



Home Office

# Representative of an Overseas Business

Version 19.0

# Contents

Contents.....	2
About this guidance.....	4
Contacts .....	4
Publication .....	4
Changes from last version of this guidance .....	4
Key facts .....	5
Validity for entry clearance and permission to stay .....	9
Government or international scholarship agency awards .....	9
Switching .....	9
Suitability for entry clearance and permission to stay applications.....	11
Check Part 9 grounds for refusal .....	11
Overstaying .....	11
Immigration bail .....	11
Eligibility for entry clearance and permission to stay applications .....	12
Assessing eligibility.....	12
Entry requirement .....	13
Tuberculosis certificates .....	13
Work requirements .....	13
Type of representative .....	14
Genuineness .....	14
English language .....	14
Financial requirement .....	15
Additional business requirements for Sole Representative applications .....	16
Initial application as a Sole Representative .....	16
Extension application as a Sole Representative .....	17
What is a Sole Representative? .....	18
Sole Representatives who own or control a stake in the overseas business.....	18
Overseas business.....	20
UK establishment and representatives.....	21
What does not count as an active branch subsidiary or representative in the UK	21
Terms of employment as a Sole Representative.....	23
Employment status .....	23
Authority .....	24
Salary and hours.....	24

Evidential requirement for representatives of an overseas business .....	25
Documents required for entry clearance or switching applications (Sole Representatives only) .....	25
Documents required for extension applications .....	25
Additional business requirements for Media Representative applications .....	27
Extension application as a Media Representative .....	27
Settlement requirements .....	28
Qualifying period.....	28
Work requirement .....	28
English Language .....	28
Knowledge of life in the UK.....	28
Grant or refuse entry clearance or permission to enter the UK .....	29
Refuse entry clearance .....	29
Refuse permission to enter .....	29
Grant or refuse permission to stay .....	30
Refuse permission to stay .....	30
Sole Representative: change of circumstances .....	31
Substitutes .....	31
Change of circumstances .....	31
Grant or refuse settlement.....	32
Refuse settlement.....	32
Dependants.....	33
Refusal wording: entry clearance or permission to stay .....	34
Additional refusal wordings: extension of permission to stay .....	37
Refusal wording: settlement .....	39

# 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 designed to be used alongside [Appendix Representative of an Overseas Business](#) of the Immigration Rules. The rules explain the requirements an applicant must meet to be granted as a Representative of an Overseas Business, and this guidance provides additional information on how to consider their application. Paragraph references in this guidance refer to paragraphs in Appendix Representative of an Overseas Business unless otherwise stated.

## 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 **19.0**
- published for Home Office staff on **01 December 2020**

## Changes from last version of this guidance

- the Immigration Rules for Representatives of an Overseas Business have been moved from Part 5 to Appendix Representative of an Overseas Business and redrafted into a simplified format - this guidance has been updated to reference the redrafted rules

### Related content

[Contents](#)

# Key facts

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

Key facts	Summary
Eligibility requirements	<p>An applicant must be either a:</p> <ul style="list-style-type: none"><li>• Media Representative: an employee of an overseas newspaper, news agency or broadcasting organisation, posted by their employer on a long-term assignment in the UK</li><li>• Sole Representative: a senior employee 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 by the business they intend to represent, and</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 Media 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>

Key facts	Summary
Application forms	<p>All applications are made via GOV.UK.</p> <p>Out-of-country (Entry Clearance)– Work-OOC In-Country (permission to stay) – FLR (IR) Settlement applications – 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 permission to stay 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 permission to enter or stay	<p>Permission to enter or stay under this route is subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• no access to public funds</li> <li>• must register with the police, if required by <a href="#">Part 10</a> 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 provider before they start their study if:</p> <ul style="list-style-type: none"> <li>• they are not a national of the countries listed in <a href="#">Appendix ATAS 3.1</a></li> </ul>

Key facts	Summary
	<ul style="list-style-type: none"> <li>• their course is in a subject listed in <a href="#">Appendix ATAS 4.1</a> and it:               <ul style="list-style-type: none"> <li>○ leads to a master's degree; or</li> <li>○ leads to a PhD; or</li> <li>○ leads to another postgraduate qualification; or</li> <li>○ is a period of study or research which is 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, and must provide a printout of the new certificate to their education provider promptly.</p>
How long is permission normally granted for?	<p>Permission to enter is granted for 3 years.</p> <p>Permission to stay is granted for 2 years.</p>
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?	<p>Yes, both are allowed, but work must only be as a representative of an overseas business.</p> <p>Dependants can undertake any work (except as a professional sportsperson) and can study.</p>
Is switching into this category allowed?	<p>Yes, except where the applicant has or last had permission:</p> <ul style="list-style-type: none"> <li>• as a Visitor</li> <li>• as a Short-term Student</li> <li>• as a Parent of a Child Student</li> <li>• as a Seasonal Worker</li> </ul>

