Customs (HMRC) see related link. You cannot give advice on employee status.

Only jobs given to people with settled status in the UK qualify for the award of points. Paragraph 6 of the Immigration Rules defines what is meant by 'settled in the UK' - see related link.

For the purposes of this route, a 'settled worker' is a person who is:

- a national of the UK
- a British overseas territories citizen - except those from sovereign base areas in Cyprus - including nationals of:
 - Anguilla
 - Bermuda
 - British Antarctic Territory
 - British Virgin Islands
 - British Indian Ocean Islands
 - Cayman Islands
 - Falkland Islands and dependencies
 - Gibraltar
 - Montserrat
 - Pitcairn Islands
 - St Helena, Ascension and Tristan da Cunha
 - Turks and Caicos Islands
- a Commonwealth citizen who was allowed to enter or to remain in the UK on the basis that a grandparent was born here
- settled in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002
- a national of:
 - Austria
 - Belgium

- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Republic of Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- the Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland

Workers who need approval to work in the UK cannot count towards the award of points even if they have permission to work for the applicant's business. Any holder of a letter of permission to work under any of the Tier 1 of the points-based system categories will not count for the award of points.

Evidence of settled worker status

It is the employer's responsibility to check their employee is not an illegal worker. They must copy certain documents belonging to the worker and keep them.

Documentation to confirm status

The applicant must provide copies of the following documents which demonstrate their employee has settled status in the UK:

- a British passport, which shows the biometric data page containing the photograph and personal details of the employee

- a birth certificate, which demonstrates the employee was born in the UK and Colonies before 1 January 1983
- if the employee was born in the UK on or after 1 January 1983:
 - a birth certificate
 - documentation, such as a passport or naturalisation certificate, which confirms one of their parents had settled status in the UK when the employee was born
 - if the parent is the father of the employee, a marriage certificate to the mother
- if the employee is an EEA national, the biometric data page of a passport containing their photograph and personal details, or a UK registration certificate/permanent residence document
- if the employee is a spouse of an EEA national, the biometric data page of a passport containing their photograph and personal details, or a residence card, and any of the documents listed above which relate to the EEA national, together with a marriage certificate to the EEA national
- if the worker is an overseas national with settled status in the UK both of the following:
 - the biometric data page of a passport containing their photograph and personal details
 - the pages where a UK Government stamp or an endorsement appear, or a biometrics residence permit, or official documentation from the Home Office which confirms their settled status in the UK

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[Immigration Rules appendix A](#)

[Paragraph 6 of Immigration Rules](#)

[Preventing illegal working - guidance documents for employers](#)

English language requirement

This page tells you about the English language requirements for the Tier 1 (Entrepreneur) category of the points-based system.

From 29 March 2019, all applicants should automatically score 10 points for English language, as they will all have previously been granted leave as a Tier 1 (Entrepreneur) migrant or Tier 1 (Graduate Entrepreneur) migrant. The only exception will be if they are found to have used deception in relation to the English language requirement in their earlier application.

For more information, see: [English language](#).

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Maintenance requirement

This section tells you the maintenance requirements for the Tier 1 (Entrepreneur) category of the points-based system.

An applicant must show they have enough money to support themselves (and any dependants).

If the applicant cannot score 10 points for maintenance, you must refuse their application, even if they have met all the other Tier 1 (Entrepreneur) requirements.

Awarding points

You must award 10 points if they are:

- outside the UK seeking entry clearance and have at least £3,310 of personal savings which they have held for a consecutive 90 day period before the date of the application
- in the UK seeking leave to remain and have at least £945 of personal savings which they must have held for a consecutive 90 day period before the date of the application

They cannot use the same funds to score points for investment funds and to score points for maintenance funds (for themselves or their dependants).

When the funds are in a currency other than pounds sterling, you must:

- use the rates published on the [OANDA website](#) to convert the amount (see related link)
- base the amount the applicant has stated on the exchange rate for the relevant currency on the date of the application

If the applicant wishes to rely on a joint account as evidence of available funds, they must be named on the account along with one or more other named individual.

Any dependants must also provide evidence that they have access to sufficient funds, even if they are joining the applicant at a later date.

For more information on the evidence needed for maintenance, see: [Evidence required for maintenance](#).

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[OANDA website](#)

Evidence of maintenance

This page tells you what evidence an applicant must provide as proof of maintenance to support an initial or extension application for the Tier 1 (Entrepreneur) category of the points-based system.

An applicant must provide evidence of personal savings, which cover a period of 90 consecutive days, and no more than one calendar month before submitting the application.

