

## FOOTBALL PLAYERS – WORK PERMIT CRITERIA POINTS BASED SYSTEM

**This guidance is to be used for all Tier 2 and Tier 5 government body endorsement requests made on or after the 11 November 2019.**

### **SECTION 1 Overview of governing body endorsements for Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories of the Points Based System**

Set out below is a brief explanation of what endorsement requirements apply in respect of Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) - Creative and Sporting categories of the Points Based System.

**The Tier 2 (Sportsperson) category** is for elite sportspeople and coaches who are internationally established at the highest level and whose employment will make a significant contribution to the development of their sport at the highest level in the UK, and who will base themselves in the UK; and the post cannot be filled by a suitable settled worker.

**The Tier 5 (Temporary Worker) - Creative and Sporting category** is for sportspeople (and their entourage where appropriate) and coaches (who must be suitably qualified to fulfil the role in question) who are internationally established at the highest level in their sport, and/or will make a significant contribution to the development of their sport in the UK; and the post cannot be filled by a suitable settled worker.

**The Football Association of Wales (“FAW”)** is a sport governing body recognised by Sport Wales and approved by the Home Office and is included in Appendix M of the Immigration Rules.

#### **Application Process**

Migrants applying to come to the UK under either of the sporting categories above need to be sponsored by an organisation that has a sponsor licence under Tier 2 (Sportsperson) or Tier 5 (Temporary Worker) - Creative and Sporting.

An organisation wishing to sponsor such migrants must have a sponsor licence. Before applying to the Home Office for a license an organisation must be endorsed by the FAW. This endorsement confirms to the Home Office that the application for a licence is from a genuine football club (or equivalent) that has a legitimate requirement to bring migrants to the UK as sportspeople. Once licensed, an organisation can assign certificates of sponsorship to a sportsperson or coach with a job offer that allows them to apply for leave to enter or remain in the UK. Each individual must also have a personal endorsement from the FAW before an organisation assign’s the certificate of sponsorship.

The tiers for which the FAW is currently approved by the Home Office is in Appendix M of the Immigration Rules.

The FAW will work within the Home Office code of practice for sports governing bodies and must comply with any immigration regulations, UK legislation and the principles of the Points Based System as detailed on the GOV.UK website.

### **Length of Endorsement**

FAW Governing Body Endorsements should be issued for a period appropriate to the period of approval for sponsorship or the tier under which the migrant's application is being made, that is:

| <b>Type</b>    | <b>Tier</b>                                                 | <b>Length of endorsement</b>                                                                                                                                                                    |
|----------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sponsor</b> | Tier 2 (Sportsperson) and/or Tier 5 (Creative and Sporting) | 4 years from date of issue                                                                                                                                                                      |
| <b>Migrant</b> | Tier 2 (Sportsperson)                                       | For an initial maximum period of 3 years, with a further extension of a maximum period of 3 years. If the contract is for fewer than 3 years, it will be issued for the length of the contract. |
| <b>Migrant</b> | Tier 5 Temporary Worker (Creative and Sporting)             | For the length of the contract or up to a maximum of twelve (12) months, <b>whichever is the shorter period.</b>                                                                                |

### **Change of Employment**

If a migrant is intending to change employer, their new employer must request a new FAW Governing Body Endorsement. The endorsement can be issued for the length of the contract or to the maximum period permitted within the category, whichever is the shorter. The new employer must assign a new certificate of sponsorship to the migrant to allow them to apply to the Home Office for new leave to remain. Leave to remain must be granted before the migrant can start work with the new employer.

### **Salary**

The salary should be agreed as part of the contract between the migrant and the sponsor. This and the other conditions of employment should be at least equal to those normally given to a resident worker for the type of work undertaken.

### **Supplementary Employment**

Tier 2 & Tier 5 migrants are eligible to undertake supplementary employment under the Home Office Supplementary Employment Regulations (please refer to the Tier 2 & 5 Guidance for Sponsors – Supplementary Employment).

## **SECTION 2**

### **Requirements**

Set out below are the FAW's requirements under the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories. The requirements are effective from 11 November 2019 for the 2019 to 2020 season.

### **Consultation**

The following requirements have been agreed by the Home Office following consultation with the FAW, The FA, The FA Premier League, The Football League, Professional Footballers' Association, the League Managers' Association and the other Home Associations of The Scottish FA and The Irish FA.

### **Review**

The requirements will be reviewed annually. The next review will be in May 2020.

