



University of  
**Salford**  
MANCHESTER

# **Start-Up Visa Policy**

**Version Number 1.0**

**Effective from 01 October 2020**

**Author: Head of Home Office Compliance**

**Student Administration**

<b>Document Control Information</b>			
<b>Revision History incl. Authorisation: (most recent first)</b>			
<b>Author</b>	<b>Summary of changes</b>	<b>Version</b>	<b>Authorised &amp; Date</b>
Richard Melia	<i>Clarification of how the Start-Up Visa scheme is operated at the University of Salford (replacing the Tier 1 (Graduate Entrepreneur Policy)</i>	V1.0	
<b>Policy Management and Responsibilities:</b>			
Owner: Head of Home Office Compliance	This Policy is issued by the Head of Home Office Compliance, who has the authority to issue and communicate policy on the Start-Up visa and has delegated day to day management and communication of the policy to the University's Careers & Enterprise Team.		
Others with responsibilities (please specify): Careers and Employability	All subjects of the Policy will be responsible for engaging with and adhering to this policy.		
<b>Author to complete formal assessment with the following advisory teams:</b>			
Equality Analysis (E&D, HR) <a href="#">Equality Assessment form</a>	1. <i>This is mandatory. Email the completed EA to <a href="mailto:Equality@salford.ac.uk">Equality@salford.ac.uk</a></i>		
Legal implications (LPG)	2. <i>N/A</i>		
Information Governance (LPG)	3. <i>N/A</i>		
Student facing procedures (QEO)	4. <i>N/A</i>		
UKVI Compliance (Student Admin)	5. <i>01/10/2020</i>		
<b>Consultation:</b>			
Staff Trades Unions via HR Students via USSU Relevant external bodies (specify)	1. <i>N/A</i>		
<b>Review:</b>			
<b>Review due:</b>	October 2021		
<b>Document location:</b>	University Policy & Procedure Pages		
<a href="https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures">https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures</a>			
<b>The owner and author are responsible for publicising this policy document.</b>			

## Purpose

The Start-Up Visa scheme came into effect in April 2019 and is covered by the [Immigration Rules at part W5](#). It is aimed at those individuals from outside the EEA who want to set up a business in the UK and have been successfully endorsed by an approved body (one of whom is the University of Salford). It has replaced the Tier 1 (Graduate Entrepreneur) Scheme but has a much broader remit.

## Scope

The University of Salford (UoS) has been made an approved endorsing body by the Home Office's UK Visas and Immigration department (UKVI). UoS qualifies for this status as it is a higher education provider (HEP) with a track record of compliance.<sup>1</sup> As such, UoS can sponsor a maximum of 10 non-EEA migrants per year. The UoS has decided that these migrants should come from its own graduate population.

### 1. Responsibilities and duties

1.1 To endorse an individual under the Start-Up Visa Scheme, the UoS must confirm that:

- The applicant has a genuine, original business plan that meets new or existing market needs and/or creates a competitive advantage;
- The applicant has, or is actively developing, the necessary skills, knowledge, experience and market awareness to successfully run the business;
- There is evidence of structured planning and of potential for job creation and growth into national markets;
- The UoS is reasonably satisfied that the applicant will spend the majority of their working time in the UK on developing business ventures.

1.2 After endorsing an individual for a Start-Up Visa, the University must:

- be able to competently assess applicants' business ventures against the endorsement criteria set out in the Worker regulations in the Immigration Rules (Appendix W);
- stay in contact with those they have endorsed at checkpoints six, 12, 18 and 24 months after the Start-Up Visa is granted;
- inform the Home Office if the individual does not keep contact, or misses one of their checkpoints without authorisation;

---

<sup>1</sup> See Immigration Rules, part W5.3 (a) (i) (i).

- tell the Home Office if the individual has **not** made reasonable progress with their original business venture;
- let the Home Office know if the individual is **not** pursuing a new business venture that also meets the endorsement criteria set out in the Worker regulations in the Immigration Rules;
- withdraw its endorsement if either of the above three criteria applies, unless it is aware of exceptional and compelling reasons not to withdraw its endorsement, and informs the Home Office of those reasons; and
- inform the Home Office if it has any reason to believe that an individual it has endorsed breaches any of their visa conditions.

## **2. Advertisement of the Start-Up Visa Scheme and the application process and assessment**

**2.1** The scheme is advertised on the [Enterprise webpages](#). The Careers & Enterprise Team also advertises the Start-Up Visa scheme through training events, such as the Business Start-Up events and Enterprise Masterclasses.

