

POINTS BASED SYSTEM GOVERNING BODY ENDORSEMENT REQUIREMENTS FOR PLAYERS

Background

This document explains the criteria necessary for football clubs to become Sponsors and obtain Governing Body Endorsements for individual players under Tiers 2 and 5 of the UK Border Agency Points Based System for the 2012/13 season.

Consultation

The following criteria have been agreed by the UK Border Agency following consultation between the FA, the Premier League, the Football League, the Professional Footballers' Association, the League Managers' Association and the other Home Associations of the Scottish FA, the FA of Wales and the Irish FA.

Duration

The criteria will apply for season 2012/13 and will be effective from 1st May 2012 through to 30th April 2013. The criteria will be reviewed in early 2013 in order that revised criteria may be issued by the 1st May 2013 to operate for season 2013/14.

Sponsorship

To be eligible to become a Sponsor and issue Certificates of Sponsorship a club must be in membership of the Premier League or the Football League. A Sponsor's licence issued under Tier 2 or Tier 5 is valid for a period of 4 years, after which time it may be renewed. Clubs should note that a Sponsor's licence may be revoked at any time if the Sponsor is seen to be failing in its compliance with its duties.

Length of Season

For the purposes of PBS, the playing season for this sport is from August to May. This may vary slightly from season to season depending on the arrangement of the first and last matches.

Criteria for Players

To be eligible for a Governing Body Endorsement under PBS:

1. The applicant club must be in membership of the Premier League or Football League. During the period of endorsement, the player may only play for clubs in membership of those leagues (i.e. the player may not be loaned to a club below the Football League);
2. 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 years preceding the date of the application; and
3. The player's National Association must be at or above 70th place in the official FIFA World Rankings when averaged over the two years preceding the date of the application.

Competitive matches

The definition of a senior competitive international match is a:

- FIFA World Cup Finals match;
- FIFA World Cup Qualifying group match;
- FIFA Confederations Cup matches; and
- Continental Cup Qualifiers and Finals matches, 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 years, highlighting those matches where the player took part, as well as those for which he was unavailable for selection due to injury or suspension. Confirmation of the player's appearances should be obtained from his National Association. If this is not possible, the information will be independently verified by the FA 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, he will not be considered as injured if he was 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 207 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 FA 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 TheFA.com 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.

Length of issue

Governing Body Endorsements should be issued for a period appropriate to the tier under which the application is being made, that is:

- Tier 2 (Sport)

Initial application – for the length of the player's contract or up to three years, whichever is the shorter period. Extension application – for the length of the player's contract or up to two years, whichever is the shorter period.

A subsequent extension of a further two years is possible when the first extension is about to expire. Where a player is currently registered under a work permit and an extension will transfer him into the Points Based System, his initial period of leave under

Tier 2 may be for a maximum of three years; thereafter, any extensions will be for a maximum of two years.

Please note that applications made under Tier 2 will be subject to any player who is not from a majority English-speaking country passing an accredited English Language Test.

- Tier 5 (Sporting)

Length of the player's contract or up to 12 months, whichever is the shorter period. No in-country extensions are possible of more than a total period of 12 months. For example if a player initially had six months approval he would be allowed to apply for an extension in-country up to another six months. If a club wishes to continue to employ a player beyond 12 months, the individual will have to return overseas to make a new application.

Tier 5 to Tier 2 switching

Players may enter under Tier 5 without the need to demonstrate the competency in English required under Tier 2. Players may then apply to switch to Tier 2 once they have passed the English Language Test. For this, the club will need to submit a new application so that they may be issued with a new endorsement and subsequently produce a new Certificate of Sponsorship under Tier 2. The application to switch into Tier 2 may be made in-country.

If, at the end of the 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 12 month period under Tier 5.

Where a player wishes to switch into Tier 2 for the remainder of his employment and he does 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, they should submit a new application before the work permit or Certificate of Sponsorship expires. If the criteria are satisfied, an endorsement will be issued for the period of their contract, up to a maximum of two years.

Where the player does not satisfy the criteria, the FA 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 from another United Kingdom club must submit an application to the FA. If the criteria are satisfied, a Governing Body Endorsement will be issued for a maximum of three years in respect of his employment with the new club.

If the criteria are not satisfied, the FA will consult with the relevant football bodies by email, providing any details put forward by the club in favour of the player, such as his appearance record for that club and details of how far he meets 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

If a player on a work permit or Certificate of Sponsorship is moving to another club in the UK on a loan basis, his parent club must notify UKBA of the fact that he has temporarily moved location. This should be done via the Sponsor Management System for players with approval under the Points Based System or by Notification of a Technical Change of Employment for players currently registered under a work permit.

