



Department for International Trade

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Dear Federal Councillor,

Clarification on entry routes to The United Kingdom for Swiss service providers under the temporary agreement between The Swiss Confederation and The United Kingdom of Great Britain and Northern Ireland on Services Mobility

The United Kingdom of Great Britain and Northern Ireland (“United Kingdom” or “UK”) and the Swiss Confederation (“Switzerland”) share a deep and trusted trading relationship which is of great importance to the United Kingdom. We are two global leaders in services trade with deep links between our economies. As per the UK’s Office for National Statistics, in 2021, Switzerland was the United Kingdom’s 6th largest trade in services partner, with trade in services amounting to £18.4bn and accounting for 48% of total UK-Swiss trade.

With the objective of supporting the UK-Swiss partnership in the area of trade in services, this letter confirms the entry routes available to Swiss service providers. These are as follows:

1. Preferential access under the Global Business Mobility (“GBM”) Service Supplier route which permits entry to Swiss contractual service suppliers and independent professionals, in line with the UK’s commitments under the Temporary Agreement between the Swiss Confederation Switzerland and the United Kingdom on Services Mobility, done at London on 14 December 2020 (“SMA”).
2. Service provision arrangements for those eligible under the provisions in the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Citizens’ Rights Following the Withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement (“CRA”), signed in Berne on 25 February 2019

Additionally, Swiss services providers can currently benefit from the following:

3. The wider provisions of the GBM route, which were launched on 11 April 2022, and which facilitates the mobility of employees of overseas businesses meeting the eligibility requirements of the route.
4. Arrangements for admission of visitors (“UK visitor route”), including the permitted business activities under these arrangements.

The rules governing immigration under the GBM, and UK visitor routes offered by the United Kingdom are subject to change, having regard to the United Kingdom's international commitments. Further details on the immigration routes, as listed above, are enclosed in Annex A.

To support the current level of access, and further to the letter dated 14 December 2020, I can confirm the actions the United Kingdom has taken on services mobility. Following the United Kingdom's departure from the European Union, the UK NARIC recognition agency, discussed in our letter of 14 December 2020, changed on 1 March 2021 from NARIC to UK ENIC, which is now the UK National Information Centre for the recognition and evaluation of international qualifications and skills.

The UK ENIC has since carried out a comparison of selected Swiss qualifications with corresponding qualifications awarded in the UK. This evaluation of Swiss qualifications by UK ENIC fulfils commitments made in our exchange of notes dated 14 December 2020, which accompanied the SMA. The study showed significant similarities between selected Swiss higher vocational education and RQF/FHEQ level 6 awards, an indication of the high quality Swiss professional training system which provides comparable outcomes with the UK bachelor's degree. The diplomas set out below in Annex B, meet the Home Office's requirements for an equivalent technical qualification to a university degree and are therefore eligible for preferential access to the United Kingdom for Swiss service providers under the SMA. The UK will include this list of professional qualifications as meeting the requirements of an equivalent technical qualification to a university degree in the UK Home Office's "Guidance to case workers for the Global Business Mobility Routes" subject to continued assessment by UK ENIC that they meet the required level. The outcomes of subsequent assessments made by UK ENIC and consequently, the equivalence of Swiss qualifications may change in the future. The UK case worker guidance will be updated to reflect these assessments.

This letter is for information purposes only and is intended to further clarify the access that Swiss service suppliers currently have to the United Kingdom's market. I look forward to the future opportunities to further deepen the UK's services mobility relationship with Switzerland, including through the future Free Trade Agreement renegotiations.

Best wishes,



THE RT HON KEMI BADENOCH MP

Secretary of State for International Trade & President of the Board of Trade

Annex A: UK Visa Routes Currently Available to Swiss Service Providers

1. Preferential access under the Global Business Mobility (GBM) Service Supplier route in accordance with the UK-Switzerland Services Mobility Agreement (SMA)

The SMA enables Swiss professionals to deliver contracts in the UK in key sectors through the GBM Service Supplier visa. This visa route allows UK clients to sponsor service workers (see “Sponsorship under GBM” below) where they have a services contract with an overseas provider that is covered by one of the UK’s trade commitments.