Key facts	Summary
	<ul style="list-style-type: none"> <li>• as a Domestic Worker in a Private Household</li> <li>• outside the Immigration Rules</li> </ul>
Does this category lead to settlement?	Yes
Is knowledge of language and life required for settlement?	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="#">Appendix Representative of an Overseas Business</a>

**Related content**

[Contents](#)



# Validity for entry clearance and permission to stay

This section tells you how to assess the validity of an application for entry clearance or permission to stay as a representative of an overseas business.

Before considering any application you must check the application is valid by referring to paragraphs [ROB 1.1 to ROB 1.6 in Appendix Representative of an Overseas Business](#). This includes checking the following:

- the correct fees and any required Immigration Health Charge have been paid
- the applicant's passport or travel document is genuine
- that both the application and biometric information are registered and verified
- the applicant was aged 18 or over on the date of application

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

If you are not satisfied that the application meets all the validity requirements, you should consider whether to request further information, reject the application, or (on a discretionary basis) proceed with the consideration of the application.

## Government or international scholarship agency awards

Where an applicant has received an award covering fees and living costs from a Government or international scholarship agency in the 12 months before the date of application, the government or agency must provide written consent to the application. The letter of consent must be on the official letter-headed paper or stationery of the organisation or organisations, bearing the official stamp of that organisation and issued by an authorised official of that organisation. The documents must confirm that the organisation gives the applicant consent to remain in or re-enter the UK.

## Switching

An applicant can change (or switch) from another immigration category into the representative of an overseas business category if they are already in the UK, unless they have, or last had permission:

- as a Visitor
- as a Short-term Student
- as a Parent of a Child Student
- as a Seasonal Worker
- as a Domestic Worker in a Private Household
- outside the Immigration Rules

Please note switching is now a validity requirement, not an eligibility requirement.

**Related content**

[Contents](#)

# Suitability for entry clearance and permission to stay applications

This page tells caseworkers where to find the suitability requirements that an applicant must meet when they apply for entry clearance or permission to stay as a Representative of an Overseas Business.

## Check Part 9 grounds for refusal

You must consider if there are any grounds for refusal of the person under [Part 9 of the Immigration Rules](#).

## Overstaying

The caseworker must check the applicant is not in breach of immigration laws, except where permitted by the Immigration Rules in respect of periods of overstaying. Refer to the full guidance on overstaying.

## Immigration bail

Any applicant who is in the UK on immigration bail is not suitable for the Representative of an Overseas Business route. These individuals do not hold permission to be in the UK.

### Related content

[Contents](#)

# Eligibility for entry clearance and permission to stay applications

This page tells caseworkers the requirements all applicants must meet to be granted either entry clearance or permission to stay as a Representative of an Overseas Business.

The requirements for granting entry clearance or permission to stay can be found in the eligibility requirements contained in [Appendix Representative of an Overseas Business](#).

There are 2 types of representatives of an overseas business: Sole Representatives and Media Representatives. Many of the eligibility requirements apply to both types, but there are some that only apply to one or the other.

The eligibility requirements can be found in the rules as set out below:

- entry requirement (ROB 3.1.)
- Tuberculosis certificate (ROB 3.2.)
- work requirements (ROB 4.1. to SW 4.3.)
- type of representative (ROB 4.4)
- genuineness requirement (ROB 5.1. to ROB 5.2.)
- English language requirement (ROB 6.1. to ROB 6.2.)
- financial requirement (ROB 7.1. to ROB 7.2.)
- additional business requirements for Sole Representatives (ROB 8.1. to ROB 8.6.)
- additional business requirements for Media Representatives (ROB 9.1. to ROB 9.3.)

Applications which do not meet these requirements should be refused.

## Assessing eligibility

When assessing an applicant's eligibility, you must be satisfied that, on the balance of probabilities, they meet all relevant eligibility 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 permission
- 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.

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.

## Entry requirement

All applicants must have entry clearance as a Representative of an Overseas Business before arrival in the UK.

