

POINTS BASED SYSTEM GOVERNING BODY ENDORSEMENT REQUIREMENTS FOR FEMALE PLAYERS

Background

Paragraph six of the UK Border Agency Immigration rules defines an amateur as a person who engages in a sport or creative activity, solely for personal enjoyment. The UK Border Agency views playing football at a non-amateur level (professional or semi professional) as not being solely for personal enjoyment.

As Clubs in the Women's Super League pay some or all of their players, they are deemed to be non-amateur. This means that any non-EEA player coming to the UK to play in the WSL, whether they are going to be paid or not, are likely to be viewed as coming to the UK to play professional football by the UKBA and would therefore need permission to do so under the Points Based System.

This document explains the criteria for football clubs to become Sponsors and obtain Governing Body Endorsements for female professional players under Tiers 2 and 5 of the UK Border Agency Points Based System for the 2013 season.

Consultation

The following criteria have been agreed by the UK Border Agency following consultation between the FA and the Women's Super League.

Sponsorship

To be eligible to become a Sponsor and issue Certificates of Sponsorship a club must be in membership of the Women's Super 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 March to October. This may vary slightly from season to season depending on the arrangement of the first and last matches.

Criteria for Female Players

Governing Body Endorsements will be issued to international players of the highest calibre who are able to make a significant contribution in footballing terms to the development of the women's game at the highest level in England.

Initial applications

To be eligible for a Governing Body Endorsement under PBS:

1. The applicant club must be in membership of the Women's Super League. During the period of endorsement, the player may only play for clubs in membership of that league;
2. A player must have played for her country in at least 75% of its competitive women's 'A' team matches where she was available for selection, during the two years preceding the date of the application; and
3. The player's country must be at or above 40th 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 competitive women's 'A' team international match is a:

- FIFA Women's World Cup match;
- FIFA Women's World Cup Qualifying group match;
- UEFA Women's Championships and Qualifier;
- African Championship for Women and Qualifiers;
- Asian Women's Championships and Qualifiers;
- CONCACAF Women's Gold Cup;
- CONMEBOL Women's Championships and Qualifiers;
- Olympic Football Tournament Women's Finals.

International appearances

When submitting an application, clubs should provide written confirmation of the player's international appearance record over the preceding four years, highlighting those matches where the player took part, as well as those for which she was unavailable for selection due to injury or suspension. Confirmation of the player's appearances should be obtained from her 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, she will not be considered as injured if she 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 140 international teams listed in the official FIFA Women's World Rankings. Those countries which have regularly achieved a 40th 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 FA will produce the aggregated two year rankings list on a quarterly basis when the official FIFA Women's World Rankings are published. These will be made available on TheFA.com and those countries ranked at 40th 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 Sportsperson

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 three years, whichever is the shorter period. A subsequent extension of a further three years is possible when the first extension is about to expire.

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 Temporary (Creative and 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 she 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 as soon as 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, she will need to return home and obtain entry clearance for a further 12 month period under Tier 5.

Extension applications

Where the player is extending her 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 three years.

Where the player does not satisfy the criteria, the FA and WSL will consult on the matter, considering any details put forward by the club in favour of that individual. If it is their mutual 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 mutually 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 her employment with the new club.

If the criteria are not satisfied, the FA and WSL will consult on the matter. If it is their mutual 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, her parent club must notify UKBA of the fact that she 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 her employer and Sponsor and she is granted permission to move temporarily under the provisions of her 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, her parent club must again inform UKBA of the player's technical change of employment. When the player returns to her parent club after the loan period, she does not need to be tested again against the entry criteria and may simply resume her employment with her original club (providing her existing leave remains valid beyond the date of her return), on the basis that

she has an existing Certificate of Sponsorship and has already met the entry requirements at the beginning of her 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.

Salary information

The salary is usually agreed as part of the contract between the individual player and employer. This and other conditions of employment should be at least equal to those normally given to a 'resident worker' for this work. A copy of the contract must be provided with the application, or at Appeal, to confirm the salary.

Contract changes or re-negotiation during the period of approval

Where a club wishes to re-negotiate a player's contract to improve her conditions and/or salary or length of contract part-way through their approved period, the club should notify UKBA of this by reporting the change through the Sponsor Management System.

Trials arrangements

GBEs will **not** be issued to clubs for the purpose of having players to trial for them. Clubs may wish to contact 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.

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 women's game at the top level in England.

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. 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

Where the GBE meets the automatic criteria, no fee will be payable. The cost of an application that is referred to a panel will be up to £500, including VAT, to cover the fees and travel of the independent experts. The costs of the representatives of the FA and WSL will be met by each organisation. Each club will meet its own costs of appeal. The cost of an application that goes to appeal will be dependent on the location and number of appeals.

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 her application. Service standards for each post are set out on the UKBA website at: <http://www.ukba.homeoffice.gov.uk/visas-immigration/general-info/processing-times/>. This site also contains a guide to Visa processing times for specific overseas posts.

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 FA website (www.thefa.com).

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.