



SHEPHERD+ WEDDERBURN

# RELOCATING TO THE UK

A handy guide to visa and residency applications

# RELOCATING TO THE UK

The United Kingdom (UK) is a sovereign state made up of four unique countries – Scotland, England Wales and Northern Ireland – each offering a wonderful way of life.

Figures from the Office for National Statistics show more than 280,000 people relocated to the UK in 2017, with work, education and relationships being common triggers.

There are a number of issues for you to consider before relocating to the UK, whether for the long or short term:



What type of visa does my family and I need to live and work in the UK?



Where should I live?



What is the right school for my children?



What are the tax, trust and wealth management issues around relocation?

**Shepherd and Wedderburn has produced this handy guide to help you navigate the visa process.**

In this guide you will also find useful resources to help unpick legal jargon and bureaucratic red tape. Our dedicated team of multi-disciplinary legal experts is on hand to guide you through what can be a daunting and sometimes complex process, should you require assistance.



## VISAS AND RESIDENCY: TYPES OF FAMILY VISAS

The UK border controls are tighter than they have ever been. Families of all backgrounds regularly fall foul of some of the more prescriptive requirements.

Getting it right means entering and settling in the UK with minimal hassle; getting it wrong can lead to a refusal, which can result in family members being separated for extended periods; paying more in Home Office fees and being subjected to a protracted and stressful process.

### Visas for family members of British citizens

For families living overseas, a change in circumstance may require some or all family members to apply for a visa to live in the United Kingdom.

Family visas fall under Appendix FM of the Immigration Rules. Appendix FM was introduced in July 2012 and is an incredibly complex set of rules families must comply with in order to obtain a UK visa. Legal advice is always recommended for Appendix FM applications as visas can be, and are, frequently refused if a single piece of required evidence is missing.

Our specialist immigration team will work closely with you, your employer and/or accountant/financial adviser to ensure all specified documentation required by the Home Office is processed correctly.

London is the largest city in the UK. At its centre stand the imposing Houses of Parliament, the iconic Big Ben clock tower and Westminster Abbey.

### DID YOU KNOW?

There is no point in Britain that is more than 75 miles away from a coastline.



## PARTNER VISAS

Do you have a non-British citizen partner? If so, they will need to apply for a partner visa and enter the UK on that visa. Even if the non-British family member has visited the UK previously, they should not enter the UK as a visitor if it is the family's intention to relocate to the UK.

The Home Office takes a very dim view of those who enter the UK a visitor and doesn't leave at the end of their visit. In a worst case scenario, the Home Office can make a finding that a deception has been committed, rendering a stain on the individual's immigration record. Unless there are additional and very compelling reasons why intentions have changed (e.g. there has been a medical emergency), non-British family members who arrive on a visitor visa will not be able to switch to a partner visa.

### Who is covered by a partner visa?

Under UK law the following relationships are covered by the partner visa route:

- > spouse
- > civil partner
- > unmarried partner where parties have cohabited for two years or more and are in a relationship akin to marriage
- > fiancé(e)

## VISAS FOR CHILDREN

Children born overseas to a British citizen (who was born in the UK), will automatically be British at birth. However, children born overseas to British parents who were not born in the UK will not be automatically British.

If one of the child's British parents lived in the UK for 270 days prior to the child's birth, the child may qualify to register as British. Otherwise, the child will be required to obtain a visa to come to the UK.

Non-British step-children of a British citizen will also require a visa to come to the UK, if doing so with their non-British parent.





## OLDER CHILDREN

Once a child is aged 18 or over, the rules change and the visa application process becomes extremely difficult.

If your family has a child who is almost 18, you need to act quickly to ensure you make the application before their 18th birthday.

## GRANDPARENTS AND ADULT CHILDREN

Since changes were made, in July 2012, to the law for family migration, it has been extremely difficult to obtain visas for other family members, e.g. adult children and parents.

Worldwide, only a small fraction of cases raised have been successful. A visa can still be obtained, but only where strict criteria evidencing dependency and other factors are met.



▲ The Wales Millennium Centre, Cardiff.

## INVESTOR VISAS

For some families, the use of an investor visa might be the best way to settle in the UK. This route grants entry to the UK to those with access to £2million of their own funds, which must be invested through UK Visa and Immigration (UKVI) compliant investments products. Some high net worth individuals may consider this as a route for their adult children in order to help them establish a base in the UK. Depending on the amount of investment, an individual can settle in the UK in as few as three years, with minimal restrictions on working and studying.



▲ Scotland's historic capital Edinburgh, often described as the Athens of the North.

Liverpool is famous for football and being the home of the Beatles.



