



Home Office

# Tier 1 (Entrepreneur)

Version 29.0

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# About this guidance

This guidance tells you about the Tier 1 (Entrepreneur) route.

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

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

This category is now closed to new applicants.

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

- sole trader
- partnership
- company registered in the UK

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

## Contacts

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

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 **29.0**
- published for Home Office staff on **11 November 2025**

## Changes from last version of this guidance

This guidance has been updated to reflect the [Part Suitability](#) transition and to remove information relevant only to entry clearance and extension applications, the application deadline for both of which has now passed.

### Related content

[Contents](#)

Safeguard and promote child welfare

**Related external links**

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

[Immigration Rules appendix A](#)

# Key facts

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

| Key facts                | Summary  |
|--------------------------|--|
| Eligibility requirements | <p>Applicants must score 75 points, made up of:</p> <ul style="list-style-type: none"><li>• 75 points for attributes</li></ul> <p>Applicants must be at least 16 years old.</p> <p>If the applicant is under 18 years of age the applicant's parents, legal guardian, or sole parent with legal responsibility for the child must:</p> <ul style="list-style-type: none"><li>• support the application</li><li>• give their consent to the applicant's:<ul style="list-style-type: none"><li>○ travel arrangements to the UK</li><li>○ reception and care in the UK</li></ul></li></ul> <p>Two applicants can claim points for the same investment and business activity if they name each other on their application forms and documents. The money for investment can be shared by a team of up to 2 entrepreneurs.</p> <p>Each member of the team may work in the UK as a Tier 1 (Entrepreneur) using the same investment funds. A maximum of 2 people in an entrepreneurial team are allowed. Neither applicant must have used the same funds with any other applicant.</p> <p>Tier 1 (Entrepreneur) migrants who invest in the same business and are not part of an entrepreneurial team may not use the same evidence of job creation.</p> <p>An applicant who has had entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) migrant in the 12 months immediately before the date of application, must</p> |

| Key facts  | Summary   |
|--|---|
|  | meet the extension criteria and cannot use the initial criteria.  |
| Closing dates for applications                                     | <p>Existing Tier 1 (Entrepreneur) migrants who have never held leave as a Tier 1 (Graduate Entrepreneur) can submit applications to:</p> <ul style="list-style-type: none"> <li>• extend their stay <b>before 6 April 2023</b></li> <li>• settle <b>before 6 April 2025</b></li> </ul> <p>If an application is received after these dates, you must check to see if the migrants last grant of leave was granted after a successful challenge by way of Administrative Review, Appeal or Judicial Review. If so seek advice from policy on how to proceed.</p> <p>Applicants who have previously held leave as a Tier 1 (Graduate Entrepreneur) or who switched to the Start-up visa before switching into Tier 1 (Entrepreneur), can submit applications to:</p> <ul style="list-style-type: none"> <li>• extend their stay after switching into Tier 1 (Entrepreneur) <b>before 6 July 2025</b></li> <li>• settle after switching into Tier 1 (Entrepreneur) <b>before 6 July 2027</b></li> </ul> |
| Application forms  | Indefinite leave to remain – SET(O)   |
| Cost of application  | See <a href="#">Fees for Home Office services</a>   |
| Is entry clearance mandatory?                                      | Yes   |
| Is biometric information required for applications made in the UK? | Yes   |
| Entry clearance endorsement  | CAT D: Tier 1 (Entrepreneur) Migrant  |
| Overseas criminal record certificate                               | Tier 1 (Entrepreneur) entry clearance applicants, and their adult partners (aged over 18), must provide an overseas criminal record certificate for any country they have been present in continuously or in total for 12 months or   |