### **Length of Season**

For the purposes of these requirements, the playing season for football is from June to May. This may vary slightly from season to season depending on the arrangement of the first and last match.

### **Requirements**

Set out below are the endorsement requirements for sponsors and migrants.

### **Sponsor**

Tier 2 (Sportsperson) and or Tier 5 (Temporary Worker) Creative and Sporting.

FAW Governing Body Endorsements will only be issued to Clubs in membership of either:

- The FA Premier League
- The Football League
- The Welsh Premier League

### **MIGRANT**

**Tier 2 (Sportsperson) and or Tier 5 (Temporary Worker) Creative and Sporting**

### **Criteria for Players**

These Regulations will apply to players registering for Clubs Affiliated to the Football Association of Wales ("FAW") save that, subject to the proviso below these Regulations will not apply to a player registering for an FAW Affiliated Club participating in competitions under the jurisdiction of The Football Association ("The FA"). For the avoidance of doubt players registering for these clubs will be subject to the relevant Regulations of The FA which the FAW will apply.

FAW Governing Body Endorsements will be available for migrants if they meet the following criteria:

- the applicant Club must be in membership of the Welsh Premier League; during the period of endorsement the player may only play for Clubs in membership of this league (i.e. the player may not be loaned to a Club below the Welsh Premier League)
- the player must have participated in at least 75% of his home country's senior competitive international matches where he was available for selection during the two (2) years preceding the date of the application; **and**
- the player's National Association must be at or above 70th place in the official FIFA World Rankings when averaged over the two (2) years preceding the date of the application.

### **Competitive International Matches**

The definition of a Competitive International Match means any match played in the following tournaments:

- FIFA World Cup Finals
- FIFA World Cup Qualifying group
- FIFA Confederations Cup and
- Continental Cup Qualifiers and Finals, for example:
  - UEFA European Championships and Qualifiers
  - CAF African Cup of Nations and Qualifiers
  - AFC Asia Nations Cup and Qualifiers
  - CONCACAF Gold Cup
  - CONCACAF Copa Caribe
  - UNCAF Nations Cup
  - CONMEBOL Copa America
  - OFC Nations Cup

### **International Appearances**

When submitting an application, clubs should provide written confirmation of the player's international appearance record over the preceding two (2) years, highlighting those matches where the player took part, as well as those for which they were unavailable for selection due to injury or suspension. Confirmation of the player's appearances should be obtained from their National Association. If this is not possible, the information will be independently verified by the FAW through all available sources. A decision cannot be made until this process has been completed and any relevant supporting evidence is submitted.

### **Injury and Suspension**

If a player was not available for selection for a match or series of matches due to injury or suspension and provided that written evidence is submitted to this effect, those games will be excluded from the total when calculating the player's appearance percentage. Ideally, evidence should be obtained from the player's National Association or Club doctor, stipulating which games the player missed through injury.

Please note that, where a player does not take part in a match, they will not be considered as injured if they were listed as a substitute and therefore any such matches will be counted as non-appearances when calculating the player's appearance percentage.

### **FIFA Rankings**

There are currently 209 international teams listed in the official FIFA World Rankings. Those countries which have regularly achieved a 70th placing or higher over a period of two years are regarded as nations who have competed regularly at a highly competitive international level and have players of the highest standard who have contributed consistently to the achievement of that ranking.

The FAW will produce the aggregated two-year rankings list on a monthly basis when the FIFA World Rankings are published. These will be made available on [www.faw.cymru](http://www.faw.cymru) and those countries ranked

at 70th or above in the most recent list at the time of application will be considered to have met the criterion.

### **Tier 5 switching to Tier 2**

A Player can enter under Tier 5 (if they are unable to meet the English Language requirement set by the Home Office) and then apply in country (provided this is within the first twelve (12) months) to switch to Tier 2 once they have passed the English language test. To do this the Club will be required to send a new application for a FAW Governing Body Endorsement so that a new certificate of sponsorship under Tier 2 can be assigned by the Club. The new application will need to be supported by a notification of pass or pass certificate at the agreed level from an accredited English Language Test Centre.

If, at the end of the twelve (12) month period, the player has been unable to meet the English language requirement, he will need to return home and obtain entry clearance for a further twelve (12) month period under Tier 5.