**2.2** Applications for an endorsement letter for the Start-Up Visa scheme are initially made electronically, through Advantage. As part of this application, the applicant is asked to upload a copy of their current visa (if they are in the UK) and to complete the form at Appendix 1. This is a form that gives the University permission to contact the Home Office and request a background immigration check.

**2.3** Once the applicant has signed this form, this should be forwarded to the Home Office Compliance Team along with the copy of the applicant's current visa, who will check whether there are any immigration issues that will prevent the University endorsing the applicant.

**2.4** The Home Office Compliance Team will inform the Careers & Enterprise Team whether there are any immigration issues preventing the University from endorsing the applicant as a Start-Up Visa endorsee. If there are, the applicant will be informed that their application has been unsuccessful.

**2.5** If the applicant passes the background immigration check then they can proceed with their application to be endorsed by the University of Salford on a Start-Up Visa. The next stage will be a one-to-one meeting with the Careers & Enterprise Team where the applicant will be tasked with compiling a number of documents.

**2.6** Applicants will receive support for compiling these documents and in constructing a business plan via the Careers & Enterprise Team before it is sent to the assessment panel for a decision on the Start-Up Visa endorsement.

**2.7** The assessment panel is made up of panellists who are sufficiently qualified and are familiar with reviewing business plans. For example the Head of Careers & Enterprise; the Employer Liaison Consultant; and the Enterprise Advisor.

**2.8** All feedback is sent to the applicant by the Careers & Enterprise Team.

**2.9** Applicants unsuccessful in obtaining an endorsement from the panel for a Start-Up Visa do have the opportunity to appeal the decision. The grounds for an appeal are:

- There has been a significant procedural error on the part of the University;
- There are significant mitigating circumstances that affected your performance, for which supporting evidence exists.

### **3 Successful endorsement**

**3.1** UoS must contact the Home Office by e-mail with details of any individual they endorse.

**3.2** The Careers & Enterprise Team will provide the successful applicant with a letter on UoS-headed paper confirming their endorsement and secure reference number (please see Appendix 2).<sup>2</sup>

**3.3** An endorsement is valid for three months from the date of issue, so an applicant must make their immigration application before its validity expires. This expiry date must be noted on the endorsement letter.

**3.4** Successful applicants will be granted leave for two years (unless they have already spent time in the UK as a Tier 1 (Graduate Entrepreneur) – please see section 5 below).

**3.5** Applicants who are granted leave to remain on a Start Up Visa will not be permitted to work as a doctor or dentist in training, or as a professional sports person or sports coach.

**3.6** When the applicant is granted a Start-Up Visa, this visa must be presented to the Careers & Enterprise Team, who will take a copy of the visa and file this alongside a copy of the migrant's passport, application form to the scheme, business plan and panel notes. This file will be retained by the Careers & Enterprise Team for UKVI audit purposes.

---

<sup>2</sup> The name and contact details (telephone number, email and workplace address) of the authorising official of the endorsing body, and an administrative contact (e.g. secretary) at the endorsing body is required in the endorsement letter.

**3.7** Start Up Visa holders are required to have at least two contact checkpoints with the Careers & Enterprise Team to remain compliant with UKVI regulations (please see section 1.2 above). Evidence of these contact points are maintained on Advantage and are accessible in case of UKVI audit.

**3.8** The Home Office Compliance Team (HOCT) will undertake an annual audit of successful Start-Up Visa files. This will normally occur prior to the renewal of the Start-Up Visa endorsement allocation each April.

#### **4. Post-endorsement support**

**4.1** Once the applicant has secured the Start Up Visa, the Careers & Enterprise Team will meet with them at least quarterly and provide them with one-to-one business mentoring, whilst monitoring their progress.

**4.2** The successful Start-Up Visa holder will have access to these appointments at any time and with a frequency that is dependent on their needs (as long as the frequency meets the minimum described in 1.2 above).

**4.3** During appointments, the Careers & Enterprise Team will guide the endorsed Start-Up Visa holder with their start-up process by providing up-to-date information and referring them, when needed, to a network of advisers for further help and support.

**4.4** The Start-Up Visa applicant also has access to [Enterprise training events](#) and all the Enterprise training materials online.