The documents must:

- be on the organisation's official letter-headed paper or stationery
- have the organisation's official stamp
- have been issued by an authorised official of that organisation

Evidence must be in the form of cash funds. You must not:

- include any overdraft facilities
- accept other accounts or financial instruments (such as shares, bonds and pension funds), regardless of notice

The applicant must provide one of the following:

- personal bank or building society statements covering 90 consecutive days - the most recent statement must be dated no earlier than one calendar month before the date of the application
- building society pass book covering the previous 90 day period
- a letter from the bank confirming their funds and that they have been in the bank for at least 90 days
- a letter from a financial institution regulated by the Financial Conduct Authority (FCA) and Prudential Regulation Authority (PRA) or, in the case of overseas account, the home regulator (official regulatory body for the country in which the institution operates and the funds are located), confirming funds

The information must clearly show:

- the applicant's name
- the account number
- the date of the statement
- the financial institution's name and logo
- transactions covering the 90 day period
- there are sufficient funds present in the account (the balance must always be at least £3,310 or £945, as appropriate)

You can accept as evidence:

- other bank statements printed on the bank's letterhead

- electronic bank statements from an account, if they contain all of the details listed above and:
 - the applicant provides a supporting letter from the bank, on company headed paper, confirming the statements provided are authentic
 - the electronic bank statement has the official bank stamp on every page

You cannot accept:

- mini-statements from automatic teller machines
- statements which simply show the balance in the account on a particular day

These are not acceptable as they do not demonstrate the applicant holds sufficient funds for the full period required.

You must not consider any money earned when the applicant was in breach of the UK's immigration laws as evidence of maintenance funds.

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[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

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Curtailment

This section tells you about curtailment.

You may be asked to consider whether leave should be curtailed under paragraph 245DE (c) of the Immigration Rules.

Paragraph 39D of the Immigration Rules gives you the power to ask a person who has limited leave to enter or remain in the UK to do either or both the following:

- provide additional information and evidence to the Home Office
- attend an interview

When such a request has been made under paragraph 39D, you must consider curtailing a person's leave, if, without reasonable explanation, they do either or both of the following:

- do not provide additional information and evidence to the Home Office at the address specified in the request within 28 calendar days of the date the request is sent
- fail to attend an interview

If you curtail leave for this reason, you must do so under paragraph 323(vii) of the Immigration Rules.

For more information, see related link: [Curtailment](#).

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[Paragraph 245DE of the Immigration Rules](#)

Change of circumstances

This page tells you about changing the circumstances under Tier 1 (Entrepreneur).

The applicant must use the appropriate form to change any of the following.

To change:

- contact details
- details of criminal convictions
- representative's details
- a dependant's details

they must complete a change form. See: [Changes during your stay](#).

You must confirm the change of circumstances have been noted in a letter.

If the current grant of leave is a biometric residence permit (BRP), a new application must be sent on form NTL or TOC to change their:

- name
- date of birth
- nationality
- gender
- appearance

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Venture capital

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Grant or refuse

This page tells you about granting or refusing an application for a Tier 1 (Entrepreneur).

For more information, see links in this section:

- [Granting or refusing entry clearance](#)
- [Granting or refusing entry at UK port](#)
- [Granting or refusing an extension of stay in UK](#)
- [Granting or refusing indefinite leave to remain](#)

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Grant or refuse entry clearance

This page tells you about granting or refusing an application made overseas to come to the UK in the Tier 1 (Entrepreneur) category.

Grant entry clearance

You must grant entry clearance if the applicant:

- meets all the requirements of [paragraph 245DB to 245DC of the Immigration Rules](#)
- none of the general grounds for refusal in [paragraph 320](#) apply

Length of leave

Three years 4 months.

The endorsement is one of the following:

- Tier 1 - Entrepreneur – 245DB - Code 1 (+bus) (+sport)
- Tier 1 - Entrepreneur Partner - 319C - Code 1 (+doc)
- Tier 1 - Entrepreneur Child - 319H - Code 1

The endorsement must be valid from the date the applicant intends to travel to the UK.

Refusing entry clearance

When the applicant has not provided the required evidence that they meet all the requirements of the relevant paragraph, or if any of the general grounds for refusal in paragraph 320 apply, you must refuse the application.

Biometrics for entry clearance

Successful applicants for entry clearance are given a [biometric resident permit \(BRP\)](#). If the entry clearance application is successful, they must be given a 30 day visa to allow them to collect their BRP after they have arrived in the UK.

Appeals

The appeals rights for PBS cases have changed for all applications made on or after 6 April 2015 and migrants will no longer have a limited right of appeal. See: [Appeals guidance](#).

Rights of appeal and administrative review - out of country applications

If an application for entry clearance is refused under the points-based system, the applicant cannot appeal against our decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review.

