



Home Office

# Representatives of overseas businesses

Version 18.0

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# About this guidance

This guidance gives information for caseworkers on representatives of overseas businesses who are being posted to the UK to establish a branch or subsidiary of that business and representatives of overseas media organisations being posted to the UK on a long-term assignment.

This guidance is based on [Part 5 of the Immigration Rules](#).

## 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 email the Economic Migration Policy team.

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 **18.0**
- published for Home Office staff on **4 June 2020**

## Changes from last version of this guidance

- standardised terminology to prefer the term 'overseas business' when referring to the sending organisation, and 'branch or wholly owned subsidiary' when referring to the UK entity
- updated guidance on shareholdings and ownership to reflect new rules and replaced references to 'shareholders' with 'owners' throughout the document
- updated guidance on employment status to clarify existing rules
- updates to various hyperlinks

### Related content

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## Key facts

This page shows you the key facts for representatives of overseas businesses and overseas media representatives.

Eligibility requirements	<p>An applicant must either:</p> <ul style="list-style-type: none"> <li>• be an overseas media employee employed by an overseas newspaper, news agency or broadcasting organisation and posted by their employer on a long-term assignment in the UK</li> <li>• be the sole representative in the UK of an active and trading overseas business who intends to establish and operate a registered branch or wholly-owned subsidiary in the UK</li> </ul> <p>They must also:</p> <ul style="list-style-type: none"> <li>• have been recruited and employed outside the UK</li> <li>• intend to work full-time as a representative of that overseas business only</li> </ul> <p>The business must have, and intend to continue to have, its headquarters and principal place of business outside the UK and, where the applicant is seeking entry as a sole representative, the business must have no other active branch, subsidiary or representative in the UK.</p> <p>An overseas media company can have more than one representative in the UK at the same time.</p> <p>All applicants must have a level of English language equivalent to level A1 or above of the Council of Europe’s Common European Framework for Language Learning.</p>
Application forms	<p>All applications are made via GOV.UK.</p> <p>Out-of-country applications – Work-OOC Extension (leave to remain within UK) – FLR (IR) Indefinite leave to remain – SET (O)</p>
Cost of application	See <a href="#">UK visa fees</a> .
Entry clearance mandatory?	Yes

Is biometric information required for applications made in the UK?	Yes
Code of leave to remain granted	Code 4 Business Representative Code 4A Overseas Media Representative
Entry clearance endorsements	CAT D: Overseas Business Rep-Employment with LTE 3 years Code 4.
Conditions of leave to enter or remain	<p>Leave to enter or remain under this route is subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• no recourse to public funds</li> <li>• must register with the police, if required by paragraph 326 of the Immigration Rules</li> <li>• work only as a representative for the business which they have been admitted to represent</li> <li>• study (with no limit on the number of study hours if it doesn't interfere with the job they have been sponsored to do) subject to the following restriction</li> </ul> <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"> <li>• they are over age 18 (or will be over 18 by the time their leave expires)</li> <li>• their course is one of the following: <ul style="list-style-type: none"> <li>○ a doctorate or master's degree by research in one of the disciplines listed in paragraph 1 of <a href="#">appendix 6</a> of the Immigration Rules</li> <li>○ a taught master's degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of <a href="#">appendix 6</a> of the Immigration Rules</li> <li>○ a period of study or research in one of the disciplines listed in paragraphs 1 or 2 of <a href="#">appendix 6</a> of the Immigration Rules at an institution of higher education, where this forms part of an overseas postgraduate qualification</li> </ul> </li> </ul> <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,</p>

	and must provide a printout of the new certificate to their institution promptly.
How long is leave normally granted for?	Leave to enter is granted for 3 years.  Leave to remain is granted for 2 years.
Are dependants allowed?	Yes, but a dependant partner of a sole representative cannot own or control a majority of the overseas business that the lead applicant represents.
Work and study allowed?	Yes, both are allowed, but work must only be as a representative of an overseas business.
Is switching into this category allowed?	No
Does this category lead to settlement (indefinite leave to remain)?	Yes
Is knowledge of language and life required?	Yes
CID case type	<p>CID case types are as follows:</p> <ul style="list-style-type: none"> <li>• Rep of Overseas Businesses – LTR</li> <li>• Rep of overseas Businesses – ILR</li> </ul> <p>The following relate to older case types and must no longer be used:</p> <ul style="list-style-type: none"> <li>• representatives of overseas news Age. &amp; B Org - EC (refers to representatives of overseas news agencies and business organisations)</li> <li>• representatives of overseas news Age. &amp; B Org - LTR (deleted December 2011, and cannot be used)</li> <li>• representatives of overseas news Age. &amp; B Org – ILR (refers to old ILR case type)</li> </ul>
Immigration Rules paragraphs	<a href="#">Part 5 paragraphs 144 to 151</a>

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# Cross cutting requirements

This section tells you what to check when you consider an application for entry or leave to remain as a representative of an overseas business.

## Confirm the application is valid

Before considering any application you must check:

- the application is valid
- the applicant's passport or travel document is genuine
- the applicant's immigration history by checking internal systems and previous case notes
- that both the application and biometric information are registered and verified
- the applicant has provided the correct documents

You must conduct verification checks if you have any doubts about whether the supporting documents an applicant has submitted are genuine.

## Check general grounds for refusal

You must consider if there are any general grounds for refusal of the person

## Types of application

All applicants must have entry clearance and meet [English language requirements](#).