#### **5. Start -Up Visa as an extension application for Tier 1 (Graduate Entrepreneurs)**

**5.1** The University can also endorse a Tier 1 (Graduate Entrepreneur) on a Start-Up Visa at the end of their first year as a Graduate Entrepreneur. Endorsements for extension applications will not count towards the University's allocation under the limit referred to in the Scope above.

**5.2** These extensions will be granted for a further 12 months and the applicant should apply one month before their current permission to stay as a Tier 1 (Graduate Entrepreneur) expires. At this point, the applicant will be required to complete the form at Appendix 1 before the extension can be confirmed.

**5.3** The Careers & Enterprise Team will forward the completed form from Appendix 1 to the Home Office Compliance Team who will conduct an immigration background check with the Home Office.

**5.4** The Home Office Compliance Team will inform the Careers & Enterprise Team whether there are any immigration issues preventing the University from endorsing the applicant as a Start-Up Visa holder for a further 12 months. If there are, the individual will be informed that their Start-Up Visa application has been unsuccessful.

**5.5** If there are no immigration issues preventing the University endorsing the applicant for a further 12 months, then the applicant can be endorsed on a Start-Up Visa.

**5.6** This endorsement for a further 12 months leave for a former Tier 1 (Graduate Entrepreneur) under the Start-Up Visa route does not need to confirm that the applicant has a genuine, original business plan that meets new or existing market needs and/or creates a competitive advantage; that the applicant has, or is actively developing, the necessary skills, knowledge, experience and market awareness to successfully run the business; nor that there is evidence of structured planning and of potential for job creation and growth into national markets. The UoS only needs to confirm that the business is 'genuine and credible'. N.B. **Any time already spent in the UK on a Tier 1 (Graduate Entrepreneur) visa is subtracted from the two years allowable under the Start-Up Visa route.**

**5.7** If the Tier 1 (Graduate Entrepreneur) applicant decides to apply for an extension to their leave under the Start-Up Visa route they need to submit a short bound report about their business activities, including a table of contents and an appendix, as well as detailed evidence. Full details are available in the process document. This evidence will be kept for UKVI audit purposes.

## **6. Work conditions**

**6.1** If an applicant is switching from being a Tier 1 (Graduate Entrepreneur) to a Start-Up Visa holder they can continue to operate their business throughout the application process. However, if an applicant is switching from either a Student or Tier 4 visa, they may not be able to set up or operate their business until they have been granted Start-up immigration permission. This is because the work conditions of Tier 4 leave applied for before 1 October 2019 include a prohibition on self-employment or engaging in business, with no exception for someone with a pending Start-up scheme application. This condition changed for anyone who applied for their Student or Tier 4 visa on or after 1 October 2019.

**6.2** Under the Start-up Visa scheme an applicant can take up most other employment. They **cannot** work as a doctor or dentist in training, however, or as a professional sports person or sports coach.

**6.3** If an applicant applies for the Start-Up Visa in the UK, they can work under the terms of their Student or Tier 4 leave whilst their application is with the Home Office. If they are no longer studying, this period will be regarded as their holiday so they can work full-time (bearing in mind 6.2 above). When the applicant's application is granted, they can then start to set up their business (see 6.1 above).

**Appendix 1: Immigration background check template**



**Home Office Compliance Team  
University of Salford**

E-mail: [HomeOfficeCompliance@salford.ac.uk](mailto:HomeOfficeCompliance@salford.ac.uk)

Tel: 0161 295 0023

**Immigration Status Check**

<b>Graduate's name:</b>	
<b>Graduate DOB:</b>	
<b>Nationality:</b>	
<b>Passport number:</b>	
<b>Member of Staff:</b>	

I, the person named above, give permission for a member of staff from the University of Salford to request an immigration background check from UK Visas and Immigration.

**Note to graduate:** PLEASE DETAIL ANY FURTHER NOTES REQUIRED HERE.

Graduate's Signature:

Date:

## Appendix 2: Endorsement letter template

This template is provided by the Home Office as an example only - this format does not need to be used, providing the endorsement letters contain all of the necessary information. We are encouraged to include as much relevant information as possible, to assist caseworkers considering an application. Further details regarding an applicant's involvement in a business and how it is demonstrated they are a key/founding member, for example, would be beneficial.

