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Dear Friends,

尊敬的老朋友们：

Welcome to DKLM's special Chinese New Year newsletter. We would like to take this opportunity to wish you a very happy New Year 2020!

值此新春之际，感谢您过去一年对 DKLM 律师事务所的支持和信赖，祝您鼠年大吉，恭喜发财！

During the last decade, it is undoubted that the economic relationship and trade ties between China and the UK have been strengthening. On 17<sup>th</sup> June 2019, the London-Shanghai Stock Connect was launched during the tenth Economic and Financial Dialogue (EFD) between the UK and China, which allows UK-listed companies to be the first foreign companies in the world selling shares in mainland China. While the UK is on track to leave the EU on 31<sup>st</sup> January 2020, the UK is seeking a more balanced reciprocal relationship with China after Brexit. Meanwhile, Chinese billionaires continue to take advantage of the Brexit on London property. It has been evidenced by the beginning of 2020, CC Land Chairman agrees to buy London priciest home for £210 million. It is also believed that more Chinese investors are wishing to make investments and do business in the UK.

近十年来，中英两国之间的经济和贸易合作逐年加强。2019年6月17日，“沪伦通”在第十次中英经济财金对话期间正式宣布启动，意味着英国上市公司将成为全球首批能够在中国内地发行股票的外国公司。2020年伊始，中国地产业巨头、中渝置地创始人张松桥以超过2亿英镑的价格在伦敦骑士桥地区买下一栋超级豪宅，打破伦敦房产交易的价格纪录。随着 Boris Johnson 的脱欧协议终于在今年年初通过了下议院的投票，英国也将正式在2020年1月31日脱欧，之后的英国会不断寻求与中国之间互惠共赢的合作关系。也相信有更多的中国投资者将会来英国进行投资并开展商业活动。

It is important for investors to seek professional legal advice in advance on any changes to the Immigration Rules and how these will affect them. It is important to note that the Home Office introduced several changes to the UK Immigration Rules last year. The main changes to the Immigration Rules are as follows:-

建议有意向来英国投资的投资者应提前做准备，关注最新的移民政策并寻求专业的法律建议。2019年英国内政部对移民政策作出了一些重要修改，其中主要的政策修改如下：

- 📌 For applicants apply for Entry Clearance under Tier 1 (Investor) on or after 29<sup>th</sup> March 2019, they must provide evidence of the source of the funds if they have not held the funds for 2 years consecutively before the date of the application. Meanwhile, they can only invest in active and trading UK-registered companies as the UK Governments bonds are no longer eligible to invest. Where the applicants' initial grant of leave as a Tier 1 (Investor) Migrant were made before 29<sup>th</sup> March 2019, the Home Office has also set deadlines to move their investments out of UK Government bonds and into other qualifying investments;

对于在2019年3月29日之后想要申请Tier 1投资移民首次签证的申请人，如果持有投资资金的时间未满足连续2年的，则必须要提供其它的资金来源证明；同时，对于在2019年3月29日的新政策下拿到首次签证的Tier 1投资移民申请人，只能将投资资金投资到英国注册的公司，而不允许再投资英国国债。而对于2019年3月29日之前获得批准的Tier 1投资移民申请人，移民局也对何时需要将英国国债部分的投资转移到其他符合条件的投资作出了相关时间规定；

- 📌 Tier 1 (Graduate Entrepreneur) and Tier 1 (Entrepreneur) visa categories are closed and have been replaced by the Start-up and Innovator categories. Both of the two new categories are designed for applicants who have an innovative, viable and scalable business idea which is supported by a Home Office listed endorsing body. In the case of Innovator applicants, this must be in addition to the £50,000 investment funds required in that category. However, for Start-up applicants, there is no investment funds requirement;