There are 2 types of job in this category that a person can apply to enter the UK to do.

An applicant must either be:

- an overseas media employee who:
  - is employed by an overseas newspaper, news agency or broadcasting organisation
  - is being posted by their employer on a long-term assignment for them in the UK
- applying to be the sole representative in the UK of an active and trading overseas business, whose headquarters and principal place of business will remain overseas, and who intends to establish a commercial presence by operating a registered branch or wholly-owned subsidiary of that overseas business in the UK. They must intend for the UK branch or subsidiary to operate in the same type of business activity as the overseas business and it cannot be established solely for the purpose of facilitating the entry and stay of the applicant

Staff coming for 6 months or less may alternatively be able to do so as visitors, depending on what activities they intend to do.



You must check applicants meet the requirements for entry or leave to remain in the UK:

- [entry clearance as an overseas media employees](#)
- [entry clearance as a sole representatives](#)
- [leave to remain](#)

## Genuineness

When an applicant applies for entry clearance, leave to enter or leave to remain, you must be satisfied, on the balance of probabilities, that they meet all relevant criteria.

To assess this, you may request:

- additional information and evidence, and refuse the application if the information or evidence demonstrating that they meet all of the criteria is not provided within a reasonable timeframe without providing a reasonable explanation for their failure to provide the requested information
- that an applicant attends an interview and refuse the application if they fail to comply with any such request without providing a reasonable explanation for their inability to attend the interview

You will not need to take these actions for most applicants and will only do so when you have some reason to doubt their eligibility. Situations that may indicate a need to make further enquiries could include:

- the overseas business has only a small number of staff or trading premises
- the overseas business only has a trading presence in one other country and no track record of international expansion
- the overseas business has only been set up recently
- you have little evidence of the overseas business's trading presence and business activities (whether physical or internet-based)
- the applicant has previous activity in the UK that is not related to the business they now represent, or there is some similar reason to doubt they will only work in accordance the conditions of their leave
- the domestic rules on business ownership in the country where the overseas business is located, necessitate a request for non-standard information to determine whether the applicant owns or controls that business

These reasons will not automatically indicate a lack of genuineness in every case, and therefore are to be regarded as indicators of a need to obtain further information rather than as grounds for refusal in themselves. The above list is not exhaustive and if you have any other reasons to doubt eligibility then you should make additional enquiries in those circumstances.

If you have doubts as to whether the applicant does or does not meet the criteria, you must ensure that the applicant has been given a reasonable opportunity to address your concerns before refusing their application.

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# Entry requirements: overseas media employees

This section tells you the requirements an overseas media employee must meet for you to consider their application in the representative of an overseas business category.

They must:

- be recruited and employed outside the UK by the employer they intend to represent in the UK
- intend to work full-time for the organisation
- not intend to take any other employment
- be based mainly in the UK and working on a UK long-term assignment
- obtain entry clearance in this category before arrival in the UK and present it to a border force officer on arrival
- provide evidence they can maintain and accommodate themselves and any dependants adequately without recourse to public funds
- meet the required standard in [English language](#)

Applicants are usually journalists, but may be other employees, for example:

- producers
- news cameramen
- front-of-camera personnel

Their employer must have its headquarters and principal place of business outside the UK.

An overseas media business can have more than one representative in the UK at the same time.

Secretaries and other administrative support staff do not qualify and must apply under an alternative immigration route if one is available.

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# Entry requirements: sole representatives

This section tells you the requirements a sole representative must meet for you to consider their application in the representative of an overseas business category.

They must:

- be recruited and employed outside the UK by the active and trading business they intend to represent in the UK
- intend to work full-time for the organisation
- not intend to take any other employment
- be applying to be the sole representative in the UK of an overseas business who intends to establish and operate a registered branch or wholly-owned subsidiary of that overseas business in the UK and that branch or subsidiary will operate in the same type of business activity as the overseas business
- not be a majority owner of, or otherwise own or control, that overseas business
- be a senior employee of the overseas business
- have full authority to take operational decisions on behalf of the overseas business for the purpose of representing it in the UK
- obtain entry clearance in this category before arrival in the UK and present it to a border force officer on arrival
- provide evidence that they can maintain and accommodate themselves and any dependants adequately without recourse to public funds
- meet the required standard in [English language](#)

Their employer must:

- have, and intend to retain, its headquarters and principal place of business outside the UK
- have no active branch, subsidiary or other representative in the UK

If there is already a branch, subsidiary or [other representative](#) in the UK, employees must apply under the points-based system.

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# What does not count as an ‘other representative’

This section gives examples of circumstances when a sole representative can enter the UK, when the overseas business has already conducted preliminary business activity in the UK.

If the overseas business has used any of the following in the UK, you must not regard them as an ‘other representative’ in line with the Immigration Rules.

The business may have used one of the below examples, providing that in all cases no-one in the UK is directly employed by the overseas business:

- a broker or sales commission agent (either an individual or a business)
- a distributor, selling on a commission basis
- a distributor buying the overseas business’s products and on-selling
- an individual or a business finding sales leads and passing them back to the overseas business

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# What is a sole representative?

This section explains what you must take into account when you consider whether the applicant can be treated as a sole representative under the representative of an overseas business category.