| Key facts                       | Summary  |
|---------------------------------|--|
|                                 | more in the last 10 years prior to their application.  |
| Entry clearance condition code  | Code 1 (+bus) (+sport)   |
| Code of leave to remain granted | Code 4D  |
| Conditions of leave to remain   | <p>Leave under this route is subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• no recourse to public funds</li> <li>• registration with the police, if this is required by paragraph 326 of the Immigration Rules</li> <li>• no employment other than working for the business or businesses the applicant has established, joined or taken over - working for such a business or businesses does not include any work the applicant does pursuant to (in line with) a contract of service or apprenticeship with another business whether express or implied, oral or written</li> <li>• no employment as a professional sports person (including as a sports coach) - this applies to applications made after 6 April 2011, but the biometric residence permit (BRP) only contained this condition from 1 December 2012- if you come across someone without the condition on their BRP, who is working as a sports person or coach, please contact the economic migration policy team for advice</li> <li>• study subject to the condition in Appendix ATAS</li> </ul> |
| Are dependants allowed?         | Yes  |
| Are work and study allowed?     | <p>Genuine entrepreneur activity (no contract of service with another business)</p> <p>Migrants must only work for the business or businesses they have established, joined or taken over. Working for such a business or businesses does not include any work</p>   |

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

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

| Key facts  | Summary   |
|--|---|
|  | Study is allowed providing this does not prevent the migrant from meeting the extension criteria. |
| Is switching allowed?  | The route is now closed for new entrants.   |
| Does time spent in this category count towards indefinite leave to remain? | Yes   |
| Is knowledge of language and life required?                                | Yes, for indefinite leave to remain applications.   |
| CID case type  | Tier 1 HS Entrepreneur  |
| Immigration Rules paragraphs   | Paragraphs 245D to 245DF, and appendices A, B and C   |

### Related content

[Contents](#)

### Related external links

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

[Immigration Rules appendix A](#)

[Fees for Home Office services](#)

# Documents not in English

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

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

The translation must:

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

## Related content

[Contents](#)

## Related external links

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

[Immigration Rules appendix A](#)

# Documentary evidence

This page tells you about documentary evidence.

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

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

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

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

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

## **Related content**

[Contents](#)

## **Related external links**

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

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

[Immigration Rules appendix A](#)

# Genuine entrepreneur test

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

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

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

## Available funds

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

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

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

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

- their own remuneration
- buying the business from a previous owner, where the money ultimately goes to that previous owner, rather than into the business being purchased, this applies:
  - irrespective of whether invested funds are received or held directly or indirectly by that previous owner
  - regardless of whether the money is channelled through the business on its way to the previous owner, for example, by means of the applicant or business purchasing 'goodwill' or other assets which were previously part of the business
- investing in businesses (other than those the migrant is running as self-employed or as a director)

- any spending which is not directly for the purpose of establishing or running their own business or businesses

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

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

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

## Indefinite leave to remain (Settlement) applications

**Tier 1 (Entrepreneur) migrants who have never held leave as a Tier 1 (Graduate Entrepreneur) can submit applications to Settle before 6 April 2025.** If an application is received after this date, you must check to see if the migrants last grant of leave was granted after a successful challenge by way of Administrative Review, Appeal or Judicial Review. If so seek advice from policy on how to proceed.

**Tier 1 (Entrepreneur) migrants who have held leave as a Tier 1 (Graduate Entrepreneur) before switching into Tier 1 (Entrepreneur) can submit applications before 6 July 2027.**

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

You must be satisfied that the migrant:

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

You must take into account the following:

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

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

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

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

## Evidential flexibility or verification

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

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

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

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**Related content**

[Contents](#)

Points-based system – evidential flexibility

Genuine entrepreneur test form

**Related external links**

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

[Immigration Rules appendix A](#)

[Statement of change for January 2013](#)

# Genuine entrepreneur test: paper consideration

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

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

- on [Part Suitability](#)

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

## Paper consideration

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

## Documents received

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

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

## Documents not received

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

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

### Related content

[Contents](#)

[Points-based system – evidential flexibility](#)

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

Genuine entrepreneur test form

**Related external links**

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

[Immigration Rules appendix A](#)

[Statement of change for January 2013](#)

# Genuine entrepreneur test: stages

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

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

| Stage | Action | Method | Timescale                            |
|-------|--------|--------|--------------------------------------|
|       |        |        | <a href="#">paper consideration.</a> |

**Related content**

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Genuine entrepreneur test form

**Related external links**

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

[Immigration Rules appendix A](#)

[Statement of change for January 2013](#)

# Genuine entrepreneur test: arranging the interview

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

**For applications made from 29 March 2019, the genuine entrepreneur test applies only to extension and settlement applications. It does not apply to initial applications.**

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

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

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## **Official – sensitive: end of section**

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

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Genuine entrepreneur test form

### **Related external links**

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

[Immigration Rules appendix A](#)

[Statement of change for January 2013](#)

# Genuine entrepreneur test: interviewing

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

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

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

If the applicant fails to attend a scheduled interview without a reasonable explanation, you must refuse the application under [Part Suitability](#). An example of a reasonable explanation for non-attendance is an emergency which could not have been avoided.

