

## Additional Information for Clubs 2018

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### Home Office Definition of Amateur v Professional:

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:

1. is providing services as a sportsperson, playing or coaching in any capacity, at a professional or semi-professional level of sport; or
2. being a person who currently derives, who has in the past derived or who the Secretary of State has reason to believe is seeking 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” in a charity game.

In the definitions of “Amateur” and “Professional Sportsperson”, “derive a living”, “paid” or similar references include payments made in kind.

**Refer to Home Office Visa Matrix on website for further guidance**

### List of Coaching Qualifications Regarded as Equivalent to UKCC:

New Zealand Level 1 Development Coaching – Level 2 – High Performance

Cricket Australia Level 1, Community Coach - Level 2 Representative Coach - Level 3 High Performance

South African L2 (Bakers Academy) - South African Level 1 (please note that the SA Level 1 Bakers Academy is not suitable).

### Police Checks from Overseas:

The following is guidance on the types of Overseas checks that we will accept as part of the Overseas vetting process.

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**Australia** – Federal Police check

**South Africa** – South African Police Service check (SAPS)

**New Zealand** – Ministry of Justice check

**West Indies** – Police Headquarters check

**Sri Lanka** – Police Headquarters in Colombo (application form can be found in Additional Information)

**Pakistan** – Police Clearance certificate

**India** – Police Clearance certificate

**Zimbabwe** – Republic Police Clearance

**Namibia & Tanzania** – Government check on watermarked letterhead (original required)

**U.S.A** – State Police check (this will need to be stamped & notarised)

All checks must be:

Clear and readable (photocopies are acceptable)

- MUST cover entire life, from birth to date
- MUST be on official letterhead with stamp (stamp to be in English)
- MUST be signed by official
- Must be date stamped
- MUST be Issued within the 3 months prior to date of receipt of GBE application (older checks will not be processed and a new clearance asked for)

#### **Responsibilities of Cricket Clubs:**

For cricket clubs to bring in sports people and coaches into the UK from outside the EU, they must be a licensed sponsor and agree to comply with certain duties and remain compliant at all times. To become a licensed sponsor, cricket clubs must obtain from their UKBA recognised sport governing body, the England and Wales Cricket Board, a Governing Body Endorsement.

As well as obtaining a Governing Body Endorsement for their sponsor licence, cricket clubs must also obtain a Governing Body Endorsement for each individual player-coach and coach only.

In accordance with current sponsor guidance for Tier 5 Creative and Sporting, when a cricket club assigns a certificate of sponsorship to a sports person, the certificate of sponsorship can only be assigned for the period covered by the Governing Body Endorsement. Certificates issued in excess of the Governing Body Endorsement will be in breach of their sponsorship duties and as a consequence their licence is liable to be revoked.

For Tier 5 Sporting, Governing Body Endorsements for player-coaches and coaches are issued by the ECB for a maximum of 12 months only.

A sponsor's behaviour and compliance with their duties once they have been licensed will continue to be monitored. Visits to cricket clubs on the sponsor register can be made with prior agreement or by an unannounced visit by a UKBA Visiting Officer. Where it is considered that a sponsor has not been complying with its duties and where the requirements has not been adhered to, the licence may be withdrawn or the cricket club downgraded to a B-rating. In all cases, cricket clubs will be given the opportunity to explain its case before any action is taken.

### **Supplementary work for Tier 2 & Tier 5:**

Sponsored Migrants are permitted to undertake “Supplementary Employment” provided it meets the following criteria:

- It must be within the same profession and at the same **level\***
- The player remains working for the Sponsor from whom the Certificate of Sponsorship was originally issued.
- The other employment does not exceed 20 hours per week.
- The supplementary work must be outside the applicant's normal working hours that the original certificate of sponsorship was issued for.

For full details on supplementary employment please see the guidance on the UKBA website [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk). If the circumstances of the situations they have fit the above then they will be able to play for other clubs, within the same level of the game.

\*The second club doesn't necessarily have to be a registered sponsor; however, they must be at the same professional level. If the primary sponsor is a Tier 5 club playing in the Non First Class Game the second club CANNOT be either a First Class County Club or a recreational club which does not meet the requirements for Tier 5 endorsement.

As these migrants are considered professional players, any cricket they play will be considered as employment, regardless of whether or not they are being paid by the second club.

### **Tier 5 – 3 Month Concession:**

UKBA have introduced a Concession to Tier 5 of the Points Based System, where a Sponsor can engage the services of an overseas player-coach or coach only who is a Non- Visa National for a maximum of 3 months without the need of the individual to gain Entry Clearance(visa).

The concession means that the process isn't as lengthy, however, all the criteria will still need to be met. Clubs will still need to gain an endorsement from the ECB and issue a Certificate of Sponsorship, and this cannot be longer than 3 months.

All the individual will need is to have the Certificate of Sponsorship number.

**For a list of current Non- Visa Nationals please visit the Home Office Website.**

### **How to Renew your Home Office Sponsor Licence:**

You should apply to renew your licence before it expires, and you should apply at least a month before your licence expiry date. **You must have a valid Sponsor Licence Governing Body Endorsement (must be renewed every four years)** The UK Border Agency will remind you of the need to renew your Home Office sponsor licence before the licence expires, but it is your responsibility to apply to renew.

The UKBA have provided guidance which can be found by visiting <https://www.gov.uk/government/publications/points-based-system-sponsor-licensing-renewals>

If you do not apply to renew before your licence expires, you will not be able to make a late application as your access to the SMS will be cancelled on the expiry date.

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As long as you successfully renew your licence before it expires, you will be able to continue acting as a sponsor, for example by assigning certificates of sponsorship and keeping current migrants, until we have completed the review of your licence details and sponsorship activity (see below).

**The licence renewal process:**

The first action in the licence renewal consideration process is to validate the application by determining if you have paid the correct fee. They aim to do this within 14 days of you submitting your application and will write to you with the outcome. Once they have validated your application, your sponsor licence will be temporarily extended to allow them to conduct a review of your licence details and sponsorship activity over the previous 4 years. As part of this review, they will write to you to request supporting documents, (one of which will be a new Sponsor Governing Body Endorsement from the ECB). Once the review is complete, they will write to you to inform you of the outcome of the review and any action that they have taken or intend to take as a result.