You can expect the sole representative to have:

- been recruited and employed outside the UK by the overseas business in a senior job role
- a track record of setting up branches or subsidiaries for other businesses, if they have been employed specifically to undertake this role
- authority to take operational decisions once in the UK, as indicated by their role in the overseas business's hierarchy

Sole representatives must be a direct employee of the overseas business at the point at which initial entry clearance is applied for. The UK branch or subsidiary can employ the sole representative at a later date, however if they are employed in a role which means they no longer have sole executive responsibility for the direction of the branch or subsidiary they will need to switch into a Tier 2 visa route under the points based system.

Sole representatives cannot be:

- an agent hired to market the business's products in the UK (they are normally self-employed and provide services for a fee)
- a sales representative or buyer who only fulfils that role for the business: however, senior sales staff who are also responsible for other functions, for example, marketing and distribution, may qualify as a representative of an overseas business
- a secretary or personal assistant accompanying a sole representative

If the overseas business wishes to employ 2 representatives, both cannot be treated as a sole representative. One may be admitted, and then later apply as a sponsor to allow the other employee to apply under Tier 2 of the points-based system.

## Sole representatives who own or control a stake in the overseas business

Where a sole representative owns or controls a stake in the overseas business, you must be satisfied that this does not amount to them owning or controlling a majority of that business. This principle applies whether that ownership or control is by shareholding, partnership agreement, sole proprietorship, or any other arrangement.

For the overseas business that they will represent, sole representatives cannot:

- own more than 50% of the shares

- control more than 50% of the voting rights
- be the self-employed owner of that business
- be the sole-proprietor of that business
- be in a partnership agreement in which they own more than 50% of that business

Sole representatives must also not be party to any other arrangement in relation to the overseas business whereby they are effectively the majority owner, controller, or the main beneficiary of that business, even though they may not actually own more than 50% of the business. For example, an applicant would be ineligible if a silent partner owns the majority of the overseas business but has agreed to give majority control and profits to the applicant.

As senior employees, it is common for sole representative applicants to have some amount of ownership or control of the overseas business. In most cases where this is only a small stake in that business, there will be no reason to doubt the applicant's eligibility with respect to ownership. If however the applicant has a substantial stake in the overseas business but it is not more than 50%, you may need to consider requesting additional information or undertaking an interview in accordance with the [Genuineness](#) section, especially if you have other reason to suspect they might be the overall owner (for example if the applicant founded the business and it is named after them).

In all cases, sole representatives must be employees of the overseas business as described in the ['Terms of employment as a sole representative section'](#). An applicant who owns a stake in a business may still be an employee (for example, many companies operate an employee share bonus scheme). However, in most cases persons who own or control a majority of the business they work for are not employees, and in such circumstances they would in any event not comply with the requirement to not have a controlling stake or interest in the business - as such, they should be considered for refusal on both grounds.

Additionally, spouses and partners of sole representatives who own or control a majority of the overseas business are not eligible to apply for entry as the dependant partner of a sole representative. [Please see the Dependants section for more information.](#)

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# Overseas business

This section tells you what information you must consider for an overseas business to meet the requirements of the representative of an overseas business category.

The overseas business must be a genuine active and trading commercial enterprise with its principal place of business outside the UK. You must consider:

- its turnover: this must demonstrate the business is actively trading
- its registered offices: these must be outside the UK
- the type of business: this must be the same as the intended branch or wholly-owned subsidiary in the UK

You may also consider:

- its employees: this will indicate the size of the overseas business and may indicate whether it will maintain its primary place of business outside the UK once the branch or wholly-owned subsidiary has been established
- its presence in other countries besides the one in which it has its headquarters. This may indicate a track record of international expansion whilst retaining a presence in the country of origin
- its finances, market share in its country of operation, and plan for expansion to the UK. These will help you to assess whether there is a genuine intention to establish and operate a UK branch or wholly-owned subsidiary

The overseas business must intend to keep its main centre of business abroad. This does not mean that you must refuse an overseas business if there is evidence that it intends its UK branch or subsidiary to flourish so in the long term it might overshadow the original business. You must however refuse the application when it is clear the intention is to move the main centre of business to the UK and effectively cease trading outside the UK.

You must also refuse if you are satisfied that the overseas business has been established solely for the purpose of facilitating the entry and stay of the applicant.

The overseas business must intend to operate a branch or wholly-owned subsidiary in the UK in the same business as the overseas business.

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# Branch or subsidiary

This section tells you what information you must consider for a branch or subsidiary to meet the requirements of the representative of an overseas business category.

A registered branch is part of a company organised to conduct business on behalf of the parent company. This enables someone in the UK to deal directly with the branch here instead of the overseas business in its home country.

A wholly-owned subsidiary is a separate corporate body that is treated the same as any other company incorporated in the UK.

The UK establishment must be compliant with UK law and in most cases must register with Companies House within one month of opening. For further information, see the [guidance on registration as an overseas company](#).

The sole representative must intend to, and then actually, establish the new branch or wholly-owned subsidiary in the UK. This must be the same type of business as the parent business overseas. For example, it must supply a similar product or service. An overseas manufacturing business can establish a UK branch or subsidiary for the sale or servicing of their products in the UK.

You can admit a sole representative after a branch or wholly-owned subsidiary is established in the UK, as long as that branch or subsidiary has not already begun to establish itself. It is permissible for any of the following activities (but no others) to have been carried out prior to the representative's admission:

- to have created an independent legal existence as a legal entity
- to have set up a bank account
- to have identified, and set up, premises

For the avoidance of doubt, it is not a requirement that all of the above activities must have been carried out; however, the branch or subsidiary must not have taken any steps towards establishment other than those set out in the list above.