**When an endorsement letter is issued an electronic copy must also be sent to [StartUpRoute@homeoffice.gov.uk](mailto:StartUpRoute@homeoffice.gov.uk) . If this does not occur, it may lead to an applicant's visa application being refused.**

Dear [*applicant's name*]

This letter confirms that you have been endorsed for a UK **Start-up** visa application.

<b><u>Applicant's details</u></b>	
Name:	Nationality:
Date of birth:	Passport number:
<b><u>Endorsement details</u></b>	
<b>Endorsement reference number:</b>	
<b>Date of issue:</b>	<b>Date of expiry:</b>
<b>Name of endorsing body:</b>	
<b>Name of authorised person:</b>	
<b>Work address:</b>	
<b>E-mail:</b>	<b>Telephone:</b>

Further details of your endorsement are set out overleaf.

In applying for this endorsement, you consented for an electronic copy of this letter to be sent to the Home Office as part of your visa application process and agreed to confirm its contents at their request.

**Please note that this endorsement letter does not confer any immigration status or right to work in the UK.** This letter is only valid for an application made to the Home Office within 3 months from the date of issue. Details of how to apply can be found on the gov.uk website.

As discussed, you will need to meet with us, at least every six months, to discuss progress and to assure ourselves that you are developing your business along the intended lines. We have all your contact details however it is your responsibility to keep us updated and a failure to do this will result in the communication of those facts to the Home Office.

**[*Signature of authorised person of the endorsing body*]**

**Further details of endorsement:**

Applicant’s name:

Names of any entrepreneurial team members who are also being endorsed:

Name of applicant’s business:

Business sector:

Short description of the business and its main products or services:

Short description of the applicant’s role in founding the business:

**[COMPLETE / DELETE THE FOLLOWING SECTIONS AS APPLICABLE]**

**Please note:** If an applicant is applying for leave under Start-up and has previously held leave as a Tier 1 (Graduate Entrepreneur) with the **same** endorsing body that endorsed their previous leave, the “**Start-up** (Tier 1 (Graduate Entrepreneur) visa holders)” form should be used.

If the applicant is applying for leave under Start-up and has held leave as a Tier 1 (Graduate Entrepreneur) with **a different** endorsing body that endorsed their previous leave, the “**Start-up**” form should be used.

Type of endorsement: **Start-up**

Criteria (mandatory)	Y	N
<b>Innovation</b> – The applicant has a genuine, original business plan that meets new or existing market needs and/or creates a competitive advantage.		
Short description of how the applicant meets this requirement:		

<b>Viability</b> – The applicant’s business plan is realistic and achievable on the applicant’s available resources. The applicant has, or is actively developing, the necessary skills, knowledge, experience and market awareness to successfully run the business described above.		
Short description of how the applicant meets this requirement:		
<b>Scalability</b> – There is evidence of structured planning and of potential for job creation and growth into national markets.		
Short description of how the applicant meets this requirement:		
The University of Salford is satisfied the applicant is either the sole founder of the business or an instrumental member of the founding team.		
The University of Salford is satisfied the applicant is relying on their own business plan. The applicant must have generated the ideas in the plan (or made a significant contribution to those ideas) and must be responsible for executing the plan.		
The University of Salford is satisfied that the applicant will spend the majority of their working time in the UK developing their business venture as referenced in this letter.		
The University of Salford is satisfied that the applicant <b>has not</b> previously established a business in the UK		
The applicant <b>has</b> previously established a business in the UK, under the Start-up or Tier 1 (Graduate Entrepreneur) categories or on the doctorate extension scheme		

Type of endorsement: **Start-up** (Tier 1 (Graduate Entrepreneur) visa holders)

<b>Criteria (mandatory)</b>	<b>Y</b>	<b>N</b>
The applicant <b>has</b> previously established a business in the UK under the Tier 1 (Graduate Entrepreneur) category		
The University of Salford is the same endorsing body that provided endorsement that led to the applicant’s last grant of leave under Tier 1 (Graduate Entrepreneur) category and is satisfied that the applicant’s business venture is genuine and credible.		
The University of Salford is satisfied the applicant is either the sole founder of the business or an instrumental member of the founding team.		

<p>The University of Salford is satisfied the applicant is relying on their own business plan. The applicant must have generated the ideas in the plan (or made a significant contribution to those ideas) and must be responsible for executing the plan.</p>		
<p>The University of Salford is satisfied that the applicant will spend the majority of their working time in the UK developing their business venture as referenced in this letter.</p>		

### Appendix 3: Start-Up Visa process for new applicants

