

# Visiting the UK for business

January 2025



# Introduction

Immigration is fast becoming one of the most complex and complicated issues businesses have to deal with. The rules relating to visiting the UK for business have become especially difficult to navigate. This opens businesses up to risk of disruption and various financial, organisational, and reputational risks. Ever-changing rules and procedures make ensuring compliance more difficult. It is therefore important to understand which activities are permissible and which are not when coming to the UK as a business visitor.

It is a common misconception that because a trip is short in duration, a visa is not required – but this is not the case. Even short visits may require a visa depending on the activity being undertaken on arrival.



## Visa or no visa?

The UK splits visitors into two groups – visa nationals and non-visa nationals. Visa nationals are required to formally apply for, and receive, a Visitor visa before they come to the UK. Until recently non-visa nationals could come to the UK and ask to be admitted to the UK at the border without having to complete any immigration-related processes before travel. The UK's new Electronic Travel Authorisation (ETA) system, however, means that soon no-one will be able to travel to the UK without obtaining travel permission before starting their trip.

## Introduction of the Electronic Travel Authorisation (ETA)

The ETA has been phased in since November 2023 and will continue to be phased in until the middle of 2025. ETA is a pre-travel security clearance (similar to the USA ESTA programme) that visitors have to obtain before travelling. The ETA is not a visa or a tourist tax but a mandatory security check to ensure those with significant criminal records or those potentially posing a threat to the UK are unable to enter.

ETA has been phased in in stages, with Qatar, Bahrain, Kuwait, Oman, Saudi Arabia, United Arab Emirates nationals having been the first required to register. Since November 2024 nationals from most other countries have had to apply for an ETA. From March 2025 the remaining EU, EEA and Swiss nationals will also have to apply for an ETA before travel. It is important from now on for any business visitors to the UK to check whether they need to apply for an ETA before travelling.

The ETA application needs to be submitted online and costs £10. The ETA is usually issued for two years from the date of grant or until the expiry of the passport used in the application, whichever is sooner. Most applicants will receive their ETA almost instantaneously, but some may need to wait for up to three working days before getting a decision. Travellers with a complex immigration or criminal history may have to wait even longer. Planning travel will therefore become more important. If the ETA is refused the traveller will have to apply for a physical Visitor visa before embarking on their trip. This will add time and cost to the travel preparations.

It is vital to understand that the UK Visitor Immigration Rules apply to visa nationals and non-visa nationals (or ETA holders) alike, so everyone will still need to understand what they can and cannot do as visitors in the UK.

## How long can a visitor stay?

A visitor can remain in the UK for up to 6 months to conduct business activities. However, the Home Office would expect many business activities to take a far shorter time than that (please see below).

The Home Office will want to be persuaded that the person seeking entry is a genuine visitor, who is not seeking to make the UK their home through frequent and successive visits, will leave the UK at the end of their visit, and will not undertake any activities that are not permitted.



## Employment and pay

A visitor must be employed outside of the UK they must remain so while in the UK. The visitor must not receive payment from a UK source for any activities undertaken in the UK, except for:

- reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or
- billing a UK client for their time in the UK, where the visitor's overseas employer is contracted to provide services to a UK company, and the majority of the contract work is conducted overseas (payment must be lower than the amount of the visitor's salary); or
- multi-national companies who, for administrative reasons, handle payment of their employees' salaries from the UK; or
- the permitted paid engagements provided for in the visitor rules.

## What can a business visitor NOT do?

Visitors cannot work in the UK unless it is an expressly permitted activity. Work is defined as:

- taking employment in the UK
- doing work for an organisation or business in the UK
- establishing or running a business as a self-employed person
- doing a work placement or internship (including training on the job)
- direct selling to the public
- providing goods and services.

## What CAN a business visitor do?

### General business activities:

- attend meetings, conferences, seminars, interviews (generally no more than two weeks)
- give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser
- negotiate and sign deals and contracts
- attend trade fairs, for promotional work only, provided the visitor is not directly selling
- conduct site visits and inspections
- gather information for their employment overseas
- be briefed on the requirements of a UK-based customer, provided any work for the customer is done outside of the UK
- undertake activities relating to their employment overseas remotely from within the UK, provided remote working is not the primary purpose of the visit (generally no more than one month).

