

POINTS BASED SYSTEM

GOVERNING BODY ENDORSEMENT REQUIREMENTS FOR PLAYERS OF CLUBS OF THE FOOTBALL ASSOCIATION

Background

This document explains the criteria for football clubs to obtain Governing Body Endorsements for Tier 2 and 5 of the UK Border Agency points based system for football players for the 2009/10 season.

Consultation

The following criteria have been agreed by the UK Border Agency following consultation between The FA, Premier League, Football League, 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 2009-10 and will be effective from 1st May 2009 through to 30th April 2010. The criteria will be reviewed in early 2010 in order that revised criteria may be issued by the 1st May 2010 to operate for season 2010-11.

Criteria for Clubs

To be eligible to apply for a Governing Body Endorsement (GBE) and to become a Sponsor and issue Certificates of Sponsorship a club must be in membership of the Premier League or the Football League.

Length of Season

For the purposes of the 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. A player must have played for his country in at least 75% of its competitive "A" team matches he was available for selection, during the 2 years preceding the date of the application;
2. The player's country must be at or above 70th place in the official FIFA World Rankings when averaged over the 2 years preceding the date of the application; and
3. The application for a GBE must be made by a club in membership of the Premier League or Football League and the player will only play for clubs in membership of those leagues.

Competitive matches

The definition of a competitive 'A' team international match is a:

- World Cup Finals game;
- World Cup Qualifying group game; and
- Football Association Confederation game, for example:
 - The FIFA Confederations Cup;
 - The UEFA European Championships and Qualifiers;
 - The African Cup of Nations and Qualifiers;
 - The Asia Nations Cup and Qualifiers;
 - The CONCACAF Gold Cup;
 - The CONCACAF The Copa Caribe;
 - The CONMEBOL Copa America;
 - The OFC Nations Cup and
 - The UNCAF Nations Cup

International appearances

Prior to submitting an application, clubs should provide written confirmation of the player's international appearance record over the preceding two years highlighting the competitive 'A' matches. This should be obtained from the player's home association. The Governing Body will be unable to make a decision on the application until written evidence is provided. If any evidence submitted needs verifying the Governing Body will liaise with other parties and verify the information through all available sources, if necessary.

Injuries

Exclusion from selection for international matches due to injury or suspension will be taken into consideration when applying the criteria. Clubs should submit supporting evidence in such cases stipulating the games the player has missed. Ideally evidence will be required from the player's national association or, if not available from the association, from his club.

It should be noted that where a player is listed as on the substitutes' bench, he will not be considered as injured when reaching a decision on issuing an endorsement.

FIFA rankings

There are currently 201 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 world ranking.

The Governing Body will produce the aggregated two-year rankings list on a monthly basis when the official FIFA world rankings are published and those countries ranked 70th or above meet the criterion. The aggregated rankings can be downloaded from this website. If clubs have any queries about the rankings they should contact The Football Association.

Length of issue

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

As a Sponsor – Tier 2 or Tier 5 – for 4 years.

Migrant Tier 2 Sport

Initial application – length of contract or up to three years maximum, whichever is the shorter period.

Extension application – length of contract or up to two years maximum, whichever is the shorter period. A second extension of a further two years is possible when the first extension is about to expire.

Migrant Tier 5 Sporting

Length of 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 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.

If stated in their Governing Body Endorsement requirements, governing bodies may endorse an individual for a shorter period than the employment contract e.g. a season. If this is the case, the individual must be made aware that their certificate of sponsorship and consequently entry clearance or leave to remain will be limited to the length of the endorsement and will not be for the length of the contract.

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 as soon as they have passed the examination in the English language at the appropriate level. For this the club will need to obtain a new endorsement and issue a new Certificate of Sponsorship. If at the end of the maximum 12 months he cannot meet the English language requirement he will need to return home and obtain further entry clearance for another 12 month period under Tier 5.

Switching into Tier 5 whilst in the UK is not allowed.

Extension applications for existing permit or Certificate of Sponsorship holders

- **Where the permit / Certificate of Sponsorship is about to expire and the player meets the criteria outlined above for initial applications.**

If a club wishes to retain the services of a player, they should submit a new application before the work permit / Certificate of Sponsorship expires. If the criteria are satisfied an endorsement will be issued.

- **Where the permit / Certificate of Sponsorship is about to expire and the player does not meet the criteria for initial applications.**

Where a club has requested a renewal, The Football Association 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 a particular application, a panel will be arranged. See section below on panels.

- **Where the permit / Certificate of Sponsorship is about to expire and the player does not meet the criteria for initial applications and the relevant football bodies do not unanimously agree to the renewal then a 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 Football Association. If the criteria are satisfied, a Governing Body Endorsement will be issued for a maximum of three years.

Temporary transfer of registration (Loans)

If a player on a work permit or Certificate of Sponsorship is moving to another club in the UK on a temporary transfer of registration (loan) his club must notify UKBA of the fact that he has temporarily moved location. This should be done on the SMS system for players approved under the Points Based System or by emailing Danielle.Beck@ukba.gsi.gov.uk for players currently on a work permit.

The temporary club does NOT need to make an application for an individual Governing Body Endorsement. When a loan becomes permanent the new club WILL need 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.

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 leave and should not be used to avoid making extension or change of employment applications.

Loans from clubs of the FA of Wales, Scottish FA and the Irish FA playing in the Premier League or Football League will not need a new GBE from The FA. Players employed by clubs in the Premier League and Football League on work permits or Certificates of Sponsorship cannot be loaned to clubs below the Football League.

Players on loan from an overseas club to a UK club must meet all the requirements of Tier 2 or Tier 5 and therefore an endorsement will be required.

Contract changes or re-negotiation during the period of approval

Where a club wishes to re-negotiate a player's contract to improve his conditions and/or salary or length of contract part-way through their approved period, the club should submit a change of employment application (or extension application if the contract period changes).

If the criteria are met, the application will be processed.

If the criteria are not met:

- Where the player's initial contract was for 12 months or longer and the club have requested a panel, The Football Association 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 a particular application, a panel will be arranged. See section below on panels.
- Where a player's initial contract was for less than 12 months and the club have requested a panel, it will be arranged as normal.

Trials arrangements

GBEs will **not** be issued to clubs for the purpose of having players to trial 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 four months.

Panels

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 Football Association will refer the club's evidence to an independent panel.

Where possible the club's supporting evidence will be sent to The Football Association 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 governing bodies together with up to three independent experts. The FA 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 are:

- 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.

The panel will make a recommendation to The Football Association 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 majority 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 (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 during the season. For these purposes a season is deemed to run from 1 June until 31 May.

Ceasing the employment of players

If the club ceases to employ the player prematurely the club 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

The FA is not registered to give advice on immigration. Information on aspects of immigration policy and law can be found on the UK Border Agency website: www.ukba.homeoffice.gov.uk. Clubs are advised to allow sufficient time for entry clearance to be granted. The time needed to obtain entry clearance may vary depending upon where the player is applying. Service standards for each post are set out on the UKBA website: www.ukvisas.gov.uk/en/aboutus/customerservicestandards. This site also contains a guide to Visa processing times for specific overseas posts.

Further information

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

Contacts

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