Further information on administrative reviews

See: [Ask for a visa administrative review](#)

Related content

[Contents](#)

General grounds for refusal

Visas and entry clearance

Related external links

[Immigration Rules appendix A](#)

[Entry clearance vignettes: types, safeguarding and validity](#)

[Administrative review](#)

[Administrative review – forms for migrants outside the UK](#)

Grant or refuse entry at port

This page tells you about granting or refusing entry at a UK port to a person seeking to enter the UK in the Tier 1 (Entrepreneur) category.

Grant leave to enter

Before you grant leave to enter, you must be satisfied:

- the applicant has valid entry clearance
- there are no reasons to believe the applicant gave false information to obtain the entry clearance or that circumstances have changed since it was issued
- none of the general grounds for refusal in [paragraphs 320 to 321](#) of the Immigration Rules apply

Refusal of entry

You must refuse entry if:

- the applicant does not have an entry clearance
- the applicant has not provided the required evidence that they meet all the requirements of the relevant paragraph of the Immigration Rules
- any of the general grounds for refusal in [paragraphs 320 to 321](#) apply- you must read the guidance on general grounds for refusal and on what paragraphs to use, by using the link: [General grounds for refusal](#)

Refusal of leave to enter

You must refuse a visa national who seeks entry without a valid UK visa under paragraph 320(5) of the Immigration Rules.

You must refuse a non-visa national who seeks entry in this capacity without the requisite entry clearance under [paragraph 245DA](#) of the Immigration Rules.

If you consider refusing an applicant following their return from a short absence abroad, you must consider the refusal under paragraph 321A of the Immigration Rules. You must take into account the applicant's continuing leave.

If the applicant is subject to a deportation order, any leave that they have been granted is cancelled. You must refuse under paragraph 320(2) of the Immigration Rules. You must also refer to Border Force operations advice and support using the Border Force National Immigration and Customs Enquiries mailbox before you make a decision.

If you consider a refusal on the grounds of national security, public policy, sensitive information or where the decision may affect relations with another country, you must refer to Border Force OAS Enquiries.

Official – Sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – Sensitive: end of section

Appeal rights and refusal forms

An applicant who has valid entry clearance (EC) or a biometric residence permit (BRP) which is cancelled at the border will not have a right of appeal against that decision. Where an EC or a BRP is cancelled, the applicant may have a right to administrative review of that decision. Please see the administrative review guidance for further information.

Where there is a right to administrative review at the border, you must serve an IS82 No RD AR in UK port cases and, at the juxtaposed controls, you must serve an IS82 JUXT AR.

Where the applicant has an EC or BRP and is having their leave cancelled at the border and does not qualify for administrative review, you must serve an IS82 RD no AR in UK port cases. At the juxtaposed controls, you must serve the IS82 JUXT No AR.

Where the applicant does not hold an EC or BRP, there is no right to administrative review. You must serve the applicant an IS82 No AR RLE in UK port cases, and an IS82 JUXT No AR RLE at the juxtaposed controls.

Landing card codes

- Tier 1(Entrepreneur) – T1E
- Tier 1 (Dependant) – T1R

Related content

[Contents](#)

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

Refusal of entry clearance or leave to enter

Grant or refuse entry extension of stay in UK

This page tells you when to grant or refuse an extension of stay to a person who seeks an extension of stay under the Tier 1 (Entrepreneur) category of the points-based system.

Grant extension

You must grant leave to remain if:

- the applicant meets all the requirements of [paragraph 245DD](#) of the Immigration Rules
- none of the general grounds for refusal in [paragraphs 320 to 324](#) apply

Grant leave on code 4D.

The wording on the Biometric Residence Permit is:

Front:

T1 HS ENTREPRENEUR
LEAVE TO REMAIN
RESTRICTED WORK
BUS INVEST
NO SPORTSPERSON

Reverse:

NO PUBLIC FUNDS

Refuse an extension

You must refuse leave to remain if:

- the applicant does not meet all of the requirements of paragraphs 245D or 245DD of the Immigration Rules
- any of the general grounds for refusal apply
- the applicant is in breach of immigration laws, except:
 - any period of overstaying allowed under the Immigration Rules
 - if the application was submitted before 9 July 2012

For more information, see: Applications from overstayers (non family routes).

Appeals

The appeals rights for PBS cases have changed for all applications made on or after 6 April 2015 and migrants will no longer have a limited right of appeal. See: [Appeals guidance](#).

Rights of appeal and administrative review - in country applications for leave to remain made before 2 March 2015

If the application was made before 2 March 2015, depending on their appeal rights, applicants may be able to submit an appeal if they want to challenge a refusal decision for leave to remain (permission to stay in the UK). Details of whether and how they can appeal against our decision must be included in the decision letter.