You can admit them only where:

- no staff are employed
- the branch or subsidiary has not yet transacted any business

An example might be when the overseas business has set up as a legal entity in advance of their expansion into the UK.

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# Terms of employment as a sole representative

This section explains what terms and conditions of employment you must expect a sole representative to have to qualify as a representative of an overseas business.

A sole representative applicant must be a senior employee of the overseas business they will represent and cannot engage in business of their own. This means that there must be a clear employer-employee relationship and a contract of employment between the overseas business and the applicant. The applicant must also have the authority to negotiate and take operational decisions on behalf of the overseas business.

To assess whether the applicant is an employee with the appropriate level of seniority and authority, you must consider:

- the applicant's contract of employment
- the applicant's job description
- the employer's business plans
- other confirmation from the employer that, whilst in the UK, the applicant will have authority to take business decisions on behalf of the overseas business, to establish and operate a registered branch or wholly-owned subsidiary

If you are not satisfied that an applicant meets the criteria in this section, the application should be refused. If the applicant's eligibility is unclear, you should request additional information in accordance with the [Genuineness](#) section

## Employment status

The sole representative must be an employee. They must be subject to an employment contract and the terms and conditions of their employment in the UK must comply with their employment rights under UK law. A sole representative cannot be a self-employed person who works for the overseas business, even if they are providing their services to that business under contract. If they are a director (or other office holder) of the business they represent, they must also be an employee with a genuine employment contract.

It is possible for a founder of a business to also be an employee in some circumstances (for example, they may have founded a business and then subsequently sold their shares to an investor but continued to hold a role in the business). If the applicant is a founder of a business, you should consider whether they could now be an employee, seeking additional information if necessary. You should not refuse the applicant on the basis that they were not recruited by the overseas business except where this forms part of your evidence to explain why you are not satisfied they are an employee.

If the applicant is an employee, we would normally expect most of the following to be true:

- they're required to work regularly except when on leave and have a minimum number of hours they are expected to work
- they have a salary and can expect to be paid for the work they undertake for the business
- they report to someone more senior than themselves in the overseas business and are subject to performance management and disciplinary procedures
- they get paid holidays, sick pay and maternity or paternity pay
- their employment contract sets out redundancy procedures
- their employment contract uses terms like 'employer' and 'employee'

## Authority

The sole representative must have the authority to take the majority of key operational business decisions locally. They can have responsibility for establishing and operating a restricted branch or wholly owned subsidiary of the overseas business. However, it is unreasonable to expect them to take unilateral decisions on all matters.

## Salary and hours

The salary and other benefits must be appropriate for a senior employee in the business and relatively higher than other employees' salaries.

Sole representatives may be offered a remuneration package that consists of a basic salary and commission. This is acceptable as long as the salary element is enough to support the applicant and their family without recourse to public funds.

Sole representatives must work full-time but this does not need to be linked to a set number of hours a week. The overseas business must be paying a full-time salary, for example, that is enough for the sole representative to support and accommodate themselves and any dependants without taking other work or recourse to public funds.

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# Evidential requirement for representatives of an overseas business

This section explains what evidence an employer must provide to prove both the employer and employee satisfy the requirements as a representative of an overseas business.

If you need to write to the applicant or employer for evidence, you can do so. Please note that the evidential flexibility rule does not apply to this category. Any request for further information would be on a discretionary basis.

## Certification at entry clearance

confirming the applicant has the relevant skills, experience, knowledge and authority  
With an entry clearance application, the applicant must supply from their employer a:

- full description of the overseas business's activities, this includes details of the business's assets and accounts and the business share distribution or ownership for the previous year
- letter which confirms the overseas business will establish a wholly-owned subsidiary or register a branch in the UK in the same business activity as the overseas business
- job description, salary and contract of employment that will apply to the applicant during their employment in the UK
- letter which confirms the applicant is fully familiar with the overseas business's activities and they have the relevant skills, experience, knowledge and authority necessary to negotiate and take operational decisions without reference to the overseas business
- notarised statement which confirms the:
  - applicant will be their sole representative in the UK
  - overseas business has no other branch, subsidiary or representative in the UK
  - overseas business's operations will remain centred overseas
  - applicant will not engage in business of their own, nor will they represent any other business's interest

## Certification at extension

With a leave to remain application, the applicant must supply from their employer a statement that they wish to continue to employ the applicant in the same job.

If applying as a sole representative, the employee must provide [additional evidence about the branch or subsidiary](#) they have established.

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# English language requirements

This page explains the English language requirements for the representative of an overseas business category.

They can meet the English language requirement by:

- being a national of a majority English speaking country
- passing an English language test
- holding a degree which is:
  - a UK Bachelor's degree, Master's degree or PhD
  - awarded by an establishment outside of the UK and is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or a PhD
  - deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or a PhD in the UK, and is from an educational establishment in a majority English speaking country.

The acceptable majority English speaking countries listed in the Immigration Rules are:

- Antigua and Barbuda
- Australia
- the Bahamas
- Barbados
- Belize
- Dominica
- Grenada
- Guyana
- Ireland
- Jamaica
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- the United States of America

Please note that Canadian nationals are considered to be a national of a majority English speaking country but qualifications from Canadian institutions do not automatically meet the requirements.