## English language

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

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**Official – sensitive: end of section**

## Interview questions

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

When applicants are invited to interview post application submission, interview questions should take account of specific concerns identified in each case and the

appropriate genuineness criteria, depending on whether the applicant has applied for entry clearance, leave to remain or indefinite leave to remain.

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

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

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

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

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

- they meet all the requirements of [paragraphs 245DB to 245DC](#) or [paragraphs 245DD or 245DF of the Immigration Rules](#)
- none of the suitability requirements in Part Suitability apply

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

## Record keeping

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

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

[Immigration Rules appendix A](#)

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# Genuine entrepreneur test: after the interview

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

## Failure to attend

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

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

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

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

## Credible entrepreneur applicant

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

## Applicant not a credible entrepreneur applicant

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

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

If you refuse the application, you must award the applicant zero points for all relevant attributes and refuse on the genuine entrepreneur test. You must make sure the refusal letter fully explains the reasons for the decision and covers any information

obtained at interview (if applicable). The letter must include any concerns raised as part of the caseworking process.

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

## Abuse

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

### Related content

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Genuine entrepreneur test form

### Related external links

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

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# Attributes - indefinite leave to remain

**Tier 1 (Entrepreneur) migrants who have not previously held leave as a Tier 1 (Graduate Entrepreneur) can submit applications to settle before 6 April 2025.** If an application is received after this date, you must check to see if the migrants last grant of leave was granted after a successful challenge by way of Administrative Review, Appeal or Judicial Review. If so seek advice from policy on how to proceed.

**Tier 1 (Entrepreneur) migrants who have previously held leave as a Tier 1 (Graduate Entrepreneur) can submit applications to settle after switching into Tier 1 (Entrepreneur) before 6 July 2027.**

This page tells caseworkers about the indefinite leave to remain (settlement) requirements for the Tier 1 (Entrepreneur) route.

## Requirements for indefinite leave to remain

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

- the applicant meets all the requirements of paragraph 245D or 245DF of the Immigration Rules
- none of the suitability requirements in [Part Suitability](#) apply (for more information, see related link)
- the applicant is not an illegal entrant
- the applicant scores 75 points for attributes (see table below)
- the applicant has enough knowledge of the English language and enough knowledge about life in the UK, with reference to [appendix KoLL of the Immigration Rules](#), unless the applicant is under the age of 18 or aged 65 or over at the time the application is made
- the applicant is not in breach of immigration laws, except:
  - any period of overstaying allowed under the Immigration Rules
  - where the application was submitted before 9 July 2012
  - any period of overstaying between 24 January and 31 August 2020

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

| Attributes: pass mark = 75 points  | Points available |
|--|------------------|
| <p>The applicant has invested, or had invested on his behalf, not less than £200,000 (or £50,000 if, in his last grant of leave, he was awarded points for funds of £50,000) in cash directly into one or more businesses in the UK.</p> <p>The applicant will not need to provide evidence of this investment if they were awarded points for it, as set out in Table 5, in their previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) migrant (this includes the evidence to demonstrate that the investment was in a UK business).</p> | 20               |

