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President: P. REES  
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**The  
Football  
Association  
of Wales**



**Cymdeithas  
Bêl  
Droed  
Cymru**

Cefnogwr: EI MAWRHYDI Y FRENHINES  
Llywydd: P. REES  
Ysgrifennydd Cyffredinol: D.G. COLLINS



## **Endorsement requirements for Tier 2 and Tier 5 migrant workers wishing to obtain employment with sponsors affiliated to the Football Association of Wales (FAW)**

### **Background**

This document explains the criteria for football clubs to obtain Governing Body Endorsements (GBE) for Tier 2 and 5 of the UK Border Agency Points Based System (PBS) for football players for the 2009/2010 season.

### **Consultation**

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

### **Duration**

The criteria will apply for season 2009/10 and will be effective from the implementation of the PBS through to 1<sup>st</sup> May 2010. The criteria will be reviewed in early 2010 in order that revised criteria may be issued to operate prior to the 2010/11 season.

### **Criteria for Clubs**

The FAW will provide an endorsement to prospective sponsors if they fulfil the following criteria.

The sponsor is either a member of:

- a) The FA Premier League OR
- b) The Football League OR
- c) The Welsh Premier 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 of Season

## **Criteria for Players**

### **To be eligible for a Governing Body Endorsement under PBS by FAW:**

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; and
2. The player's country must be at or above 70<sup>th</sup> place in the official FIFA World Rankings when averaged over the 2 years preceding the date of the application.
3. The player must be playing for a club in membership of the Premier League or the Football League or the Welsh Premier League.

## **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 all 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 to the FAW 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 a Governing Body Endorsement.

### **FIFA rankings**

There are currently 202 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 FAW 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 rankings can be downloaded from the FIFA website. If clubs have any queries about the rankings they should contact the FAW.

### **Length of issue**

Governing Body Endorsements will 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 3 years maximum, whichever is the shorter period

Extension application – length of contract or up to 2 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 Certificate of Sponsorship. If at the end of the maximum 12 months he cannot meet the English language requirement he would 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**

- **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 Certificate of Sponsorship expires. If the criteria are satisfied a Governing Body 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 FAW 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 FAW. If the endorsement requirements 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](mailto:Danielle.Beck@ukba.gsi.gov.uk) for players currently on a work permit. The new 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.

Loans are only permissible within the player's current period of approval and leave. Loans should not be used to avoid making extension or change of employment applications.

Loans from clubs of The FA, the Scottish FA and the Irish FA will **not** need a new GBE from The FAW. Players employed by clubs in the Premier League, Football League or the Welsh Premier League on work permits or Certificates of Sponsorship cannot be loaned to clubs outside of those leagues.

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 approval 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 has requested a panel, The FAW 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 has requested a panel, it will be arranged as normal.

### **Trials arrangements**

Governing Body Endorsements 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 an endorsement for a player, once issued, must be used within four months otherwise it becomes invalid.

### **Panels**

Where an application does not meet the published criteria, a club may request a panel to consider the player's skills and experience. If a club requests a panel, The FAW will refer the club's evidence to an independent panel.

The panel will normally consist of representatives from the relevant football governing bodies together with up to three independent experts. The FAW 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 the United Kingdom.

Full terms of reference and roles of the panel members and the club are available to attendees.

The panel will make a recommendation to The Football Association of Wales (FAW) 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 positive vote is required to approve an application (e.g. 4-2, 5-1 or 6-0)

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 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 [£500] plus VAT is levied for each application for a GBE.

The costs of an application that is referred to a Panel will be £1,000 plus VAT to cover the fees and travel of the independent experts. The costs of the representatives of The FAW, relevant league and PFA will be met by their own organisations. Each club will meet its own costs of appeal.

### **Leave to remain / Visas**

**The FAW is not registered to give advice on immigration. Information on aspects of immigration policy and law can be found on the UK Border Agency's web site [www.ukba.homeoffice.gov.uk](http://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 for entry clearance. Service standards are set out for each overseas post on the UKBA web site [www.ukvisas.gov.uk/en/aboutus/customerservicestandards](http://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 web sites of The Football Association of Wales ([www.faw.org.uk](http://www.faw.org.uk)), The Football Association ([www.thefa.com](http://www.thefa.com)), Premier League ([www.premierleague.com](http://www.premierleague.com)), Football League ([www.football-league.co.uk](http://www.football-league.co.uk)) and League Managers' Association ([www.leaguemanagers.com](http://www.leaguemanagers.com)). For more information please visit the UK Border Agency Website at <http://www.bia.homeoffice.gov.uk/> or contact:

Compliance Department  
The Football Association of Wales  
11-12 Neptune Court  
Vanguard Way  
Cardiff. CF24 5PJ  
Tel: 02920 435830  
Fax: 02920 435876  
[registrations@faw.co.uk](mailto:registrations@faw.co.uk)