Tier 1 毕业生企业家签证和Tier 1 企业家签证今年已经关闭申请，取而代之的是初创者签证和创新者签证。两个新签证种类面向的都是具有创新性、可行性和可扩展性商业想法的申请人，并且需要获得移民局认可的背书机构的背书文件，才能够申请这两种新型签证。对于创新者签证申请人，需要具有5万英镑的投资资金，但对于初创者签证申请人则没有投资方面的要求；

- 📌 PhD-level occupations have been exempted from the Tier 2 (General) cap on allocations of restricted certificates of sponsorship, which should enable more non-PhD-level roles to make it through. In the meantime, for the Tier 2 (General) migrants working in PhD-level occupations, any absence from the UK for the purpose of research activities overseas shall not count towards the 180 days when they apply to settle in the UK, if the migrant provides evidence from their sponsor;

博士阶层的职业将不再受到 Tier 2 一般工作签证担保证书发放限额的制约，这一举措应该会使其他非博士阶层职业在申请担保证书时更有机会。于此同时，对于持有 Tier 2 一般工作签证的申请人，如果其从事的职业达到博士阶层，那么在申请永居时，凡是因研究目的离境英国的天数将不再算入 180 天的居住限制，但前提是要雇佣方提供相应的证据；

- 📌 This year the Tier 2 Shortage Occupation List (SOL) set out at Appendix K of the Immigration Rules was updated where more jobs such as web design, veterinarians and social and humanities scientists (Archaeologists) would be treated as shortage occupations from 6<sup>th</sup> October 2019;

英国移民法中 Tier 2 工作签证的短缺职业列表今年也进行了更新，新增了例如网站设计、兽医、社会和人类学家（考古学家）等英国短缺职业，从 2019 年 10 月 6 日起生效；

- 📌 The EU Settlement Scheme (“EUSS”) is now open to apply for EU, EEA or Swiss citizens and their close families who meet the criteria and wish to continue living in the UK after 30<sup>th</sup> June 2021. However, in the event of a no deal Brexit, EEA nationals will need to register under the EUSS by 31<sup>st</sup> December 2020. For those who have successfully applied to the EUSS, they will be given either settled status or pre-settled status depending on how long they have been living in the UK when they apply;

针对欧盟、欧洲经济体和瑞士国民及其近亲属，如果符合相关英国移民法要求并有意在 2021 年 6 月 30 日之后继续留在英国，英国移民局已经开放了“欧盟永居计划”的申请。但是，如果英国最终无协议脱欧，那么上述人士须在 2020 年 12 月 31 日前根据欧盟永居计划申请永居。一旦申请成功，将获得英国的永居身份或预备永居身份，具体获得哪一种身份取决于递交申请时在英国的居住时长；

- 📌 The UK Government has announced a new ‘Graduate’ route on 12<sup>th</sup> September 2019. This two-year post-study work visa will open to the 2020/21 intake of international students, allowing them to work, or look for work, in any career or position of their choice after completing either Bachelor’s or Master’s degree in the UK. It is also indicated that this route will include safeguards to ensure only genuine, credible students are eligible, which differs from the route closed in 2012. However, so far we have not seen any specific rules regarding this route being added to the current Immigration Rules. Further details may be announced in due course.

2019 年 9 月 12 日，英国政府宣布了一项新的“毕业生签证”，将对 2020/21 年度入学的留学生开放申请。只要取得本科或研究生学历的留学生，即可获得 2 年时长的签证在英国工作或求职，对职业和职位都没有限制。据称此项新签证与 2012 年关闭的旧毕业生政策将有所不同，但目前为止，我们还没有

在现行的英国移民法上看到任何相关的新增条款。进一步有关新毕业生签证的要求和细则可能会在晚些时候出台。

We are a commercial law firm located in Central London. Our specialist legal expertise includes business immigration, corporate & commercial, commercial property, litigation, employment law, residential conveyancing and private client. If you would like to seek further legal advice in any of these specialist areas, please contact Fei Yang, Partner and Head of China Development on +44(0)20 7549 7451 or at email: [f.yang@dklm.co.uk](mailto:f.yang@dklm.co.uk).

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