Where a player wishes to switch into Tier 2 for the remainder of their employment and they do not meet the criteria for initial applications, the application will be dealt with by consultation with the relevant football governing bodies in a similar way to extension applications. If approval is not given for the application to be progressed automatically, however, an appeal panel will be required.

### **Extension Applications**

Where the player is extending his employment with the same Club -

If a Club wishes to retain the services of a player beyond the period of their FAW Governing Body Endorsement, the Club must send a new application before the player's leave to remain expires. If the criteria are satisfied, an endorsement will be issued for the period of their contract, up to a maximum of three years. Where the player does not satisfy the criteria, the FAW will consult with the other relevant football bodies by email, providing any details put forward by the Club in favour of that individual. If it is their unanimous recommendation that the application does not need to be considered by a panel, then the case can be processed without.

If the football bodies do not unanimously agree to the renewal then the Club may request that it be considered by a panel.

## **CHANGES DURING THE PERIOD OF APPROVAL**

### **Change of Employment**

A Club wishing to sign a player who has been granted a FAW Governing Body Endorsement through another Club must send a new application for a governing body endorsement to the FAW. If the criteria are satisfied, a FAW Governing Body Endorsement will be issued for a maximum of three (3) years in respect of their employment with the new Club. If the criteria are not satisfied, the FAW will consult with the relevant football bodies by email, providing any details put forward by the Club in favour of the player, such as their appearance record for that Club and details of how far they meet the criteria. If it is their unanimous recommendation that the application does not need to be considered by a

panel, then the case can be processed without. If any party expresses concern about the application, an appeal panel will be required.

### **Temporary Transfer of Registration (loans)**

For the purpose of these requirements, loans are defined as temporary transfers which do not extend beyond the end of the season in which the registration is temporarily transferred. Loans are only permissible within the player's current period of approval and should not be used to avoid making extension or change of employment applications.

### **To another Club in the UK or Overseas**

If a player on a Certificate of Sponsorship is moving to another Club, (either in the UK or abroad) on a loan basis, the player's parent Club must notify the Home Office of the temporary transfer and the change of location via the sponsor management system.

For the duration of the loan period, the loaning Club retains overall responsibility for the player as his employer and sponsor and the player is granted permission to move temporarily under the provisions of his current leave, provided that the Certificate of Sponsorship assigned by the loaning Club is valid for the duration of the loan period. This means that where the loan is to another Club within Wales, neither the parent Club nor the loaning Club has to send a new application for a governing body endorsement to the FAW. Where the loan is to a Club within another Home Association, the player will have to satisfy that Home Association's governing body endorsement process.

When the player returns to their parent Club after the loan period, the player does not need to be assessed again against the entry criteria and may simply resume their employment with their original Club (provided that their FAW Governing Body Endorsement remains valid beyond the date of their return), on the basis that the player has an existing Certificate of Sponsorship and has already met the entry requirements at the beginning of their employment with that Club.

### **Temporary transfer from a Club outside the UK to a Club within Wales**

Any player joining a Welsh Club on loan from an overseas Club (outside the UK) must meet all the requirements of Tier 2 or Tier 5 and therefore an application must be submitted to the FAW. International loan players are also subject to appeal panels if they do not meet the criteria.

### **Contract changes or re-negotiation during the period of approval**

Where a Club wishes to make significant changes to the terms and conditions of the player's contract, for instance to improve their salary or length of contract part-way through the approved period, the Club should notify the Home Office of this.

If a new application is required and the endorsement requirements are not met:

- the Club must submit a summary of the player's domestic Club appearances over the previous twelve (12) months as well as any other information which the Club deems to be relevant to its application. The FAW will at this stage consult with the other Relevant Football Bodies by email and by doing so will provide any details put forward by the Club in support of the application. When considering the application and deciding whether the application should

be granted, the FAW and Relevant Football Bodies shall consider the information which they deem to be relevant in their absolute discretion which indicates whether the player remains of sufficient quality to be awarded a FAW Governing Body Endorsement. If the majority of the FAW and Relevant Football Bodies recommend that a FAW Governing Body Endorsement should be granted, a governing body endorsement will be issued. If a majority recommendation is not given, a FAW Governing Body Endorsement will not be granted.

### **Ceasing the employment of a Player**

If a Club prematurely ceases to employ a player who has a certificate of sponsorship, the Club must inform the Home Office.

### **Trials Arrangements**

Governing body endorsements will not be issued to Clubs for the purpose of having players to trial with them. Clubs may wish to approach the UK Visas and Immigration (UKVI) contact centre on 0300 123 2241 for further information should they wish to consider taking a non- European Economic Area (EEA) player on trial.