## Tuberculosis certificates

An applicant must provide a valid tuberculosis (TB) certificate with their application, if they have been residing within a country listed in [Appendix T](#) of the immigration rules, for the 6 months immediately preceding the application.

If a valid TB test certificate has not been supplied when they are required to do so, the application should be refused.

There is information on GOV.UK regarding which applicants are [required to obtain a TB certificate](#) before applying and the valid test centres.

## Work requirements

All Representative of an Overseas Business applicants must:

- represent an overseas business or media organisation that that is active and trading outside the UK, with its headquarters and principle place of business remaining outside the UK
- be recruited and employed outside the UK by the business they intend to represent in the UK
- intend to work full-time for the organisation
- not intend to take any other work or engage in business of their own

## Type of representative

An applicant must be one of the following types of representative:

- a **Sole Representative** in the UK of an overseas business, who is a senior employee appointed to establish a UK trading presence by operating a registered branch or wholly-owned subsidiary of that overseas business
- a **Media Representative** who is employed by an overseas newspaper, news agency or broadcasting organisation and is posted on a long-term assignment for them in the UK

Depending on which type of representative the applicant is, they will need to meet additional eligibility criteria. See [additional business requirements for Media Representatives](#) and [additional business requirements for Sole Representatives](#).

## Genuineness

You must be satisfied that the applicant is a genuine representative of an overseas business and must not have reasonable grounds to believe the business decision to establish a UK presence or the business decision to appoint the applicant as their representative has been done mainly so the applicant can apply for entry clearance or permission to stay.

To assess this, you may need to request additional information or undertake an interview.

If you suspect the applicant is not genuine or is complicit in taking the role as the overseas business's representative primarily as a means to obtain permission in the UK, you must put your concerns to the applicant in clear language and give them the chance to respond (either in an interview or in writing) before making a decision. If you find the applicant to be complicit, you must include this in the refusal decision. For more details, you should consider the guidance on false representations.

## English language

The applicant must have English language skills equivalent to level A1 of the Common European Framework of Reference for English language.

Note that A1 level only includes speaking and listening and not reading or writing.

To assess whether the requirement is met, you should refer to the English language guidance.

## **Financial requirement**

You must be satisfied that an applicant is able to adequately maintain and accommodate themselves and their dependants in the UK without access to public funds.

There is no specified amount of money that an applicant must have available, but any evidence of the applicant's finance must be as set out in the Financial requirement guidance.

### **Related content**

[Contents](#)

# Additional business requirements for Sole Representative applications

This section tells you the additional business requirements a Sole Representative must meet to be eligible in the representative of an overseas business category.

They must:

- be applying to be the Sole Representative in the UK of an overseas business who is assigned to the UK to establish and supervise 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
- represent a business that has, and intends to retain, its headquarters and principal place of business outside the UK
- not be a majority owner of, or otherwise own or control, that overseas business
- be a senior employee of the overseas business
- have the skills, experience and knowledge of the business necessary to undertake the role
- have full authority to negotiate and take operational decisions on behalf of the overseas business for the purpose of representing it in the UK

Information on what is considered to be a Sole Representative and how to assess ownership and control can be found in [What is a Sole Representative?](#).

Information on assessing whether the UK establishment is operating the same type of business activity as the overseas business can be found in the [UK establishment and representatives](#) section.

Information on assessing whether the overseas business intends to remain principally outside the UK can be found in the [overseas business](#) section.

Information on assessing whether the applicant is an employee with the relevant level of authority can be found in the [Terms of employment](#) section.

## Initial application as a Sole Representative

If the applicant does not currently hold permission as a representative of an overseas business and are applying for entry clearance or to switch into the route, you must be satisfied that the overseas business does not already have an active branch, subsidiary or representative in the UK.

In some cases, an overseas business may have already begun the process of establishing a presence in the UK. See [UK establishment and representatives](#) for further information on when this is allowed.



Applicants must also provide the documents listed in paragraph [ROB 8.5 of Appendix Representative of an Overseas Business](#). See [Evidential requirements](#) for more information.

## Extension application as a Sole Representative

If the applicant has or last had permission as a Sole Representative and is applying to extend their stay, you must be satisfied that they:

- have established and registered the branch or subsidiary of the overseas business they represent
- are engaged full-time as the supervisor of that branch or subsidiary

The applicant must provide the evidence and documents listed in paragraph [ROB 8.6\(c\) of Appendix Representative of an Overseas Business](#). See [Evidential requirements](#) for more information. This evidence will help you to assess whether they meet the above requirements, but you can also request further information if needed.

