

VIALEX[®]

A business immigration law case study

*“Everybody comes to Rick’s”...
Rick comes to Vialex for immigration
law advice*

A case study inspired by the 1942 Warner Brothers film Casablanca, and with acknowledgement to “Everybody Comes to Rick’s”, the unproduced play on which the film screenplay was based.

In the film, Rick Blaine (famously portrayed by Humphrey Bogart) is the proprietor of the popular Casablanca night spot Rick’s Café Americain, which he runs with the assistance of Sam, Carl, Sascha, Emil, Abdul and Corinna.

In our case study scenario, the characters and Rick’s business plans are reimagined to the present day.



Click [here](#) to visit the Business Immigration Law page at [Vialex.co.uk](#)

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Richard (“Rick”) Blaine is a businessman currently based in Morocco. He has set up a UK company and is looking to open a new American- style nightclub in the UK and there are a number of key members of staff he wants to employ from the start. He’s heard that there can be problems in obtaining the necessary visas and would like to know what his company will need to do in respect of the various employees. He provides some information about them.

Rick is a **director** of the company and its **sole shareholder**. He’s a US citizen, aged 37.

Sam is also a **director**. He’s **in charge of entertainments and plays the piano most evenings**. He is a US citizen and is currently working at their nightclub in Morocco.

Carl would be employed as **Head Waiter and as the nightclub’s financial controller** keeping its accounts with separate employment contracts for these roles. He’s a German national who has been living in the UK for a number of years.

Sascha is being considered for the post of **Head Barman**. He came to the UK as a refugee from Russia and has also lived in the UK for a number of years.

Emil would be employed as the **croupier** in the nightclub’s casino. He’s a French national and is resident there.

Abdul would be employed as the **doorman**. He holds Moroccan citizenship but is understood to have married a UK national.

Corinna is a **musician** and a US national. The intention would be for her to come in a few nights a week to play the guitar and sing. She isn’t an employee of Rick’s Café Américaine but has her own business and is booked through that.

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Rick's heard that visas can be granted to entrepreneurs setting up new businesses in the UK and wonders if he would qualify for one of these.

He would also like to know what visa options might be available for his employees; "Rick's wouldn't be Rick's without them", he says he's been told.

Based on the information given, he's advised that

Rick - In order to apply for either an [Innovator or Start-up visa](#), Rick would need to demonstrate that his business idea is "innovative" and would be different from existing businesses in the UK market. He would also have to have his business idea endorsed by one of the bodies specified by the Home Office before he could apply for a visa.

Sadly, it seems unlikely that the business would be deemed sufficiently innovative.

Alternatively, there is also a [Global Business Mobility visa](#) route that allows overseas companies to send employees to work in the UK. However, since Rick owns the Moroccan company if he was to apply under this route it's possible that the Home Office wouldn't see it as a genuine vacancy.

Rick advises that due to his family background he may be eligible to apply for Irish citizenship. If that's the case there should be no reason why Rick wouldn't be able to work in the UK as an Irish national, but it would be advisable for him to travel to the UK on his Irish passport to avoid any misunderstandings at the border.

Even if he's unable to establish the right to work in the UK, Rick would still be able to enter under a [Standard Visitor visa](#) and could carry out certain "permitted activities" in relation to the business as long as he's not being paid for these. These include looking for suitable premises, signing contracts and deals, and attending meetings.

Sam - The UK company could sponsor Sam for a [Skilled Worker visa](#) as musicians (SOC Code 3415) are eligible for sponsorship. As a US national he wouldn't have to prove his knowledge of English, but he would have to meet the minimum salary level for the job. Alternatively, the Moroccan company could consider seconding him to work in the UK under the [Global Business Mobility visa](#) route. This would allow him to help get the new business up and running and could be a useful option if Rick himself is unable to obtain a work visa.

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Carl - Unfortunately for Carl neither his role as Head Waiter (SOC Code 9273) nor as bookkeeper (SOC Code 4122) are currently eligible for sponsorship under the [Skilled Worker](#) route. However, given his circumstances he may have been granted pre-settled or settled status under the EU Settlement Scheme, which would give him the right to work in the UK.

Sascha - A role as Head Barman (SOC Code 9274) is also ineligible for sponsorship for a [Skilled Worker visa](#). While asylum seekers are only able to work in exceptional cases, if Sascha has been granted [refugee status](#) there should be no problem in employing him.

Emil - A role as croupier (SOC Code 6211) isn't eligible for sponsorship either. However, if he's actually [managing the casino](#) it's possible this would fall under SOC Code 1225 instead, which is eligible. He would need to be offered a [contract as manager](#) and Rick should look at the ONS's guidance for this SOC Code at the job description, entry requirements and the examples given for the tasks undertaken to check that these apply. Emil would need to establish that he reads, speaks, and writes English to the required level and that he meets the minimum salary level for the job.

Abdul - A job as doorman (SOC Code 9249) is another that's ineligible for sponsorship, but if he is [married to a UK national](#) and holds a [Family Visa](#) he should have the right to work in the UK.

Corinna - If a UK-based creative organisation or agent is arranging for Corinna to come and play in the UK, she may be able to apply for a [Permitted Paid Engagement visa](#) which would allow her to visit the UK for up to a month and appear at Rick's in its opening weeks. If that isn't an option Rick may need to consider whether to offer her a job and sponsor her for either a [Temporary Work – Creative Worker visa](#) or possibly even a [Skilled Worker visa](#).

Rick's delighted with the advice he's received and will arrange for his UK company to apply to the Home Office for a [sponsorship licence](#) – we can help him with that process as well.

He's pleased to learn that there are various options which would allow him to employ these key employees, and on his way out of the office he's already on the telephone to his friend [Louis](#) to make the travel arrangements.