Rights of appeal and administrative review - in country applications for leave to remain made on or after 2 March 2015

If the application was made on or after 2 March 2015, applicants cannot appeal against our decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review. Details of how to make an administrative review application must be included in the decision letter.

Further information on administrative reviews

See: [Administrative review modernised guidance](#).

Related content

[Contents](#)

General grounds for refusal

Related external links

[Immigration Rules appendix A](#)

Grant or refuse indefinite leave to remain

This page tells you how to grant or refuse an application under the Tier 1 (Entrepreneur) category of the points-based system for indefinite leave to remain.

An applicant must complete a continuous residence period of 3 or 5 years in an eligible immigration category, depending on the level of investment and business activity in the UK. They must show they are engaged in business activity at the time of their application.

To qualify for indefinite leave to remain, a Tier 1 (Entrepreneur) migrant must meet the requirements listed below.

The continuous residence period is 3 years.

The applicant must meet the following criteria:

- the business has created at least 10 new full-time jobs for settled people
- they have established a new UK business that has had an income from business activity of at least £5 million during a 3 year period while they have been in the UK under Tier 1 (Entrepreneur)
- they have taken over, or invested in, an existing UK business and:
 - their services or investment have resulted in a net increase of £5 million in that business's income from business activity
 - the increase in business income was created during a 3 year period while they have been in the UK under Tier 1 (Entrepreneur), compared to the immediately preceding 3 year period
- they must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant
- they must have spent a continuous period of 3 years lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period, with leave as a Tier 1 (Entrepreneur) migrant
- they must have sufficient knowledge of the English language and sufficient knowledge about life in the UK, in accordance with paragraph 33BA of the Immigration Rules, unless they are under the age of 18 or aged 65 or over at the date the application is made
- they must not be in the UK in breach of immigration laws

The continuous residence period is 5 years in all other cases.

The applicant must:

- not fall for refusal under the general grounds for refusal, and must not be an illegal entrant

- have spent a continuous period of 5 years lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period, with leave as a Tier 1 (Entrepreneur) migrant
- have sufficient knowledge of the English language and sufficient knowledge about life in the UK, in accordance with paragraph 33BA of the Immigration Rules, unless they are under the age of 18 or aged 65 or over at the date the application is made
- not be in the UK in breach of immigration laws

If the applicant meets all the above criteria, you must grant their application.

Related content

[Contents](#)

Knowledge of language and life in the UK

ILR – calculating continuous period in UK

Applications from overstayers (non family routes)

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

Conditions of leave

This page tells caseworkers about the conditions that an applicant must follow if they are granted leave as a Tier 1 (Entrepreneur) migrant.

Applicants granted leave in this category are subject to the following conditions:

- they cannot use public funds
- they must register with the police, if they are required to do so by paragraph 326 of the Immigration Rules
- they cannot take up employment, other than working for the business or businesses they establish, join or take over - working for such a business or businesses does not include any work the applicant does under a contract of service or apprenticeship with another business, whether:
 - express or implied
 - oral or written
- no employment as a professional sports person (including as a sports coach)
- study subject to the condition below

The migrant is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education institution before they start their study if:

- they are over age 18 (or will be over 18 by the time their leave expires)
- their course is one of the following:
 - a doctorate or master's degree by research in one of the disciplines listed in paragraph 1 of [appendix 6](#) of the Immigration Rules
 - a taught master's degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of [appendix 6](#) of the Immigration Rules
 - a period of study or research in one of the disciplines listed in paragraphs 1 or 2 of [appendix 6](#) of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification

If their course (or research) completion date is postponed or delayed for more than 3 calendar months, or there are any changes to the course contents (or the research proposal), they must apply for a new ATAS certificate within 28 calendar days, and must provide a printout of the new certificate to their institution promptly.

Related content

[Contents](#)

Public funds

Police registration

Related external links

[Immigration Rules part 6A, paragraphs 245D to 245DF](#)

[Immigration Rules appendix A](#)

[Immigration Rules - paragraph 326](#)

[Immigration Rules appendix 6](#)

Dependants

This page tells caseworkers which dependants can join a person who comes to the UK in the Tier 1 (Entrepreneur) category of the points-based system.

Under [paragraphs 319A to 319K of the Immigration Rules](#), the following dependants are allowed to come to the UK to join a person granted entry clearance or leave to remain as a in this category, provided they meet the requirements of the rules:

- spouse, civil partner, unmarried or same-sex partner
- dependent children

For more information on the requirements that dependants must meet in order to be granted leave in line with a Tier 1 (Entrepreneur) migrant, see: PBS dependant guidance.

Related content

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Family members of points-based system migrants