## LONG-TERM IMMIGRATION GOALS

For many people coming to the UK, the long-term goal is to obtain settled status and then British citizenship. In an uncertain world, becoming a British citizen is the best way of protecting an individual's future long-term right to reside in the UK.

Unlike having indefinite leave to remain (ILR) status, British citizenship cannot be lost by time spent outside the UK. ILR can be lost where the holder is outside the UK for a continuous period of two years. Many families have found themselves caught out here, and have had to start the whole process over again, beginning with an application for an initial partner visa.

Our specialist immigration team can help you navigate the complex immigration process. The rules are technical and we know they can be daunting, but we will do our utmost to help demystify the process.

## TAX, ESTATES AND WEALTH MANAGEMENT

Generally speaking, the UK adopts a position that if you are “resident” in the UK you are subject to UK income tax and capital gains tax.

Depending on your circumstances, you may also become subject to inheritance tax. If you buy property in the UK there are also likely to be further tax considerations to bear in mind. We can advise you on what tax exposure you will have when moving to the UK, your compliance obligations, and undertake the necessary compliance on your behalf.

As well as this, we can also advise on practical steps that you can take, both before you come to the UK and when you are here, to minimise your exposure to UK tax.

To settle in the UK, or to own property in the UK (in particular a house or other interest in land), you may also have consider how matters such as the law of succession will impact on you, and whether you need to make a will in the UK. Our solicitors are qualified in Scotland, England and Wales, and can provide the advice you require, no matter which part of the UK you decide to settle in. They can also advise on how any UK arrangements may interact with other planning you have in place outside the UK, as well as the impact a move to the UK may have on any existing structures you have in place.

Giant's Causeway, County Antrim  
on the north coast of Northern  
Ireland.



# FURTHER RESOURCES

## **InterNationals**

[internations.org/great-britain-expats](https://internations.org/great-britain-expats)

This member-based community website provides guidance, advices and information on things you should know about moving to, and living in, the UK. A resource full of information on subjects such as health and education, working in the UK, safety and crime, to the banking system, culture and shopping and driving.

Each of the four countries that make up the United Kingdom have different ways of life, below provides some additional information about each.

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## **Scotland (scotland.org)**

Scotland.org is a website packed with useful information about moving to, and living in, Scotland - from the culture, food and travel, to education, careers and places to live.

## TalentScotland ([talentscotland.com](https://talentscotland.com))

Talent Scotland provide information about living and working in Scotland, as well as links to relocation companies. It also offers job searches, information about investing and doing business in Scotland, and an overview of some of Scotland's key growth sectors.

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## **Wales (wales.com)**

Wales.com provides a 'need to know' guide to moving to and living in wales, from history and ancestry, regions, and language to food and drink, art and culture and business.

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## **Northern Ireland (nidirect.gov.uk)**

Nidirect is a government website with useful information and resources relating to life in Northern Ireland. You will find information on subjects such as education, travel, employment, tax and benefits and property.

## NIbusinessinfo ([nibusinessinfo.co.uk](https://nibusinessinfo.co.uk))

NIbusinessinfo provides information on starting a business and doing business in Northern Ireland. This resource includes information on key issues to consider when doing business in Northern Ireland, including health and safety, accessibility, research and development, and sales and marketing.

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## Schools

There are a number of different options to consider when selecting the right school, and education in the UK varies by country.

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### 🇬🇧 Scotland

#### Education authority schools

Local schools are run by the relevant education authority. Your child will normally be awarded a place in the catchment school (the primary or secondary school(s) local to the area in which you reside), though you can also apply for a place at your preferred school, outwith the local catchment area. For more information visit: [citizensadvice.org.uk/Scotland](http://citizensadvice.org.uk/Scotland)

#### Denominational schools

Some schools are associated with religious denominations. While such schools are provided by the education authority, you will have to make a special placing request if you would like your child to attend one of these schools. For more information visit: [education.gov.scot](http://education.gov.scot)

#### Independent schools

Independent schools are fee-paying schools not funded by the education authority. Scotland has a number of independent schools, including single sex, co-educational, day and boarding . For more information visit: [scis.org.uk](http://scis.org.uk)

### + England

Most state schools have to follow the national curriculum.

The most common types of school are:

- > community schools, controlled by the local council;
- > foundation schools and voluntary schools, which have more freedom to change the way they do things than community schools;
- > academies, run by a governing body, independent from the local council; and
- > grammar schools, run by the council, a foundation body or a trust - they select all or most of their pupils based on academic ability and there is often an exam to get in.

For more information on other types of schools available in England, visit: [gov.uk/types-of-school](http://gov.uk/types-of-school)

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## Wales

### Community Schools

Community schools are owned and run by the local authority.

Community special schools are community schools that deliver special education.