If their degree was taken in a country that is not on the list above, they must obtain a letter from UK NARIC which confirms that their qualification is equivalent to UK Bachelor's level or higher and the degree was taught or researched in English to the appropriate level of the Council of Europe's Common European Framework for

Language learning or above. Alternatively, they can use a different qualification, providing it meets the criteria.

Details of English language tests which meet the requirements can be found in the Tiers 1 and 2 and Appendix W workers English language guidance.

An applicant who entered with entry clearance as a sole representative or an overseas media representative before 1 October 2009 does not have to prove their competency in English language when they apply for leave to remain.

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# Leave to remain requirements: crosscutting

This section explains when to grant or refuse leave to remain in the UK as a representative of an overseas business.

## Switching

An applicant cannot change (or switch) from another immigration category into the representative of an overseas business category if they are already in the UK, because they must have entry clearance as a representative of an overseas business.

## Employment

The requirements for a person who applies in this category are different depending if they are either an [overseas media employee](#) or a [sole representative of an overseas business](#) with no branch or subsidiary in the UK.

Applicants must not be in breach of immigration laws, except that any periods of overstaying allowed under the Immigration Rules will be disregarded.

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# Leave to remain requirements: overseas media employees

This section explains when to grant or refuse leave to remain in the UK as a representative of an overseas business, working as an overseas media employee.

You may grant leave to remain if the applicant:

- entered the UK as:
  - a representative of an overseas business
  - before 28 November 2008 as an overseas media representative
  - before 30 September 2009 as an overseas media representative as a concession outside the rules
  - before 1 October 2009 as a sole representative
- only intends to work for the same employer in the same job as their entry clearance was granted for
- can maintain and accommodate themselves and their dependants adequately without recourse to public funds

An applicant must prove they are still:

- required by the employer and the employer must [certify this in a letter](#)
- working in the job that entry clearance was granted for: they must show they are in receipt of a salary from their employer by evidence of the salary paid in the previous 12 months and confirmation of how that salary was paid - for example, whether it was paid as basic or commission and the numbers of hours paid

Applicants must not be in breach of immigration laws, except that any periods of overstaying allowed by the Immigration Rules which will be disregarded.

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# Leave to remain requirements: sole representatives

This page explains when to grant or refuse leave to remain in the UK as a representative of an overseas business, who acts as a sole representative.

You may grant leave to remain if the applicant:

- entered the UK:
  - as a representative of an overseas business
  - before 28 November 2008 as an overseas media representative
  - before 30 September 2009 as an overseas media representative as a concession outside the rules
  - before 1 October 2009 as a sole representative
- only intends to work for the same employer in the same job as their entry clearance was granted for
- intends to work full-time for the employer as a representative of an overseas business
- can maintain and accommodate themselves and their dependants adequately without recourse to public funds

An applicant must prove:

- they continue as a senior employee with full authority to take operational decisions
- they are in receipt of a salary from their employer by providing evidence of the salary paid in the previous 12 months and confirmation of how that salary was paid: for example, whether basic or commission, and the number of hours paid
- the overseas business still has, and will continue to have, its headquarters and principal place of business outside the UK
- they are still needed by the employer: the employer must [certify this in a letter](#)
- they have established and are in charge of a branch or wholly-owned subsidiary of the overseas business for which they were issued with entry clearance to represent, which operates in the same type of activity as the overseas business - they must show:
  - evidence they have generated business, principally with businesses in the UK, on behalf of their employer since entry to the UK or their last extension of stay: the evidence must be in the form of accounts, copies of invoices or letters from firms who they have done business with, including indications of the value of transactions
  - a Companies House certificate of registration as a UK establishment (for a branch)
  - a certificate of incorporation (for a wholly-owned subsidiary) with either a copy of the share register or a letter from the company's accountants confirming that all shares are held by the overseas business

Applicants must not be in breach of immigration laws, except that any period of overstaying allowed under the Immigration Rules will be disregarded.

If you need to ask for further information from the employer or applicant, you can do so. Please note that the evidential flexibility rule does not apply to this category. Any request for further information would be on a discretionary basis.

**Related content**

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# Indefinite leave to remain requirements

This section explains the requirements for indefinite leave to remain in the UK as a representative of an overseas business.

You may grant indefinite leave to remain if the applicant:

- has spent a continuous period of 5 years in the UK as a representative of an overseas business or in one of the predecessor categories of overseas media representative or sole representative
- has met the requirements of a representative of an overseas business throughout the 5-year period: you must check they still meet all the requirements - this includes:
  - being employed throughout the period, for example by providing P60s for the last 5 years and pay slips for the last 3 months
  - for sole representatives, evidence to show they have established a branch registered as a UK establishment or subsidiary and generated business: their employer must still be actively trading and remain centred overseas - for full details of requirements, see the [leave to remain requirements](#)
- can produce a [letter from their employer](#) which certifies they are still needed to do the job they were first granted leave for
- can demonstrate knowledge of English language and life in the UK, unless they are exempt

Applicants must not be in breach of immigration laws, except that any period of overstaying allowed under the Immigration Rules will be disregarded.

## Related content

[Contents](#)

# Grant or refuse entry to the UK

This page tells you how to grant or refuse entry clearance and leave to enter the UK as a representative of an overseas business.

All applicants for this category must have entry clearance and you must check there are no general grounds for refusing the application.