Under the WTO General Agreement on Trade in Services (GATS), access to this route is limited to assignments of up to 6 months in a small number of sectors. Under the SMA however, Swiss service providers can send workers for up to 12 months at a time in a wide range of sectors. The SMA also allows UK clients to sponsor Swiss independent professionals and extends the provisions to all permanent residents of Switzerland.

In all cases covered by one of the UK’s trade commitments, workers can be assigned to the UK on the GBM routes as often as needed up to a maximum of 5 years in any 6-year period. Workers must have worked for their employer (or in a relevant field if they are independent professionals) for at least 12 months before coming to the UK. They must also have a degree or equivalent technical qualification and 3 years’ professional experience unless they will undertake work in an eligible occupation referred to in Global Business Mobility: eligible occupations and codes’ on GOV.UK in which case they are exempt from the qualification and professional experience requirements.

More information on applicable requirements for the service supplier route under GBM are available on the GOV.UK portal, see <https://www.gov.uk/service-supplier-visa>.

2. Service Provision arrangements under the UK-CH Citizens’ Rights Agreement (CRA)

Swiss service providers may also benefit from Article 23 of the CRA which commits both parties to allow provision of services broadly under free movement of persons arrangements (FMOPA) for a time limited period i.e., five years with the possibility to extend by mutual agreement.

Eligibility is restricted to those who had a written service contract which was concluded, and the performance of which started, prior to the end of the transition period. Swiss nationals (only) are permitted to supply services on a self-employed basis (provided the relevant contract is in place), and individuals of any other nationality resident and employed in Switzerland are able to supply services on behalf of an employer (subject to evidence of lawful employment – Article 9 (d)). The UK implemented this commitment by establishing the Service Providers from Switzerland (SPS) route.

As under FMOPA, any service provision must not exceed 90 days of actual work in a calendar year, but there are no limitations on the type of services that can be performed (e.g., sectoral restrictions) or minimum salary requirements. The route is free of charge

and exempt from the immigration health surcharge, although subject to fees charged by visa application centres. The route is not digital and reflects our standard process for other non-digital applications.

This route is not open to new contractual arrangements and is in place to ensure that the UK meets its commitments under the CRA. These legacy arrangements on service provision will be superseded where a GATS compliant agreement on the supply of services is concluded and applied between the Parties.

3. Other Global Business Mobility (GBM) routes

In addition to the Service Supplier route mentioned above, GBM also includes routes for the following:

- a) **Senior or Specialist Worker:** for senior executives and specialists undertaking temporary assignments at a UK branch or subsidiary of the business they work for (replacing the intra-company transfer route). See here for more information <https://www.gov.uk/senior-specialist-worker-visa>.
- b) **Graduate Trainee:** for graduate trainees undertaking a placement in the UK as part of a structured training programme (replacing the intra-company graduate trainee route). See here for more information <https://www.gov.uk/graduate-trainee-visa>.
- c) **UK Expansion Worker:** for teams of workers sent to establish a new branch or subsidiary of an overseas business (replacing the sole representative provisions in the representative of an overseas businesses route). See here for more information <https://www.gov.uk/uk-expansion-worker-visa>.
- d) **Secondment Worker:** A brand-new provision for secondments to UK businesses in connection with contracts for goods or investment worth £50million or above. See here for more information <https://www.gov.uk/secondment-worker-visa>.

Sponsorship under GBM

All GBM visas must be sponsored by the UK business that will receive the workers. In order to do this, the UK business must be licensed by the Home Office. Once licensed, they can provide a certificate of sponsorship to each worker that gives details of their proposed assignment in the UK.

The requirements for gaining a licence depend on the type of workers the business seeks to sponsor. For GBM, the UK business needs to demonstrate it is a genuine business that has an eligible link to an overseas business from which workers will be assigned.

Switzerland and GBM: Swiss firms wishing to do business in the UK may be able to make use of any of the GBM routes according to their needs, providing they meet all of the requirements of the relevant routes.

If they already have a trading presence in the UK, they can use the **Senior or Specialist Worker** route to send key workers on temporary work assignments to the UK. Workers must be existing employees who have been with the business for at least 12 months (with an exemption for those paid over £73,900), they must be doing a job in an eligible occupation, and they must be paid at least £42,400 per year. Workers can normally stay for up to 5 years.

This route can be used to bring in workers who are needed to provide services to third-party clients in the UK provided that the sponsoring business is ultimately responsible for that work i.e., the workers aren't simply supplied as staff.

