**The Start-Up Category**

**Introduction**

The Start-up category is for those who are looking to establish a business in the United Kingdom for the first time. In order to qualify under this category, applicants need a business idea that is (a) innovative, (b) scalable; and (c) viable. The idea itself must be supported by an ‘endorsing body’. A grant of leave under this category is for 2-years and does not lead directly to settlement. It is important to note that the 2-year time-limit for length of leave will include any time already granted under the Tier 1 (Graduate Entrepreneur) route. Whilst applicants are ‘timed out’ of leave after 2 years, they may, if they wish, switch to the innovator category.

**Who can apply?**

Anyone who is not barred from successfully applying by virtue of their immigration status (for example, those on a Tier 5 visa, those already on a Start-up visa, or who are suspended from entering the UK) can apply for a Start-up visa.

**Endorsing bodies**

In order to gain entry clearance or leave to remain in the Start-up category, an applicant must be endorsed by an endorsing body. The list of endorsing bodies is [here](https://www.gov.uk/government/publications/endorsing-bodies-start-up?utm_source=f098d7cd-4bc1-49c1-ae96-118048fac925&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate). Many of these are higher education institutions, while the remainder are accelerator programs.

Endorsing bodies are not allowed to charge a fee for endorsements but they are allowed to restrict who is endorsed. This includes only allowing companies who have been accepted on their accelerator scheme or in whom they have invested to be endorsed. Before applying to an endorsing body, do check their websites for how to apply and their criteria, where available.

**Criteria for endorsement by endorsing bodies**

As mentioned above, endorsing bodies may have their own criteria separate from those in the Immigration Rules. The Immigration Rules simply state at W5.2 that an endorsement letter must confirm two things:

a) The applicant’s business venture is innovative, viable and scalable, as per the definitions of these concepts below:

| **Innovation** | **Viability** | **Scalability** |
| --- | --- | --- |
| 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. |

b) The endorsing body is reasonably satisfied that the applicant will spend the majority of their working time in the UK on developing business ventures.

**Length and conditions of stay**

A successful applicant for the Start-up category will typically receive two years’ leave to enter or remain. If an applicant for a Start-up visa wishes to stay in the UK, they will have to switch to the Innovator category.

If an applicant is switching to the Start-up category from the Tier 1 (Graduate Entrepreneur) category, then any time already granted in the Tier 1 (Graduate Entrepreneur) category will be taken off the two years that would otherwise be granted.

**Curtailment of leave**

Entry clearance or leave to remain may be curtailed for the usual reasons in [Part 9 of the Immigration](https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-9-grounds-for-refusal) Rules. In addition, if an endorsing body loses its status or it withdraws its endorsement of the applicant, leave may be curtailed. However, in most circumstances the expectation will be that if an endorsing body will no longer endorse new applicants, those already endorsed by the body will continue to be endorsed until their leave runs out.