There is no requirement for the loanee club to submit an application to the FA or for the player to meet any conditions such as the English Language Test. The loaning club retains overall responsibility for the player as his employer and Sponsor and he is granted permission to move temporarily under the provisions of his current leave, provided that the Certificate of Sponsorship issued by the loaning club is valid for the duration of the loan period. If the loan is later made permanent, the new club will, at this time, have to make a fresh application on behalf of the player. Clubs should note that the change of employment process must be fully completed before the player can play as a permanent employee of the new club.

→ To a club outside the UK

Where a player is moving to a club outside the UK on a temporary transfer basis, his parent club must again inform UKBA of the player's technical change of employment. When the player returns to his parent club after the loan period, he does not need to be tested again against the entry criteria and may simply resume his employment with his original club (providing his existing leave remains valid beyond the date of his return), on the basis that he has an existing Certificate of Sponsorship and has already met the entry requirements at the beginning of his employment with that club.

→ From a club outside the UK

Any player joining an English 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 FA. 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 make significant changes to the terms and conditions of the player's contract, for instance to improve his salary or length of contract part-way through the approved period, the club should notify UKBA of this. Where the player is registered under the work permits system, the club should submit a new application. Where the player is registered under the Points Based System, the club may report the change through the Sponsor Management System.

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

- Where the player's initial contract was for 12 months or longer, the FA will consult with the other relevant football bodies by email. They will ask whether the application needs

to be considered at a panel. If the football bodies recommend unanimously they are satisfied that the changes do not need to be considered by a panel, then the case can be processed without one. If any of the governing bodies have concerns with the application, a panel will be arranged.

- Where the player's initial contract was for less than 12 months, a panel will be arranged as normal.

Trials arrangements

GBEs will **not** be issued to clubs for the purpose of having players to trial with them. Clubs may wish to approach the Immigration Enquiry Bureau on 0870 606 7766 for further information should they wish to consider taking a non-European Economic Area (EEA) player on trial.

International transfer windows

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 Governing Body Endorsement for a player, once issued, must be used within two months, unless that club has the express approval of the FA.

Panels

Where an application does not meet the published criteria, a club may request an appeal panel to consider the player's skills and experience. In these cases the FA will refer the club's evidence to an independent panel (please see Panel Terms of Reference and Operating Procedures).

The remit of the panel is:

- To consider whether the player is of the highest calibre.
- To consider whether the player is able to contribute significantly to the development of the game at the top level in England.

Clubs should note that, in respect of any application, there will only be **one** panel available (ie 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.

If the club has previously made an application that was unsuccessful at panel a further panel **cannot** be requested for the same player within four months of the original appeal date.

Ceasing the employment of players

If a club ceases to employ a player prematurely, they must inform the UK Border Agency.

Fees

An administration fee of £400 plus VAT will be charged for each application for a GBE. The cost of an application that is referred to a panel will be £1000 plus VAT to cover the fees and travel of the independent experts. The costs of the representatives of the FA, League and PFA will be met by their own organisations. Each club will meet its own costs of appeal.

Leave to remain / Visas

This guidance should be used in conjunction with the relevant advice issued by the UK Border Agency. The FA is not registered to give advice on immigration routes or processes or to advise on an individual's immigration status. Information on aspects of immigration policy and law can be found on the UK Border Agency website at www.ukba.homeoffice.gov.uk or you may wish to seek advice from an OISC registered advisor or someone who is otherwise exempt from such a registration requirement, for example, a qualified solicitor.

Clubs are advised to allow sufficient time for entry clearance to be granted. The time taken may vary depending upon where the player is making his application. A guide to Visa processing times

for specific overseas posts can be found at <http://www.ukba.homeoffice.gov.uk/visas-immigration/general-info/processing-times/>

Please note that an individual's personal and immigration history may be taken into account when their application is being considered.

Further information

This guidance is available on the websites of the FA (www.thefa.com) the Premier League (www.premierleague.com) and the Football League (www.football-league.co.uk).

Contacts

For any queries regarding these criteria or to discuss the application process for football, please contact:

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Please note that if your query extends beyond football and into immigration, you will be directed to the UK Border Agency.

UK Border Agency Help

If you are an employer or Sponsor and have a general query about the Sponsor application process under Tier 2 or Tier 5, please call the UKBA helpline on 0300 123 4699 or email SponsorshipPBSenquiries@ukba.gsi.gov.uk.

For specific enquiries regarding individual applications or about the migrant application process in general, please call the Immigration Enquiry Bureau on 0870 606 7766 or email UKBApublicenquiries@ukba.gsi.gov.uk.

For any technical problems with the Sponsor Management System, please call the SMS helpline on 0114 207 2900.