



## Scottish Football Association Governing Body Endorsement Requirements

### **Section 1: Overview of governing body endorsements for Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories of the Points Based System**

This page provides a brief explanation of the endorsement requirements a sports governing body has agreed UK sponsors of Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) - Creative and Sporting categories of the Points Based System must show.

**The Tier 2 (Sportsperson) category** is for elite sportspeople and coaches who are internationally established at the highest level and whose employment will make a significant contribution to the development of their sport at the highest level in the UK, and who will base themselves in the UK.

**The Tier 5 (Temporary Worker) - Creative and Sporting category** is for sportspeople (and their entourage where appropriate) and coaches who are internationally established at the highest level in their sport, and/or will make a significant contribution to the development of their sport in the UK.

**Sports governing body** is one recognised by one of the home country sports councils (for example **sportscotland**). Every governing body must be approved by the Home Office before they are included in Appendix M of the Immigration Rules.

**The application process explained:** Migrants applying to come to the UK under either of the sporting categories above need to be sponsored by an organisation that has a sponsor licence under Tier 2 (Sportsperson) or Tier 5 (Temporary Worker) - Creative and Sporting.

If you wish to sponsor such migrants, you must have a sponsor licence. Before you apply to the Home Office for a licence you must be endorsed by the governing body for your sport. This endorsement confirms to the Home Office that the application for a licence is from a genuine sports club (or equivalent) that has a legitimate requirement to bring migrants to the UK as sportspeople. Once licensed, you can assign certificates of sponsorship to a sportsperson or coach with a job offer that allows them to apply for leave to enter or remain in the UK. Each individual must also have a personal endorsement from the governing body for their sport before you assign the certificate of sponsorship.

The list of governing bodies and the tiers for which they are currently approved by the Home Office is in [Appendix M](#) of the Immigration Rules.

Approved governing bodies will work within the Home Office [code of practice for sports governing bodies](#) and must comply with any immigration regulations, UK legislation and the principles of the Points Based System as detailed on the [GOV.UK](#) website.



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### **Length of endorsement**

Governing body endorsements should be issued for a period appropriate to the period of approval for sponsorship or the tier under which the migrant's application is being made, that is:

Type	Tier	Length of endorsement
<b>Sponsor</b>	Tier 2 (Sportsperson) and/or Tier 5 (Creative and Sporting)	4 years from date of issue
<b>Migrant</b>	Tier 2 (Sportsperson)	For an initial maximum period of 3 years, with a further extension of a maximum period of 3 years. If the contract is for fewer than 3 years, it will be issued for the length of the contract.
	Tier 5 (Creative and Sporting)	For the length of the contract or up to a maximum of twelve months, whichever is the shorter period.

### **Change of employment**

If a migrant is intending to change employer, their new employer must request a new governing body endorsement. The endorsement can be issued for the length of the contract or to the maximum period permitted within the category, whichever is the shorter. The new employer must assign a new certificate of sponsorship to the migrant to allow them to apply to the Home Office for new leave to remain. Leave to remain must be granted before the migrant can start work with the new employer.

### **Salary**

The salary should be agreed as part of the contract between the migrant and the sponsor. This and the other conditions of employment should be at least equal to those normally given to a resident worker for the type of work undertaken.

### **Supplementary Employment**

Tier 2 & Tier 5 migrants are eligible to undertake Supplementary Employment under the Home Office Supplementary Employment Regulations (please refer to the [Tier 2 & 5 Guidance for Sponsors](#) – Supplementary Employment).



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### Section 2: Requirements

This page explains the Scottish Football Association requirements under the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories for the 2019 to 2020 season.

#### Consultation

The following requirements have been agreed by the Home Office following consultation between The Scottish Football Association, Scottish Premier League, Scottish Football League, Scottish Professional Footballers' Associations, the Managers' and Coaches' Association and the other Home Associations of The FA, The FA of Wales and The Irish FA.

