**The common requirements of the Start-up and Innovator categories**

**The overall approach of Appendix W**

Appendix W is a new Appendix to the Immigration Rules, which the Home Office intends to apply to all workers. As drafted, it only currently applies to the Start-up and the Innovator visa. There are several provisions which are common to both types of visa, and which, it is expected, will eventually be common to all visas in Appendix W.

This information sheet leaves out the more general requirements such as the genuineness test, the requirement not to be in breach of the immigration laws and that the applicant must be at least 18 years old. Rather, it focuses on the criteria common to the Start-up and Innovator categories which may require explaining.

**The requirements in Appendix W**

Leave under both categories will be subject to a fully inclusive list of conditions. The prospective migrant must not (a) undertake employment as a doctor or dentist in training or (b) undertake employment as a professional sportsperson, including coaches. Finally, innovators must not undertake employment other than working for the business/es that the applicant has established.

The Rules go on to clarify that: “*working for such business(es) does not include any work pursuant to a contract of service or apprenticeship, whether express or implied and whether oral or written, with another business. This means successful applicants cannot effectively fill a position or hire their labour to another business, even if the work is undertaken through contracting with the applicant’s own business or through a recruitment or employment agency.*” ([W2.2](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-w-immigration-rules-for-workers#residentworker))

Applicants will be granted leave subject to 3 conditions, namely:

1. they will have no recourse to public funds
2. they must register with the police if required by [Part 10](https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-10-registering-with-the-police) of the Immigration Rules; and
3. they may study, subject to the conditions in [Part 15](https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-15-condition-to-hold-an-atas-clearance-certificate) of the Rules.

A prospective applicant will need at least £945 in maintenance funds, which increases if they have dependent family arriving with them.

English language requirements have been increased to [B2 level, up from B1](https://www.examenglish.com/CEFR/cefr.php).

**What powers decision-makers have in making their decisions**

The decision-maker may request additional information and evidence from the applicant or their endorsing body, or ask the applicant to attend an interview. In each of these cases, the request must be complied with by the applicant.

**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.

**Switching into the Start-up and Innovator visas**

People in either (a) Tier 1 (Graduate Entrepreneur), (b) Tier 2, (c) Tier 4 (General) – with restrictions outlined in [Rule W3.4](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-w-immigration-rules-for-workers#residentworker); and (d) a visitor undertaking permitted activities pursuant to Appendix V of the rule may switch to the Start-up category. This list is reproduced for those eligible to switch to the innovator category, with the addition of those in the Start-up category.