| Attributes: pass mark = 75 points  | Points available |
|--|------------------|
| <p>On a date no earlier than 3 months prior to the date of application, the applicant was registered with:</p> <ul style="list-style-type: none"> <li>• HM Revenue and Customs (HMRC) as self-employed</li> <li>• Companies House as a director of a new or an existing company or member of a new or an existing partnership - you must not award points to directors who are on the list of disqualified directors provided by Companies House</li> </ul> <p>The applicant's last grant of entry clearance, leave to enter or leave to remain was as a Tier 1 (Entrepreneur) migrant, on a date within 6 months of their entry to the UK (if he was granted entry clearance as a Tier 1 (Entrepreneur) migrant) and there is evidence to establish their date of arrival in the UK), or in any other case, at the date of the grant of leave to remain, the applicant was registered with:</p> <ul style="list-style-type: none"> <li>• HM Revenue and Customs (HMRC) as self-employed</li> <li>• Companies House as a director of a new or an existing company or new or an existing partnership - you must not award points to directors who are on the list of disqualified directors provided by Companies House</li> </ul> <p>The applicant will not need to provide the evidence of registration for condition (2) if they were awarded points from row 2 of Table 5 in his previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) migrant.</p> | 20               |
| <p>The applicant has:</p> <ul style="list-style-type: none"> <li>• established a new UK business or businesses that has or have created the equivalent of at least 2 new full-time jobs for settled workers</li> <li>• taken over or invested in an existing UK business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or businesses for settled workers by creating the equivalent of at least 2 new full-time jobs</li> </ul> <p>If the applicant's last grant of entry clearance or leave to enter or remain was as a Tier 1 (Entrepreneur) migrant, the jobs must have existed for at least 12 months of the period for which the most recent leave was granted or,</p>  | 20               |

| Attributes: pass mark = 75 points  | Points available |
|--|------------------|
| <p>where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of the current application.</p> <p>In respect of an applicant who was granted a covid related extension of leave, the applicant must have:</p> <ul style="list-style-type: none"> <li>• created 2 jobs meeting the criteria in either of the points above for at least the 12-month period referred to above</li> <li>• created at least a further 2 jobs meeting the criteria that have been in existence for at least 12 months by the date of application (these jobs can be the same as (i) providing they meet the requirement of existing for at least a further 12 months)</li> </ul>   |                  |
| <p>The applicant has spent the specified continuous period lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified period must have been spent with leave as a Tier 1 (Entrepreneur) migrant.</p> <p>The specified continuous period is:</p> <ul style="list-style-type: none"> <li>• 3 years, if the number of new full-time jobs created is at least 10</li> <li>• 3 years, if the applicant has: <ul style="list-style-type: none"> <li>○ established a new UK business with an income from business activity of at least £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) migrant</li> <li>○ taken over or invested in an existing UK business and their services or investment have resulted in a net increase in income from business activity to that business of £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) migrant, when compared to the immediate preceding 3 year period</li> </ul> </li> <li>• 5 years in all other cases</li> </ul> | 15               |

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

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

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[Access to funds for investment](#)

[Business registration](#)

[Job creation](#)

Applications from overstayers (non-family routes)

**Related external links**

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

[Immigration Rules appendix A](#)

# Access to funds for investment

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

## Indefinite leave to remain (ILR) applications

**Tier 1 (Entrepreneur) migrants who have not previously held leave as a Tier 1 (Graduate Entrepreneur) can submit applications to settle before 6 April 2025.** If an application is received after this date, you must check to see if the migrants last grant of leave was granted after a successful challenge by way of Administrative Review, Appeal or Judicial Review. If so seek advice from policy on how to proceed.

**Tier 1 (Entrepreneur) migrants who have previously held leave as a Tier 1 (Graduate Entrepreneur) can submit applications to settle as a Tier 1 (Entrepreneur) before 6 July 2027.**

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

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[Attributes – ILR applications](#)

### Related external links

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

[Immigration Rules appendix A](#)

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

[Searching the financial services register](#)

# Acceptable investment

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

## Direct cash investment

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

## Share capital

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

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

## Director's loan

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

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

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### Related external links

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

[Immigration Rules appendix A](#)

# Investments not accepted

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

## A loan to the business will not be accepted

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

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

## Investment in property development and property management

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

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

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

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

An applicant is permitted to invest in:

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

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

Applicants may not invest in student accommodation management services.

