

Overseas Players & Managed Migration – Immigration Rules (Home Office) January 2017

It is advisable that all member clubs of league read the following, especially the final section: Sanctions and Penalties

All non EEA citizens will require prior permission (a visa) to come to the UK to participate in sport if they do not hold:

British passport (or is a spouse/ dependant of)

European passport (or is a spouse/ dependant of)

Ancestral visa

Most common visa types within Cricket are:

Tier 5 Creative & Sporting
Standard Visitor Visa
Non Visa Nationals (not an actual visa)
Tier 5 Youth Mobility
Tier 4 (Student)

The ECB are not registered immigration officials and cannot offer definitive advice. Our understanding of the immigration rules for each visa is:

Tier 5 Creative & Sporting:

Designed for professionals in their home country coming here and acting as a professional.

Can: Be employed as a player and/or coach for the main sponsor, (or another “sponsor” under the Supplementary Employment rules).

Cannot: Seek any other type of employment other than what they were granted permission for to enter the UK.

In 2015, 3 Migrant endorsements were issued by the ECB for clubs in Notts.

In 2016, 2 Migrant endorsements were issued by the ECB for clubs in Notts.

Standard Visitor Visa:

3 years old – merged version of the old Sports Visitor, General Visitor and Business Visitor. Policy of each still applies.

Sports section is for a person to join as an amateur in a predominantly amateur team or club to gain experience in a particular sport if they are classified by the Home Office as an Amateur in that sport.

Can: Play sport whilst in the UK, as an amateur, providing they are classified as an “Amateur” by the Home Office. Receive reasonable expenses for travel and accommodation (a reasonable amount would be based on the cost of living in that geographical location).

Cannot: Seek employment – paid or unpaid. Coach in any capacity.
Play sport as an amateur if they are classified as a “Professional” by the Home Office (paid or unpaid).

Non Visa Nationals:

Nationals of Non Visa Nations such as Australia and New Zealand are not required to apply for a visa to visit the UK if they are here for less than 3 months initially, extendable to 6 months.

They must comply with the Standard Visitor Visa (sports) immigration policy.

Can: Play sport whilst in the UK, as an amateur, providing they are classified as an “Amateur” by the Home Office.

Receive reasonable expenses for travel and accommodation (a reasonable amount would be based on the cost of living in that geographical location).

Cannot: Seek employment – paid or unpaid.

Coach in any capacity.

Play sport as an amateur if they are classified as a “Professional” by the Home Office (paid or unpaid).

Tier 5 Youth Mobility Scheme:

This provides individuals (aged 18 to 30) from certain countries an opportunity to come and experience living and working in the UK.

Can: Seek employment (but not as a sportsperson or coach).

Act as a Coaching Assistant, providing it is under direct supervision of a qualified coach.

Receive reasonable expenses for travel and accommodation (a reasonable amount would be based on the cost of living in that geographical location).

Cannot: Act as a professional sportsperson – paid or unpaid.

Play or Coach sport as an amateur if they are classified as a “Professional” by the Home Office

Tier 4 (Student):

Most commonly used by students from abroad studying at a University in the UK.

Can: Play sport whilst in the UK, as an amateur, but only for their local club or the Education Institution they are studying at.

Cannot: Be paid to play. Seek employment that is not part of the subject they are studying – Coach in any capacity – unless it is part of their course they are studying.

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

for explanations see the document below

- [ECB Managed Migration Q&As – 19 Jan 17](#)