

Home Office definition of Professional vs Amateur.

Paragraph 6 of the Immigration Rules set out the definitions for an amateur and a professional sportsperson:

An "Amateur" is a person who engages in a sport or creative activity solely for personal enjoyment and who is not seeking to derive a living from the activity. This also includes a person playing or coaching in a charity game.

A "Professional Sportsperson", is someone, whether paid or unpaid, who : is providing services as a sportsperson, playing or coaching in any capacity, at a professional or semi-professional level of sport; or being a person who currently derives, who has in the past derived or seeks in the future to derive, a living from playing or coaching, is providing services as a sportsperson or coach at any level of sport, unless they are doing so as an "Amateur".

Deriving a living is defined as receiving payment for playing cricket and does not need to be the sole earnings.

A person may also be considered as "seeking to derive a living" if they have played as part of a player pathway**.

** Player "Pathway": A player may be considered to be on a "Pathway" and therefore classified as a "Professional Sportsperson", if that person has played cricket above U17 at state/ province/ territory level (paid or unpaid) in any country.

Responsibility of Clubs:

Clubs wishing to use the services of a player who is in the UK, but not on a Tier 5 Creative & Sporting (Non FCC) visa, must ensure that the visa the person has, allows them to play and/or coach.

They must make their own checks, and not solely rely on information that Agents provide them.

Sources of support:

ECB Managed Migration website – <https://www.ecb.co.uk/governance/regulations/governing-body-endorsement>

Home Office website – <https://www.gov.uk/government/organisations/home-office>

Sponsor & Employer Enquiries: 0300 123 4699 or BusinessHelpdesk@homeoffice.gsi.gov.uk

Sanctions and Penalties

ECB:

If any club found to be playing an individual who is in breach of their visa the process is to:

- Inform the Home Office of the breach
- Recommend to the club that they no longer use the player
- Inform the league and request that they take the appropriate action as per the league rules

The same process will apply if a player, in breach of the visa rules, was denied registration in one league to be found registered in another.

Home Office:

"Employment" can be paid or unpaid.

In cricket, the **club Chairman** holds the legal responsibility for all activities in the club and is therefore the "Employer"

An employer who has not carried out the correct checks or chooses to ignore the requirements

- **Faces a penalty of up to £20,000**
- The individual concerned could be stopped from entering the UK or deported
- If the club holds a current Tier 5 Sponsor License they can expect this to be withdrawn