## How the money must be used

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

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

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# Invested funds

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

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

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

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

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

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

The amount of money invested must not:

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

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

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

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# Financial regulation

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

## Financial institutions

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

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

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

## Financial regulation

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

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

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

## The home regulator

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

## Venture capital firms

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

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

## Overseas institutions not regulated by the FCA or PRA

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

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

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

## European Economic Area (EEA) financial institutions

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

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

## Financial exchanges are not responsible for control

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

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

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

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### Related external links

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[Companies House](#)

[International Organization of Securities Commission](#)  
[Bank for International Settlements](#)  
[FCA website](#)  
[Searching the financial services register](#)

# Documentary evidence of funds

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

All documents must either be:

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

The translation must:

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

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

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

You must not accept evidence of money from a financial institution if you cannot make satisfactory verification checks, as set out in [Appendix Finance of the Immigration Rules](#).

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

Where the applicant provides documents which show the required level of funds (either £50,000 or £200,000) are held in more than one place, for example in 2

different bank accounts, the evidence must show the total amount (either £50,000 or £200,000) is available on the same date.

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

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

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

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

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# Letter from financial institution

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

Each letter must:

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

Each letter must also confirm each of the following details:

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

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

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

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

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

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

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

# Letter from accountant or authorised official

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

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

In the case of:

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

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

Each letter must:

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

Each letter must also confirm each of the following details:

- applicant's name and team member (if applicable) or the business name
- date of the document
- amount of money available to the applicant or their business from the venture capital firm, seed funding competition, UK government department, devolved government department in Scotland, Wales or Northern Ireland or intermediary public body
- name of the venture capital firm, seed funding competition or UK government department, devolved government department in Scotland, Wales or Northern Ireland or intermediary public body and the contact details of an official of that organisation (including their full address including postal code, telephone contact number and any email address)
- for a seed funding competition only:
  - confirmation that either the applicant, their entrepreneurial team or their business have been awarded money
  - confirmation of the amount of the award and naming the applicant, their entrepreneurial team or their business as a winner

- for a UK government department, devolved government department or intermediary public body, confirmation that it has awarded money available for the specific purpose of establishing or expanding a UK business, and the amount

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

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

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

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

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[The Law Society](#)

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# Third party evidence

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

Third parties may include:

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

Third parties may **not** include:

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

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

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

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

the applicant does not need to provide this evidence.

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

## Declaration from third party

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

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

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

## Letter from a legal representative

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

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

The letter must clearly show the:

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

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

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# Accountant verification

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

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

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

The accountant must:

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

## Related content

[Contents](#)

## Related external links

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

[Immigration Rules appendix A](#)

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

# Evidence of UK business

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

Applicants must provide evidence to show the business they have:

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

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

## Business Premises in UK

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

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

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

## UK bank account

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

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

## UK taxation

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

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

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

- dormant
- struck-off
- dissolved
- in liquidation

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

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

### Related content

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### Related external links

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

# Business registration

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

The applicant must have registered with:

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

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

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

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

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

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

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

Evidence accepted as proof of the above includes:

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

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

## Registered when applying for an extension or ILR

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

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

## Not the sole partner or a sole director

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

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

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

[Immigration Rules appendix A](#)

# Evidence for business registration: director or member

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

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

## Current registration

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

This documentation must:

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

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

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

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

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

The specified date can be the date of any of:

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

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

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

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

## Not the sole partner or a director

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

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

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

[Immigration Rules appendix A](#)

# Evidence for business registration: self employed

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

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

## Evidence

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

The specified date can be the date of either:

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

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

# Job creation

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

If the applicant established a new business or businesses or invested in an existing business, they must have created the equivalent of 2 extra full-time paid jobs for at least 2 people who meet the definition of settled workers in the Immigration Rules at the time their employment starts. Each job must have existed for at least 12 months.

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

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

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

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

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

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

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

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

## Further leave

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

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

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

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

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

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

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

If an applicant makes an application for indefinite leave to remain through the accelerated route on the basis of the creation of 10 jobs, they may include the same

2 jobs created during their initial leave. The applicant can only use this provision if these jobs are maintained for at least 12 months during their most recent extension.

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

### **Job Creation: Settlement applications where applicant's last extension was granted under the concession for businesses impacted by the Coronavirus pandemic**

In respect of an applicant who was granted a covid related extension of leave, to qualify for settlement, applicants will be required to demonstrate that they have created 2 full time jobs for the 12 month period in addition to the existing job creation requirement for settlement. For example where they are relying on having created 2 full time jobs for settled workers that existed in 12 months during their most recent grant of leave, they will also be required to show that 2 full time jobs existed for an additional 12 months, these can be the same jobs, providing they meet the requirement of existing for at least a further 12 months.