### Voluntary controlled schools

Voluntary controlled schools are run by a voluntary organisation, for example the church, but are controlled by the local authority. The local authority sets the entrance criteria and employs the staff, but the land and building is often owned by the voluntary organisation and it often appoints board members.

### Voluntary aided schools

Voluntary aided schools are run by voluntary organisations and enjoy greater freedom – these are typically faith schools that set their own entrance criteria.

### Foundation schools

Foundation schools are owned either by the governing body or by a charitable foundation.

### Independent schools

Independent schools are fee-paying schools not funded by the education authority. Wales has a number of independent schools, including single sex, co-educational, day and boarding, as well as 'by age' range. For more information visit: [isc.co.uk](http://isc.co.uk).

To find schools in your local area of Wales, visit: [gov.wales/statistics-and-research/address-list-of-schools](http://gov.wales/statistics-and-research/address-list-of-schools).

## Northern Ireland

The Northern Irish education system consists of schools which are under the control of different types of management. For more information visit: [nidirect.gov.uk](http://nidirect.gov.uk).

### Controlled Schools

Controlled Schools are under the management of the Board of Governors and the Education authority. Visit: [eani.org.uk](http://eani.org.uk) for more information.

### Maintained Schools

Maintained Schools are under the management of the Board of Governors and Council for Catholic Maintained Schools. Visit: [onlineccms.com](http://onlineccms.com) for more information.

### Voluntary Grammar schools

Managed by the Board of Governors. For more information visit: [gbani.org](http://gbani.org).

### Integrated

Integrated schools bring Protestants and Catholics together, and the schools are managed by a Board of Governors. For more information visit: [nicie.org](http://nicie.org).

## Where should I settle?

With so many great places to live the UK it can be difficult to decide where you should settle. It's best to start by answering a few of the following questions.

- > Do I like the hustle and bustle of city life? Do I want to live in a city, town or village?
- > Do I value outdoor space?
- > What is the length and cost of a daily commute?

The UK landscape is diverse and each county and region provides a wealth of lifestyle opportunities to suit any taste.

For more information about the UK towns and cities, visit: [britannica.com/topic/list-of-cities-and-towns-in-the-United-Kingdom-2034188](https://www.britannica.com/topic/list-of-cities-and-towns-in-the-United-Kingdom-2034188)

▲ The Selfridges Building, Birmingham.

Visit [shepwedd.com/immigration](https://www.shepwedd.com/immigration) to find out more about our legal services



# OUR EXPERTISE

Shepherd and Wedderburn is a leading full-service commercial law firm. Headquartered in Scotland, with offices in Edinburgh, Glasgow, Aberdeen and the City of London. The firm delivers comprehensive multi-jurisdictional legal advice across every business sector and the full range of private client and wealth management services.

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## Immigration

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**Jacqueline Moore**

Director of Immigration

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Jacqueline has been advising businesses, individuals and families on visa issues for 18 years. She is dedicated to providing immigration solutions to her clients and has a vast wealth of experience across all areas of immigration law. The breadth and depth of her knowledge is quite unique in that it covers business as well as personal immigration law.

Her specialism in immigration law is underlined by the fact that she was one of the first solicitors in Scotland to receive accreditation from the Law Society of Scotland.

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**Blair Melville**

Solicitor

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As an experienced solicitor, Blair knows that different families have different priorities. Over the last few years he has worked alongside Jacqueline, using his in depth understanding of the Immigration rules, to help families settle in the UK as quickly and effortlessly as possible.

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## Private Client

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### **Christopher McGill**

Partner

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A Partner in the Private Client practice of the firm, Chris specialises in private client and charities work. He advises private individuals, families and trustees on issues such as succession planning, wills and trusts, and personal taxation. With an increasingly mobile and international client base, Chris also regularly advises on issues such as domicile, international taxation and estate planning.

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### **Malcolm Rust**

Partner

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Partner and Head of the Private Client and Charities teams, Malcolm specialises in personal tax, trust and succession planning for entrepreneurs, families and high net worth individuals, with a particular interest in family business succession planning and structures. Malcolm also provides expert advice on wills, financial planning, trust creation, and partnerships. As a Director of Shepherd and Wedderburn Financial, Malcolm regularly engages with our financial experts to assist his clients with their financial planning needs, dovetailing that with the legal advice which he supplies to his individual clients.

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### **Stephen Miller**

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Stephen is the firm's head of tax and plays a key role in ensuring that tax issues are identified and pre-empted, whether for the Company or individuals. The overlap between corporate and personal tax is particularly acute when dealing with privately owned businesses.

The Shepherd and Wedderburn Private Client team comprises an expert group of more than 20 legal and tax professionals advising UK and international clients on tax, succession and wealth preservation matters.

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