### **International Transfer Windows**

FAW Governing Body Endorsements may be applied for by Clubs at any time and will be considered against the criteria as above. Clubs should take into consideration the fact that a FAW Governing Body Endorsement for a player, once issued, must be used within four (4) months, unless that Club has the express approval of the FAW.

## **MANAGERS AND FIRST TEAM COACHES**

**FAW Governing Body Endorsements will be available for migrants if they meet the following criteria:**

- managers and first team coaches must have overall responsibility for first team selection. Joint or partial responsibility for first team selection does not meet the criteria
- the manager or first team coach must:
  - hold a UEFA professional licence or equivalent **or**
  - have managed or coached in a professional league for at least two of the last five years **or**
  - have managed or coached an international team with a FIFA ranking of 70th or higher within the last five years.

### **FIFA Rankings**

There are currently 209 international teams listed in the official FIFA World Rankings. Those countries which have regularly achieved a 70th placing or higher over a period of two (2) years are regarded as nations who have competed regularly at a highly competitive international level and have players of the highest standard who have contributed consistently to the achievement of that ranking.

The FAW will produce the aggregated two-year rankings list on a monthly basis when the FIFA World Rankings are published. These will be made available on [www.faw.cymru](http://www.faw.cymru) and those countries ranked at 70th or above in the most recent list at the time of application will be considered to have met the criterion.

### **Extension Applications**

If a Club wishes to retain the services of a manager or first team coach, they should submit a new application for a FAW Governing Body Endorsement before their current leave expires. If the governing body endorsement criteria are satisfied, an endorsement will be issued for the period of their contract, up to a maximum period appropriate for the tier under which the application is being made.

### **Change of Employment**

A Club wishing to sign a manager or first team coach from another UK Club must submit an application to the FAW. If the criteria are satisfied, a FAW Governing Body Endorsement will be issued for the period of their contract, up to a maximum period appropriate for the tier under which the application is being made.

### **Further Information**

This information is available on the following websites:

The Football Association of Wales [www.faw.cymru](http://www.faw.cymru)

For any queries relating to the requirements or the endorsement process please contact:

Player Registrations  
Compliance Department  
The Football Association of Wales  
11-12 Neptune Court  
Vanguard Way  
Cardiff CF24 5PJ

Telephone: 02920 435830

Email: [registrations@faw.co.uk](mailto:registrations@faw.co.uk)

Information on visas and immigration is available on the GOV.UK website

### **Dispute Handling Procedures**

Where an application does not meet the published criteria, a Club may request a panel to consider the player's skills and experience. In these cases, the FAW will refer the Club's evidence to an independent panel.

Where possible the Club's supporting evidence will be sent to the FAW and other football bodies in advance for their consideration in order to allow an informed decision.

The panel will normally consist of representatives from the Relevant Football Bodies together with up to three (3) independent experts. The FAW will endeavour to ensure there are no conflicts of interest between the independent experts and the applicant Club. If the applicant Club wishes to object to the involvement of any of the independent experts it must do so in writing at least 24 hours before the panel hearing explaining their reasons for the objection.



The panel's terms of reference for are:

- to consider whether the player, manager or first team coach is of the highest calibre
- to consider whether the player, manager or first team coach is able to contribute significantly to the development of the game at the top level in Wales.

The panel will make a recommendation to the FAW whose decision will then be relayed to the Club. The details of the voting will not be disclosed. Each member of the panel will provide written reasons for their own decision to the secretary of the panel. A positive vote is required to approve an application (**e.g. 4-2, 5-1 or 6-0**).

Full terms of reference and roles of the panel members and the Club are available to attendees.

Clubs should note that, in respect of any application, there will only be one panel available (i.e. a panel and recommendation, followed by a decision). A Club should therefore ensure that all evidence it wishes to present in support of its application is presented to the panel.

### **SECTION 3**

#### **Process for Applying for an Endorsement**

How to apply for governing body endorsements for Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting sponsor applications.

An administration fee of £100 will be charged for each application for a FAW Governing Body Endorsement issued.

The cost of an application that is referred to a panel will be £1000.00 plus VAT to cover the fees and travel of the independent experts. The cost of the representatives of the FAW, relevant league and PFA will be met by their own organisations. Each party will meet its own costs of appeal.