#### **Related content**

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#### **Related external links**

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

[Immigration Rules appendix A](#)

# Entrepreneurial teams

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

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

The applicants must:

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

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

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

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

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

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

## Consideration of entrepreneurial team applications

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

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

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

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

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

#### **Related content**

[Contents](#)

#### **Related external links**

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

[Immigration Rules appendix A](#)

# Evidence of job creation

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

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

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

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

## Not the sole partner or a director

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

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

## Number of hours worked by an employee

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

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

The applicant must also provide:

- duplicate wage documents issued to the worker covering the full period of their employment
- confirmation of the start date, number of hours paid and the hourly rate for each employee used to claim points, including any changes in the number of hours paid or hourly rate and the dates of the changes

- documents which show the employee was at the point their employment started a settled worker
- a printout from Companies House of the company's filing history page and their personal appointments history, showing the date of their appointment as director of that company or member of that partnership, as applicable

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

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

## **Applicant takes over or joins an existing business**

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

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

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

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

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

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

[Immigration Rules appendix A](#)

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

# Who counts as a settled worker?

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

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

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

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

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

Only jobs given to people who meet the definition of a settled worker in paragraph 6 of the Immigration Rules at the time their employment starts qualify for the award of points.

For the purposes of this route, a 'settled worker' is defined in [paragraph 6 of the Immigration Rules](#). To check the definition at the time employment started you should check the relevant [archived Immigration Rules](#).

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

## Documentation to confirm status

The applicant must provide copies of documents which demonstrate their employee met the definition of a settled worker at the point their employment commenced. Examples of such documents are:

- a British passport, which shows the biometric data page containing the photograph and personal details of the employee
- a birth certificate, which demonstrates the employee was born in the UK and Colonies before 1 January 1983
- if the employee was born in the UK on or after 1 January 1983:
  - a birth certificate
  - documentation, such as a passport or naturalisation certificate, which confirms one of their parents had settled status in the UK when the employee was born

- if the employee was an EEA national and commenced their employment at a time they met the definition of a settled worker, the biometric data page of a passport containing their photograph and personal details, or a UK registration certificate/permanent residence document or any other document showing they met the definition of 'settled worker' at the time
- if the worker was another type of overseas national with settled status in the UK both of the following:
  - the biometric data page of a passport containing their photograph and personal details
  - the pages where a UK Government stamp or an endorsement appear, or a biometrics residence permit, or official documentation from the Home Office which confirms their settled status in the UK

### **Related content**

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### **Related external links**

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

[Immigration Rules appendix A](#)

[Paragraph 6 of Immigration Rules](#)

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

[Archive: Immigration Rules](#)

# Curtailment

This section tells you about curtailment.

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

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

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

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

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

If you curtail leave for this reason, you must do so under [paragraph 9.9.2\(a\) of the Immigration Rules](#).

For more information, see related link: Curtailment.

## Related content

[Contents](#)

## Related external links

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

# Change of circumstances

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

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

To change:

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

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

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

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

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

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# Venture capital

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[Immigration Rules Appendix A](#)

# Grant or refuse indefinite leave to remain

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

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

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

The continuous residence period is 3 years.

The applicant must meet the following criteria:

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

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

The applicant must:

- not fall for refusal under [Part Suitability](#), and must not be an illegal entrant
- have spent a continuous period of 5 years lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period, with leave as a Tier 1 (Entrepreneur) migrant

- have sufficient knowledge of the English language and sufficient knowledge about life in the UK, in accordance with paragraph 33BA of the Immigration Rules, unless they are under the age of 18 or aged 65 or over at the date the application is made
- not be in the UK in breach of immigration laws

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

### **Related content**

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Knowledge of language and life in the UK

ILR – calculating continuous period in UK

Applications from overstayers (non family routes)

### **Related external links**

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

[Immigration Rules appendix A](#)

# Dependants

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

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

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

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

## **Related content**

[Contents](#)

Family members of points-based system migrants