### Related content

[Contents](#)

# 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 negotiate and take operational decisions once in the UK, as indicated by their role in the overseas business's hierarchy

A Sole Representative applicant must be a direct employee of the overseas business at the point at which they first seek permission in this route. If the Sole Representative is subsequently employed by the UK branch or subsidiary they have established, this is permitted provided the link to the overseas business is maintained and they still have sole executive responsibility for the direction of the branch or subsidiary.

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 sole representative of an overseas business
- a secretary or personal assistant accompanying a Sole Representative

If the overseas business wishes to employ 2 or more representatives, they cannot all be treated as a Sole Representative. One may be admitted, and then later apply for a sponsor licence to allow other employees to join them under the Skilled Worker or Intra-Company routes 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. 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 [assessing eligibility](#) section, especially if you have another reason to suspect they might be the overall owner (for example if the applicant founded the business or it is named after them).

In all cases, Sole Representatives must be employees of the overseas business as described in the [Terms of employment](#). 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.

## **Related content**

[Contents](#)

# 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.

## Related content

[Contents](#)

# UK establishment and representatives

This section tells you how to consider whether the UK establishment will meet the requirements of the representative of an overseas business category. It also explains where existing UK entities should not be considered to be an active branch, subsidiary or representative in the UK.

A Sole Representative applicant must be applying for the purpose of creating and supervising a UK establishment that is owned by the overseas business they represent. The UK establishment can be either a branch or subsidiary. If they already have permission in this route and are applying to extend their stay, the UK establishment must already be operational.

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 **subsidiary** is a separate corporate body that is wholly-owned by the overseas business but is otherwise treated as an independent company incorporated in the UK.

This UK establishment must be the same type of business as the parent business overseas, so it must supply the same or similar products and services. For example, an overseas manufacturing business can establish a UK branch or subsidiary for the sale or servicing of their products 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](#).

## What does not count as an active branch subsidiary or representative in the UK

When first establishing a branch or subsidiary in the UK, an overseas business may have already conducted some initial business activity in the UK before sending a Sole Representative. In these cases, you must be satisfied that any existing UK presence has not yet begun trading and that the overseas business does not have any other representatives in the UK.

If the overseas business has undertaken any activity in the UK towards the establishment of a new branch before sending a Sole Representative, these activities should not normally go beyond the following:

- creating an independent legal existence as a legal entity
- setting up a bank account
- identifying and setting up business premises

Sometimes the overseas business will engage persons in the UK to do the above activities. They may also have conducted business in the UK directly from overseas, prior to establishing their own presence, by making use of distributors or intermediaries. In these cases, you must be satisfied that the people involved are not already acting as representatives of the overseas business. In all cases these people cannot be directly employed by the overseas business or its UK branch or subsidiary.

The following are examples of persons who would not normally be considered to be a representative of 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

### **Related content**

[Contents](#)

# 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 access 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 access to public funds.

### Related content

[Contents](#)



# 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.

## Documents required for entry clearance or switching applications (Sole Representatives only)

If an applicant is seeking entry clearance or is switching into the route as a Sole Representative, they 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
- a 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
- a job description, salary and contract of employment that will apply to the applicant during their employment in the UK
- a 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
- a 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

## Documents required for extension applications

If an applicant has, or last had, permission as a representative of an overseas business and is extending their stay as either a Sole Representative or a Media Representative, they must supply from their employer:

- a statement that they wish to continue to employ the applicant in the same job

- evidence of salary paid by the employer in the 12 months immediately before the date of application and details of the remuneration package the employee receives

If applying as a Sole Representative, the employee must also provide additional evidence about the branch or subsidiary they have established.

They must provide evidence to show they have established and are in charge of a branch or wholly-owned subsidiary of the overseas business for which they were last granted permission to represent, which operates in the same type of activity as the overseas business, including:

- evidence they have generated business, principally with businesses in the UK, on behalf of their employer since the last permission in this category - 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
- a letter from the applicant's employer confirming that the applicant supervises the UK branch or subsidiary.

#### **Related content**

[Contents](#)

[Evidential requirements](#)

# Additional business requirements for Media Representative applications

This section tells you the additional eligibility requirements a Media Representative must meet to be granted entry clearance or permission to stay in the representative of an overseas business category.

Media Representative applicants must be based mainly in the UK and working on a UK long-term assignment. 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.

