

### **A Royal Engagement - The UK Immigration perspective**

One aspect relating to the recently announced royal engagement has already been the subject of various articles in the press and elsewhere, namely that as Meghan Markle is an American national she will need to satisfy the UK immigration rules in order to take up residence in the UK with Prince Harry .

An official Kensington Palace spokesperson confirmed that “ Meghan Markle will be compliant with all immigration requirements, and of course has taken advice on that throughout the process... “. It was also confirmed that it is Ms. Markle’s intention to apply for British Nationality.

One Immigration barrister has expressed his opinion that the Secretary of State will exercise its general discretion to grant leave in this case, outside the rules, in which case Ms. Markle will not need to comply with the stringent rules that would normally apply for non EU nationals in these circumstances.

If such discretion is not forthcoming, then it is likely that Ms. Markle will need to return to the US and possibly lodge a visa application as a fiancé of a person who is a British Citizen in the UK.

As part of that application process Ms. Markle would need to produce documentary evidence that her relationship with Prince Harry was genuine and subsisting , that they intend to live together permanently in the UK and that adequate accommodation will be available for the married couple that is not overcrowded.

There are also financial requirements that will need to be satisfied by way of further documentary evidence, normally by showing an annual income of the British national or settled person, in this case Prince Harry, of £18,600 (as there are no children) or savings of £62,500, held in a cash account for a minimum of 6 months before the submission of the application.

Also as part of the application process, Ms. Markle would be obliged to provide her biometrics at a local Visa application centre where a digital photo would be taken and a digital scan of her fingerprints.

Subject to the above requirements and others being met, UK Visas and Immigration could grant Ms. Markle with a Fiance visa within 3 – 4 weeks, to enter the UK which will be valid for 6 months, during which she would need to get married or apply for an extension.

Once married, Ms. Markle will then be required to submit a further leave to remain application in the UK as the spouse of Prince Harry and as with the Fiancee application, she will need to lodge her passport.

Premium appointments can be obtained for the applicant to submit these applications and their biometrics at Home Office UK Customer Service centres, the nearest one to central London being in Croydon. Whether Ms. Markle will be expected to attend such a centre, in order to have her application considered on a same day bay basis, is unlikely and it may be that alternative arrangements could be made with the Home Office in this case.

Assuming the Spouse application was successful, Ms. Markle would then obtain a period of leave of 2 and a half years, during which she could work without restriction. Prior to the expiry of this period Ms. Markle would normally be expected to make an extension application for a further period of 2 and a half years and at the end of that period could then apply for permanent residency and subsequently for British Nationality.

One possible alternative to the above process could be for Ms. Markle to apply to enter the UK as a Tier 1 (Investor), assuming she could show £2m funds available to invest in the UK in qualifying investments. This would then avoid the need for the fiancée and Spouse applications and start Ms. Markle on a route to settlement at an earlier stage.

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The Immigration Team at Cavendish Legal Group have significant experience in advising and representing individuals in the areas of both personal and business immigration, as well as applications for British Nationality.

They represent and regularly advise various High net worth individuals and Family Offices and UK businesses on the immigration aspects of employing foreign nationals as well as foreign companies on setting up business in the UK and transferring key personnel to the UK.

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