

05 September 2016

Managed Migration in Club Cricket

Dear all,

It is important that I write to you at this stage of the season advising that recently the Home Office has spoken to ECB regarding non-European Economic Area (EEA) players entering the UK using the Standard Visitor visa. Clubs should be aware that the Standard Visitor visa only allows a player to join an amateur team or club to gain experience in a particular sport if they are an 'Amateur'.

The Home Office are aware that a number of non-EEA migrants who have often played fewer than the GBE-required First-Class matches, List 'A' cricket or State/Province Second XI or equivalent cricket overseas or in some cases would qualify for an endorsement to make an application to come to the UK under Tier 5 (Creative and Sporting) visas have incorrectly used the Standard Visitor visa in order to play club cricket in the UK. These players should not use the Standard Visitor visa as they are considered to be a 'Professional Sportsperson' as set out below.

These non-EEA players who qualify for a governing body endorsement can make an application to come to the UK using the Tier 5 (Temporary Worker – Creative and Sporting) visa. Furthermore, clubs should not employ non-EEA players who are considered to be a 'Professional Sportsperson' using the Tier 5 (Youth Mobility Scheme) to play club cricket as this visa does not permit professional sport. The Home Office are clear that visa applications will be refused where non-EEA migrants do not meet Immigration Rules in the category in which they apply.

For ECB, and Cricket as a whole to comply and continue to have an effective relationship with the Home Office, clubs receiving non-EEA migrants must abide by these rules.

Reliance solely on the advice of agents increases the risk of non-compliance and possibility of penalty.

I am sure that it will be helpful to read the Home Office definitions below and request that you share this information with other officials at your club.

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 seeks 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”.

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.

Note:- The ECB is not registered to give advice on immigration. Information on aspects of immigration policy and law can be found on the Home Office website.

If you have any questions on the above, please email: - managedmigration@ecb.co.uk

Yours sincerely

Paul Bedford - Head of non-first class cricket.