## Extension application as a Media Representative

If the applicant has or last had permission as a Media Representative and is applying to extend their stay, you must be satisfied that they are engaged full-time in the job for which their last period of permission was granted, and that they are required by their employer to continue in that role.

The applicant must provide the evidence and documents listed in paragraph ROB 9.3.(b). See [Evidential requirements](#) for more information. This evidence will help you to assess whether they meet the above requirements, but you can also request further information if needed.

### Related content

[Contents](#)

# Settlement requirements

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

The validity and suitability requirements for settlement applications are set out at paragraphs ROB 12.1. to ROB 13.2 of [Appendix Representative of an Overseas Business](#). The guidance below explains how to assess the eligibility requirements, which are set out at paragraphs ROB 14.1. to ROB 18.1.

## Qualifying period

The applicant must have spent a continuous period of 5 years in the UK before the date of the application with permission as a Representative of an Overseas Business.

Absences from the UK must be considered in line with [Appendix Continuous Residence](#). See the guidance on calculating the continuous period for further details.

## Work requirement

The applicant's employer must confirm that they still require the applicant to work for them, that the applicant has been, and will continue to be, paid the appropriate salary, and that the applicant will be required for the foreseeable future. The applicant should provide a letter from their employer to demonstrate this.

## English Language

The applicant must have English language skills in speaking and listening equivalent to level B1 of the Common European Framework of Reference for English language. Note that this is a higher level than is required for entry clearance or permission to stay.

To assess whether the requirement is met, you should refer to the English language guidance.

## Knowledge of life in the UK

The applicant must meet the knowledge of Life in the UK requirement as set out in [Appendix KOL UK](#).

### Related content

[Contents](#)

# Grant or refuse entry clearance or permission to enter the UK

This page tells you how to grant or refuse entry clearance and permission 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 grounds for refusing the application under [Part 9 of the Immigration Rules](#).

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 permission for a period of not more than 3 years.

You must grant permission on condition the applicant:

- has no access to public funds
- must register with the police, if required by Part 10 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 permission to enter

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

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](#)

# Grant or refuse permission to stay

This section tells you how to grant or refuse permission to stay 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 grounds for refusing the application under [Part 9 of the Immigration Rules](#).

If all the requirements are met, you must grant permission to stay for 2 years for extension applications or 3 years for applications where the applicant is switching from another immigration route.

You must grant permission on condition the applicant:

- has no access to public funds
- must register with the police, if required by Part 10 of the Immigration Rules
- will only work as a representative for the business which they are admitted to represent

You must grant permission 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 permission to stay

You must refuse permission to stay 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: 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 or subsidiary is established and can register as a points-based system (PBS) sponsor, the replacement can apply under the Skilled Worker or Intra-Company routes of the points-based system.
- 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 permission to complete 5 years in the UK in the category may remain even if the overseas company appoints a superior.

If the company appoints a superior to the applicant during their first 3 years of permission as a Sole Representative, you must refuse an extension application. In these circumstances, if the company wishes to keep the Sole Representative's services, they will need to sponsor the applicant to switch into the Skilled Worker or Intra-Company Transfer routes of the points-based system.

### Related content

[Contents](#)

# Grant or refuse settlement

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

You must check there are no grounds for refusing the application under [Part 9 of the Immigration Rules](#).

If the applicant meets the requirements, you must grant under paragraph ROB 19.1. of [Appendix Representative of an Overseas Business](#) of the Immigration Rules.

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

## Refuse settlement

You must refuse settlement under paragraph 19.1. 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.

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](#)



# Dependants

This section tells you about dependants who accompany a representative of an overseas business. See the full guidance on dependants in work routes for details on assessing the requirements.

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 ROB 20.1. to ROB 38.2 of [Appendix Representative of an Overseas Business](#).

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 clearance or permission to stay 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 must register with the police if required by [Part 10](#) of the Immigration Rules.

## Related content

[Contents](#)

# Refusal wording: entry clearance or permission to stay

This section gives wording to use if you intend to refuse an application for entry clearance or permission to stay as a representative of an overseas business. Some of these wordings also apply to extension applications and should be used alongside the [additional refusal wordings: extension of permission to stay](#).

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 grounds for refusal under [Part 9 of the Immigration Rules](#).