### Intra-corporate activities:

- An employee of an overseas-based company may:
  - a) advise and consult
  - b) trouble-shoot
  - c) provide training
  - d) share skills and knowledge on a specific internal project with UK employees of the same corporate group.
- An employee of an overseas-based company may also undertake the above activities directly with clients, provided:
  - a) the employee's movement is in an intra-corporate setting and any client facing activity is incidental to their employment abroad
  - b) these activities are required for the delivery of a project or service by the UK branch of the visitor's employer overseas and are not part of a project or service that is delivered directly to the UK client by the visitor's employer overseas.
- An internal auditor may conduct regulatory or financial audits at a UK branch of the same group of companies as the visitor's employer overseas.

## Manufacture and supply of goods

- An employee of an overseas company may install, dismantle, repair, service or advise on machinery, equipment, computer software or hardware (or train UK-based workers to provide these services) where there is a contract of purchase, supply or lease with a UK company or organisation and either:
  - a) the overseas company is the manufacturer or supplier; or
  - b) the overseas company is part of a contractual arrangement for after sales services agreed at the time of the sale or lease, including in a warranty or other service contract incidental to the sale or lease.

This activity should typically last less than a month.

## Clients of UK export companies

- A client of a UK export company may be seconded to the UK company to oversee the requirements for goods and services that are being provided under contract by the UK company or its subsidiary company, provided the two companies are not part of the same group.

## Work-related training

- Employees of an overseas-based company or organisation may receive training from a UK-based company or organisation in work practices and techniques which are required for the visitor's employment overseas and are not available in their home country (typically not for longer than a month).
- An employee of an overseas-based training company may deliver a short series of training to employees of a UK-based company, where the trainer is employed by an overseas business contracted to deliver global training to the international corporate group to which the UK-based company belongs.

## The consequences of getting it wrong

It is important for the visitor be clear about the activities they can and cannot undertake while in the UK under this status. Getting it wrong can have severe consequences for the individual, the UK company they are visiting, and the overseas organisation which employs them.

Working in the UK illegally is a criminal offence. Visitors knowingly working in the UK when they are not permitted to may be prosecuted and can be imprisoned for up to six months.

Similarly, if the Home Office feels that the UK company did not adequately ensure no one on their premises was working illegally they can impose several sanctions, such as:

- a civil penalty of up to £60,000 per illegal worker
- in serious cases, a criminal conviction carrying a prison sentence of up to five years and an unlimited fine
- closure of the business and a compliance order issued by the court
- disqualification of the director(s)
- loss of sponsor licence
- seizure of earnings made as a result of illegal working
- public 'naming and shaming' in the Home Office's quarterly report stating all non-compliant employers in the UK.

It may not be immediately obvious how overseas companies could be affected by one of their employees undertaking work illegally in the UK. However, if the overseas entity ever wanted to expand into the UK, and apply for a sponsor licence, it is likely that they would face issues because of previously registered non-compliance.

## Documentation required

Regardless of whether the visitor needs to apply for a Visitor visa, or whether they are able to come to the UK without one (but using an ETA), they should carry documentation with them in their hand luggage that confirms the reason for their visit, how they will be complying with the genuine visitor requirements, how they are maintaining themselves while in the UK, and what their ties to the country they are employed and live in are.

Examples include the following:

- Invitation letter from the UK business
- Sending letter from the overseas business
- UK accommodation confirmation
- Return flight ticket
- Recent payslips
- Recent bank statements
- Tenancy agreement/mortgage statement.

This list is not exhaustive, and the Home Office may ask for various other documents.

## Other visitor routes

There is a reasonable number of visitor routes for occasions other than business, such as getting married in the UK, short-term study and visiting for medical reasons. There are even quite a large number of further subcategories of business visit rules, such as those for academics, scientists, lawyers, religious leaders, and for creative and sports persons. It is therefore very important for businesses to seek specialist legal advice to ensure the visitor will comply with all relevant requirements when visiting the UK or applying for a Visitor visa. Birketts is happy to provide advice on all aspects of visitor travel to the UK.



**Disclaimer:** The information contained in this document is correct as of 2 January 2025. The UK Immigration Rules change frequently and often without notice. It is imperative that you check the rules and regulations in place at the time of the proposed visit to ensure the visitor complies with all relevant requirements.

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