An applicant must provide evidence to prove they meet the requirements. If you need to ask for further information, you can do so. Please note that the evidential flexibility rule does not apply to this category. Any request for further information would be on a discretionary basis.

If the applicant meets all the requirements, you may grant leave for a period of not more than 3 years.

You must grant leave on condition the applicant:

- has no recourse to public funds
- must register with the police, if required by paragraph 326 of the Immigration Rules
- will only work as a representative for the business which they are admitted to represent

You must endorse the passport:

- CAT D: Overseas Business Rep-Employment with LTE 3 years CODE 4

This is the endorsement currently issued by entry clearance.

## Refuse entry clearance

If the applicant does not meet the requirements, you must refuse entry clearance.

[Refusal wording](#) to use in refusal letters is available.

## Refuse leave to enter

You must refuse leave to enter if the applicant does not provide you with a valid entry clearance for this category.

[Refusal wording](#) to use in refusal letters is available.

If an application for entry clearance is refused, 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](#).

### Related content

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# Grant or refuse leave to remain

This section tells you how to grant or refuse leave to remain in the UK as a representative of an overseas business.

An applicant must provide evidence to prove they meet the [requirements](#) and you must check there are no general grounds for refusing the application.

If all the requirements are met, you must grant leave to remain for 2 years.

You must grant leave on condition the applicant:

- has no recourse to public funds
- must register with the police, if required by paragraph 326 of the Immigration Rules
- will only work as a representative for the business which they are admitted to represent

You must grant leave on code 4: Business Representative  
Card Remark (Card Front only):

OVERSEAS BUS REP  
LEAVE TO REMAIN

RESTRICTED WORK  
REP OVERSEAS  
BUS PROVISIONS

Reverse of the card:

NO PUBLIC FUNDS

## Refuse leave to remain

You must refuse leave to remain if the applicant:

- does not meet the requirements
- has changed, or wishes to change, their employer

[Refusal wording](#) to use in refusal letters is available.

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.

### Related content

[Contents](#)

# Sole representative's change of circumstances

This section explains when you can allow substitutes and changes to the sole representative in the UK.

## Substitutes

If a sole representative arrangement is terminated by either party, and the overseas business wishes to replace the worker with another existing employee, the following options may be possible:

- if the branch is established and can register as a points-based system (PBS) sponsor, the replacement can apply under Tier 2
- if the sole representative arrangement ends at an early stage, before the UK branch or subsidiary finds premises or starts trading, you may approve a replacement sole representative - providing they meet the requirements

## Change of circumstances

A sole representative given leave to complete 5 years in the UK in the category may remain even if the overseas company appoints a superior. However, they will not qualify for indefinite leave, as they have not met all the requirements during the 5 year period.

You must refuse an extension to a sole representative in the UK with less leave if the company appoints a superior. In these circumstances, if the company wishes to keep their services, they need permission to work under PBS.

### Related content

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# Grant or refuse indefinite leave to remain

This page explains when to grant or refuse indefinite leave to remain in the UK as a representative of an overseas business.

You must check there are no general grounds for refusing the application.

If the applicant meets the requirements, you must grant under paragraph 150 of the Immigration Rules.

You may grant indefinite leave if it is specifically applied for. If an applicant has been in the UK for 5 years and they apply for limited leave, you must not treat the application as one for indefinite leave.

## Refuse indefinite leave to remain

You must refuse indefinite leave to remain under paragraph 151 of the rules if the applicant:

- does not meet the requirements
- has changed, or wishes to change, their employer

[Refusal wording](#) to use in refusal letters is available.

The applicant may have a right of appeal.

### Related content

[Contents](#)

# Dependants

This section tells you about dependants who accompany a representative of an overseas business.

A representative of an overseas business may bring, or be joined by, their:

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

This is providing the dependants meet the Immigration Rules in paragraphs 194 to 199.

If the spouse, civil partner, unmarried or same-sex partner of a sole representative has a majority stake in, or otherwise owns or controls the overseas business for which the sole representative represents, whether that ownership or control is by means of a shareholding, partnership agreement, sole proprietorship or any other arrangement, they are not eligible to apply for entry as the dependant partner of a sole representative and should be refused.

You must use the endorsement:

D:ACCOMPANYING/JOINING SPOUSE/CP/PARENTS' Code 1.

You must grant entry or leave for the same period as that given to the main applicant. or for a shorter time up to, but not more than, the same period.

Dependants register with the police if appropriate.

## **Related content**

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# Refusal wording: entry clearance

This section gives wording to use if you intend to refuse an application for entry clearance for a representative of an overseas business.

This is not an exhaustive list of reasons. You must use these paragraphs along with any other appropriate paragraphs, for example, if you are also refusing on general grounds.

If an application for entry clearance is refused, 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](#).

Example wording:

'You have applied for entry clearance to the UK as a (sole/ media) representative of an overseas business...'