If an application for entry clearance or permission to stay 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 supported by an overseas business.  Paragraph ROB 4.4. of the Immigration Rules.	'... but (in view of ...) the Secretary of State is not satisfied that you are being assigned to the United Kingdom to represent them as either a Sole Representative or a Media Representative.'
Firm already represented in the UK  Paragraph ROB 8.4. 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 ROB 4.1. 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 ROB 4.1. 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	'... but (in view of ...) the Secretary of State is not satisfied that you have been recruited and taken on as an employee

<b>Reason and paragraph</b>	<b>Wording</b>
Paragraph ROB 4.2. of the Immigration Rules	by that business outside the United Kingdom.'
Not same business activity as parent company  Paragraph ROB 4.4.(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 overseas business on whose behalf you are acting.'
Overseas business is not active and trading  Paragraph ROB 4.1. 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 ROB 5.2. 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 ROB 4.4.(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.'
Intention to work part-time only  Paragraph ROB 4.3. 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  Paragraph ROB 4.3. 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.'
English language requirement  Paragraph ROB 6.1. 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.'
Financial requirement  Paragraph ROB 7.1. 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 access to public funds.'
Authority to make decisions	'...but (in view of ...) the Secretary of State is not satisfied that you are a

Reason and paragraph	Wording
Paragraph ROB 8.2. of the Immigration Rules	senior employee with full authority to negotiation? 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 ROB 8.2. 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 ROB 8.3. of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that you do not have majority stake in, or otherwise own or control, the overseas business.'
<b>Refusal of dependant partner applications only</b>  Dependant partner applicant owns or controls a majority stake in the overseas business the main applicant is or will be representing  Paragraph ROB 28.1. of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that you do not have a majority stake in, or otherwise own or control, the overseas business that your partner is/will be representing in the United Kingdom.

**Related content**

[Contents](#)

# Additional refusal wordings: extension of permission to stay

This section gives wording to use if you intend to refuse an application to extend permission to stay as a representative of an overseas business. These refusal wordings should be used in addition to those that apply to all applications for permission to stay.

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 grounds for refusal under [Part 9 of the Immigration Rules](#).

If an application for permission to stay 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 permission to stay in the United Kingdom as a representative of an overseas business...’

Reason and paragraph	Wording
Head Quarters (HQ)/ principal place of business no longer outside the UK (Sole Representatives)  Paragraph ROB 4.1. of the Immigration Rules	‘... but (in view of ...) the Secretary of State is not satisfied that the business still has its headquarters and principal place of business outside the United Kingdom.’
Has not established a wholly owned subsidiary in accordance with their previous permission.  Paragraph ROB 8.6.(a) of the Immigration Rules	‘... but (in view of ...) the Secretary of State is not satisfied that you have established a branch or wholly owned subsidiary for which your previous permission was granted.’
Is not in charge of the branch or wholly owned subsidiary they established.  Paragraph ROB 8.6.(b) of the Immigration Rules	‘... but (in view of ...) the Secretary of State is not satisfied that you supervise the branch or wholly owned subsidiary for which your previous permission was granted.’
No longer engaged in employment for which entry clearance granted  Paragraph ROB 8.6.(b) (for Sole Representatives) or ROB 9.3.(a) (for Media Representatives) of the Immigration Rules	‘... but (in view of ...) the Secretary of State is not satisfied that you are still engaged in the employment for which your previous permission was granted.’
No longer required for the employment in question	‘... but (in view of ...) the Secretary of State is not satisfied that your employer

Reason and paragraph	Wording
Paragraph ROB 8.6.(b) (for Sole Representatives) or ROB 9.3.(a) (for Media Representatives) of the Immigration Rules	has confirmed that you are still required for the employment in question.'
Not employed full-time  Paragraph ROB 8.6.(b) (for Sole Representatives) or ROB 9.3.(a) (for Media Representatives) 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.'

**Related content**

[Contents](#)

# Refusal wording: settlement

This section gives wording to use if you intend to refuse an application for settlement 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 grounds for refusal under [Part 9 of the Immigration Rules](#).

If an application for settlement 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 settlement in the United Kingdom as a representative of an overseas business...'

Reason and paragraph	Wording
Not 5 years in category Paragraph ROB 14.1. 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 longer required for the employment in question Paragraph ROB 16.1. of the Immigration Rules	'... but (in view of ...) the Secretary of State is not satisfied your employer has confirmed that you are still required for the employment in question.'
English language requirement. Paragraph ROB 17.1. 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.'
Insufficient knowledge of life in the UK Paragraph ROB 18.1. of the Immigration Rules	'...but (in view of...) the Secretary of State is not satisfied that you have sufficient knowledge about life in the United Kingdom.'

## Related content

[Contents](#)