

Do expat contractors need a contract in place before they move to the UK?

If non-UK and non-EU contractors have a [Tier 1 high-value migrant or exceptional talent visa](#) they do not need to have a contract in place before they arrive in the UK. The high-value migrant visa type has been designed so that contractors with sufficient funds for investment, or access to start-up grants, can start a new business and support the UK economy.

There is also Tier 1 exceptional talent visa for contractors who are "recognised or have the potential to be recognised as leaders in the fields of science and the arts" (listed as Exceptional talent). To qualify, a UK learned society must endorse the contractor; there are a limited number of endorsements available at any one time.

However, if contractors are unable to get a Tier 1 visa, they are still able to apply for other visa types, but they will need to have secured a UK contract before they do so.

What makes contractors eligible for a Tier 1 high-value migrant visa?

If a contractor is planning to apply for a visa under Tier 1, they need to navigate the Points Based System (PBS). There is an [online points-based calculator tool](#) contractors can use to establish whether they are likely to satisfy eligibility criteria and score sufficient points for their application to be successful.

Before they start, contractors should bear in mind the following eligibility criteria:

To apply as an investor they must have either £1m of their own money held in a regulated financial institution to invest in the UK, or personal assets totalling more than £2m and £1m loaned by a UK financial institution

To apply as an entrepreneur, they must have at least £200,000 available to the business they are starting/planning to run, or access to £50,000 from a venture capital firm, government-endorsed seed fund or funding from a government department. A contractor must also have £2,800 in maintenance funds and be able to demonstrate their English-language skills.

When a contract, or promise of employment, is required

If an expat contractor lacks the funds or talent in a particular field to qualify to apply for a Tier 1 visa, it is possible for them to try a different option under Tier 2 (General). This is for sponsored skilled workers, and is still sometimes referred to by the name of the visa type it replaced – the UK Work Permit Scheme.

The major difference between [Tier 2 \(General\)](#) and Tier 1 is that the contractor cannot make the application for Tier 2. The contractor has to find a UK sponsor, an end user client or employer, who will make the application for a work permit on their behalf.

Although most Tier 2 applications are made by an employer on behalf of a non-UK or non-EU citizen who will be employed by the sponsor, there are agencies and organisations that sponsor contractors to come and work in the UK.

Tier 2 points based system

As with Tier 1, Tier 2 also works on the Points Based System. The contractor has to score a minimum number of points for their visa application to be considered, in addition to being sponsored by a UK organisation.

Once awarded, a Tier 2 visa only lasts as long as the sponsoring organisation allows, or three years, whichever time is shorter. After that, the contractor has to re-apply to stay.

However, contractors granted entry and leave to stay and work under Tier 1 do not have to reapply after contracting for three years, and do not require a sponsor or a contract in place when they first apply. Just plenty of spare cash.

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