Reason and paragraph	Wording
Not engaged outside UK or application not supported by the organisation  Paragraph 144(i) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you have been engaged by that business outside the United Kingdom and are being posted to the United Kingdom on a long-term assignment as a representative.'
Firm already represented in the UK  Paragraph 144(i) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that the business does not already have a branch or subsidiary in the United Kingdom.'
Head Quarters (HQ)/ principal place of business not outside the UK  Paragraph 144(i) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that the business has its headquarters or principal place of business outside the United Kingdom.'
Head Quarters (HQ)/ principal place of business will not remain outside the UK  Paragraph 144(i) of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that the business will continue to have its headquarters or principal place of business outside the United Kingdom.'
Not already employed by the organisation outside the UK  Paragraph 144(i) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you have been recruited and taken on as an employee by that business outside the United Kingdom.'
Not same business activity as parent company  Paragraph 144(ii)(a) of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that the business which you intend to establish in the United Kingdom is concerned with the same type of business activity as the

Reason and paragraph	Wording
	overseas business on whose behalf you are acting.'
Overseas business is not active and trading  Paragraph 144(ii)(a) of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that the business which you intend to establish a branch or wholly-owned subsidiary of in the United Kingdom is active and trading overseas.'
Branch or subsidiary is being established solely to facilitate entry of applicant  Paragraph 144(ii)(a) of the Immigration Rules	'...but (in view of...) the Secretary of State is satisfied that the branch or wholly-owned subsidiary is to be established solely for the purpose of facilitating your entry and stay in the United Kingdom.'
Not being posted on a long-term assignment as a media representative  Paragraph 144(ii)(b) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you are being posted to the United Kingdom on a long-term assignment as a representative of an overseas newspaper, news agency or broadcasting organisation.'
Authority to make decisions  Paragraph 144(iii)(a) of the Immigration Rules	'...but (in view of ...) the Secretary of State is not satisfied that you are a senior employee with full authority to take operational decisions on behalf of the overseas business for the purpose of representing it in the United Kingdom, by establishing and operating a branch or wholly owned subsidiary of the business.'
Does not have necessary skills, experience and knowledge to undertake the role  Paragraph 144(iii)(a) of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that you have the necessary skills, experience and knowledge to undertake the role as a representative of the overseas business.'
Has a majority stake in the overseas business  Paragraph 144(iii)(c) of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that you do not own or control a majority stake in the overseas business.'
Intention to work part-time only  Paragraph 144(iii)(b) (for sole representative) or paragraph 144(iv) (for media representative) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you intend to work full-time as a representative of that overseas business.'
No other employment	'... but (in view of ...) the Secretary of State is not satisfied that you do not

<b>Reason and paragraph</b>	<b>Wording</b>
Paragraph 144(v) of the Immigration Rules	intend to take employment other than as a representative of that overseas business.'
English language requirement Paragraph 144(vi) of the Immigration Rules	'...but (in view of....) the Secretary of State is not satisfied that you have competence in the English language to the required standard.'
Maintenance and accommodation Paragraph 144(vii) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you can maintain and accommodate yourself and any dependants adequately without recourse to public funds.'
REFUSAL OF DEPENDANT APPLICATION ONLY  Dependant partner applicant owns or controls a majority stake in the overseas business the main applicant is or will be representing  Paragraph 194(ix) of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that you do not own or control a majority stake in the overseas business that your partner is/will be representing in the United Kingdom.

#### **Related content**

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# Refusal wording: leave to enter

This section gives wording to use if you intend to refuse entry into the UK for a representative of an overseas business.

This is not an exhaustive list of reasons. You must use these paragraphs along with any other appropriate paragraphs, for example, if you are also refusing on general grounds.

If an application for entry clearance is refused, the applicant cannot appeal against the decision. However, if they think the Home Office has made an error in considering their application, they can apply for an [administrative review](#).

Example wording:

'You have applied for leave to enter the United Kingdom as a representative of an overseas business ...'

<b>Reason and paragraph</b>	<b>Wording</b>
No entry clearance  Paragraph 146 with reference to 144(viii) of the Immigration Rules  This is a mandatory refusal	'... but under the Immigration Rules you are required to have a valid entry clearance for this purpose and you have no such entry clearance.'

**Related content**

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# Refusal wording: leave to remain

This section gives wording to use if you intend to refuse an application for leave to remain for a representative of an overseas business.

This is not an exhaustive list of reasons. You must use these paragraphs along with any other appropriate paragraphs, for example, if you are also refusing on general grounds.

If an application for entry clearance is refused, the applicant cannot appeal against the decision. However, if they think the Home Office has made an error in considering their application, they can apply for an [administrative review](#).

Example wording:

'You have applied for leave to remain in the United Kingdom as a representative of an overseas business...'

Reason and paragraph	Wording
<p>No switching</p> <p>Paragraph 149 with reference to 147 (i)(a) to 147(b) of the Immigration Rules</p> <p>This is a mandatory refusal</p>	<p>'... but the Secretary of State is not satisfied that you entered the United Kingdom with a valid United Kingdom entry clearance as a representative of an overseas newspaper, news agency or broadcasting organisation, a sole representative or a representative of an overseas business.'</p>
<p>Head Quarters (HQ)/ principal place of business no longer outside the UK (sole representatives)</p> <p>Paragraph 149 with reference to 147(ii)(a) of the Immigration Rules</p>	<p>'... but (in view of ...) the Secretary of State is not satisfied that you can show that the business still has its headquarters and principal place of business outside the United Kingdom.'</p>
<p>Has not established and/or is not in charge of the branch or wholly owned subsidiary in accordance with their original grant of entry clearance.</p> <p>Paragraph 149 with reference to 147(ii)(b) of the Immigration Rules</p>	<p>'... but (in view of ...) the Secretary of State is not satisfied that you have established and are in charge of the branch or wholly owned subsidiary for which your entry clearance was granted.'</p>
<p>No longer engaged in employment for which entry clearance granted</p> <p>Paragraph 149 with reference to 147(iii)(a) of the Immigration Rules</p>	<p>'... but (in view of ...) the Secretary of State is not satisfied that you are still engaged in the employment for which your entry clearance was granted.'</p>
<p>No longer required for the employment in question</p>	<p>'... but (in view of ...) the Secretary of State is not satisfied that your employer has certified that you are still required for the employment in question.'</p>