Businesses with a presence in the UK can also use the **Graduate Trainee** route to enable workers to undertake placements in the UK as part of a structured training programme aimed at graduates (or equivalent) for up to 1 year. Workers must have worked for the business outside the UK for at least 3 months and placements must be in an eligible occupation that is paid at least £23,100 per year.

A business that has no presence in the UK but that wishes to expand here can use the **UK Expansion Worker** route. To acquire a licence in this route, the business must first establish a basic footprint in the UK—either by registering their business or acquiring a premises here (this would normally be done remotely or by utilising business visits). Once licensed, the business can send up to 5 workers to work on the expansion. These workers must meet the same requirements as Senior or Specialist Workers. They can stay for up to 2 years, but provided the business begins trading in this time, they will be able to switch into other work routes to extend their stay.

Finally, the **Secondment Worker** route within the GBM can be used by Swiss businesses that have a contract for goods or investment with a UK company that is worth at least £50million. This enables businesses to send workers to undertake assignments with businesses even when those businesses are not linked by ownership or covered by a provision in an international agreement such as the SMA. Seconded workers must have worked for the sending business for at least 12 months, and they must be doing a job in an eligible occupation. There is however no salary requirement on this route. Secondments can be for up to 2 years.

Note that none of the GBM routes currently have an English language requirement. Workers can hold visa permission on the routes for a maximum of 5 years in any 6-year period (or 9 in 10 years if they are a Senior or Specialist Worker paid over £73,900).

4. UK Visitor Route

Swiss service providers can also benefit from the UK's Visitor route. Swiss nationals are non-visa nationals and can visit the UK up to a maximum period of 6 months without needing to apply for a visa. They have the option to use e-Passport Gates. There is no specified maximum period which an individual can spend in the UK in any period such as '6 months in 12 months' as long as each visit does not exceed the maximum period for the visit, which is normally 6 months.

Directly providing services to the public is not allowed under the Visitor route; however, there are permitted activities which mean that employees of a company based overseas may undertake business activities for a UK based company or another part of the same corporate group.

The business provisions under the UK Visitor route are generous and serve the needs of many service providers. The rules include the following permitted activities:

- a) A visitor can undertake general business activities such as attending meetings, conferences/seminars (these could include familiarisation programmes for people coming to learn about UK practices on law or finance for example) and interviews. They can also negotiate and sign contracts, attend trade fairs and carry out site visits and inspections. Also coming to the UK for general discussions to secure funding for a project is permitted under the Visitor Rules.
- b) In terms of intra-corporate activities, an employee of an overseas based company may enter the UK as a visitor to provide advice, consult or trouble-shoot, give training or share skills and knowledge on a specific internal project with UK employees of the same corporate group, provided no work is carried out directly with clients.
- c) An internal auditor may carry out regulatory or financial audits at a UK branch of the same group of companies as the visitor's employer overseas. An example of an audit is inspecting the quality of car productions at a manufacturing plant.
- d) Under the Visitor route there are provisions to facilitate the manufacture and supply of goods to the UK. 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.

More information on all permitted activities can be located on the GOV.UK portal – PA 4. to PA 7. - [Immigration Rules Appendix Visitor: Permitted Activities - Immigration Rules – Guidance](#).

Annex B: Swiss Qualifications meeting the Home Office requirements of an equivalent technical qualification to a university degree

Swiss Qualifications reflected in current Home Office guidance:

- Advanced Federal Diploma of Higher Education (Diplom HF / Diplôme ES / Diploma SSS) delivered by Colleges of Higher Education (Höhere Fachschulen HF/ écoles supérieures ES/ scuole specializzate superiori SSS).

Additional Qualifications which are recognised as meeting requirements of an equivalent technical qualification to a university degree as assessed by ENIC¹:

- Advanced Federal Diploma of Higher Education (Eidgenössisches Diplom / Diplôme fédéral / Diploma federale), awarded after an Advanced Federal Professional Examination (Höhere Fachprüfung / Examen professionnel fédéral supérieur / Esame professionale federale superior), when awarded from 2014 onwards.

¹ UK ENIC is currently undertaking a further review of 16 additional Swiss Federal Diplomas of Higher Education specialisms to determine whether any of the individual specialisms are equivalent to RQF / FHEQ Level 6. The review is expected to conclude 04/2023.