<b>Reason and paragraph</b>	<b>Wording</b>
Paragraph 149 with reference to 147(iii) (b) of the Immigration Rules	
Not employed full-time (sole representatives only)  Paragraph 149 with reference to 147(ii) and 144 (ii) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you are employed full-time as a representative of that overseas business.'
Intention to work part-time only (sole representatives only)  Paragraph 149 with reference to 147(ii)(b) and 144(ii) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you intend to work full-time as a representative of that overseas business.'
Other employment  Paragraph 149 with reference to 147(iv) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you do not intend to take employment other than as a representative of that overseas business.'
Maintenance and accommodation  Paragraph 149 with reference to 147(v) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you will be able to maintain and accommodate yourself [and your dependants] adequately without recourse to public funds.'
Has not established or not operating a registered branch or wholly owned subsidiary (sole representatives only)  Paragraph 149 with reference to 147(ii)(b) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you have established and/or are operating a registered branch or wholly owned subsidiary.'

## **Related content**

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# Refusal wording: indefinite leave to remain

This section gives wording to use if you intend to refuse an application for indefinite leave to remain for a representative of an overseas business.

This is not an exhaustive list of reasons. You must use these paragraphs along with any other appropriate paragraphs, for example, if you are also refusing on general grounds.

If an application for entry clearance is refused, the applicant cannot appeal against the decision. However, if they think the Home Office has made an error in considering their application, they can apply for an [administrative review](#).

Example wording:

‘You have applied for indefinite leave to remain in the United Kingdom as a representative of an overseas business...’

Reason and paragraph	Wording
Not 5 years in category  Paragraph 151 with reference to 150(i) of the Immigration Rules	‘... but (in view of ...) the Secretary of State is not satisfied that you have spent a continuous period of 5 years in the United Kingdom in this capacity.’
No switching  Paragraph 151 with reference to 150(ii) and 147(i) of the Immigration Rules This is a mandatory refusal	‘... but the Secretary of State is not satisfied that you entered the United Kingdom with a valid United Kingdom entry clearance as a representative of an overseas newspaper, news agency or broadcasting organisation, sole representative, or representative of an overseas business.’
Not engaged in employment for which entry clearance granted  Paragraph 151 with reference to 150(ii) of the Immigration Rules	‘... but (in view of ...) the Secretary of State is not satisfied that you have been engaged in the employment for which your entry clearance was granted throughout the 5 year period you have spent in the United Kingdom in this capacity.’
Not required for the employment in question  Paragraph 151 with reference to 150(ii) and 147(iv) of the Immigration Rules	‘... but (in view of ...) the Secretary of State is not satisfied that your employer certified that you were required for the employment in question throughout the 5 year period you have spent in the United Kingdom in this capacity.’
Did not work full-time (sole representatives only)	‘... but (in view of ...) the Secretary of State is not satisfied that you worked full-time as a representative of that

<b>Reason and paragraph</b>	<b>Wording</b>
Paragraph 151 with reference to 150(ii) and 147(iii) of the Immigration Rules	overseas business throughout the 5 year period you have spent in the United Kingdom in this capacity.'
Did not intend to work full-time (sole representatives only)  Paragraph 151 with reference to 150(ii) and 147(v) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you intended to be employed full-time as a representative of that overseas business throughout the 5 year period you have spent in the United Kingdom in this capacity.'
Other employment  Paragraph 151 with reference to 150(ii) and 147(v) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you did not take employment other than as a representative of that overseas business throughout the 5 year period you have spent in the United Kingdom in this capacity.'
Maintenance and accommodation  Paragraph 151 with reference to 150(ii) and 147(v) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you were able to maintain and accommodate yourself [and your dependants] adequately without recourse to public funds throughout the 5 year period you have spent in the United Kingdom in this capacity.'
No longer required for the employment in question  Paragraph 151 with reference to 150(iii) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied your employer has certified that you are still required for the employment in question.'
Insufficient knowledge of English language and life in the UK  Paragraph 151 with reference to 150(iii) of the Immigration Rules	'...but in view of the fact that you have not attained a relevant accredited qualification, following attendance of a course at an accredited college using teaching materials derived from the document entitled "Citizenship Materials for ESOL Learners" or passed the "Life in the UK test", the Secretary of State is not satisfied that you have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom.'
Has not established a registered branch or wholly owned subsidiary (sole representatives only)  Paragraph 151 with reference to 150(ii) and 147(iii) of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied that you established and were in charge of its registered branch or wholly owned subsidiary throughout the 5 year period

Reason and paragraph	Wording
	you have spent in the United Kingdom in this capacity.'
<p>Head Quarters (HQ)/ principal place of business not outside the UK (sole representatives only)</p> <p>Paragraph 151 with reference to 150(ii) and 147(ii) of the Immigration Rules</p>	<p>'... but (in view of ...) the Secretary of State is not satisfied that you can show that the business had its headquarters and principal place of business outside the United Kingdom throughout the 5 year period you have spent in the United Kingdom in this capacity.'</p>

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