#### Review

The requirements will be reviewed annually in January in order that revised criteria may be issued by the 1 May to operate for season 2020-21.

#### Length of season

The season for football runs from July to June.

#### Requirements

The table below shows the endorsement requirements for sponsors and migrants.

Category	Requirement	
<b>Sponsor</b>  Tier 2 (Sportsperson) and or Tier 5 (Temporary Worker) Creative and Sporting	Governing body endorsements will be issued to clubs in membership of the Scottish Professional Football League.	
<b>Migrant</b>  Tier 2 (Sportsperson) and or Tier 5 (Temporary Worker) Creative and Sporting	<b>Player</b>	Governing body endorsements will be available for migrants if they meet the following criteria: <ul style="list-style-type: none"><li>The applicant club must be in membership of the Scottish Professional Football League. During the period of endorsement, the player may only play for clubs in membership of those leagues (i.e. the player may not be loaned to a club below the Scottish Professional Football League)</li></ul>



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		<ul style="list-style-type: none"> <li>• The individual must have played for their country in at least 75% of its competitive 'A' team matches where they were available for selection, during the 2 years preceding the date of the application and</li> <li>• The player's National Association must be at or above 70th place in the official FIFA World Rankings when averaged over the two years preceding the date of the application.</li> </ul> <p><b>Competitive matches</b> The definition of a senior competitive international match is a:</p> <ul style="list-style-type: none"> <li>• FIFA World Cup Finals match</li> <li>• FIFA World Cup Qualifying group match</li> <li>• FIFA Confederations Cup matches and</li> <li>• Continental Cup Qualifiers and Finals matches, for example:             <ul style="list-style-type: none"> <li>○ UEFA European Championships and Qualifiers</li> <li>○ CAF African Cup of Nations and Qualifiers</li> <li>○ AFC Asia Nations Cup and Qualifiers</li> <li>○ CONCACAF Gold Cup</li> <li>○ CONCACAF Copa Caribe</li> <li>○ UNCAF Nations Cup</li> <li>○ CONMEBOL Copa America</li> <li>○ OFC Nations Cup</li> </ul> </li> </ul> <p><b>International appearances</b> When submitting an application, clubs should provide written confirmation of the player's international appearance record over the preceding two years, highlighting those matches where the player took part, as well as those for which they were unavailable for selection due to injury or suspension. Confirmation of the player's appearances should be obtained from their National Association. If this is not possible, the information will be independently verified by the Scottish Football Association through all available sources. A decision cannot be made until this process has been completed and any relevant supporting evidence is submitted.</p> <p><b>Injury and suspension</b> 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</p>
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		<p>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, they will not be considered as injured if they were listed as a substitute and therefore any such matches will be counted as non-appearances when calculating the player's appearance percentage.</p> <p><b>FIFA rankings</b> There are currently 209 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 ranking. The Scottish Football Association will produce the aggregated two-year rankings list on a monthly basis when the FIFA World Rankings are published. These will be made available on <a href="http://www.spfl.co.uk">www.spfl.co.uk</a> and those countries ranked at 70th or above in the most recent list at the time of application will be considered to have met the criterion.</p> <p><b>Tier 5 switching to Tier 2</b> 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 once 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 issue a new Certificate of Sponsorship under Tier 2. The application will need to be supported by a notification of pass or pass certificate at the agreed 'A1 Basic' level from an accredited English Language Test Centre or being able to demonstrate that they hold an academic qualification that was taught in English and is recognised by <a href="http://www.naric.gov.uk">UK NARIC</a> as being equivalent to a UK bachelor's degree, master's degree or PhD. The application to switch into Tier 2 may be made in-country.</p>
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		<p>If, at the end of the 12-month period, the player has been unable to meet the English language requirement, he will need to return home and obtain entry clearance for a further 12 month period under Tier 5.</p> <p>Where a player wishes to switch into Tier 2 for the remainder of their employment and they do not meet the criteria for initial applications, the application will be dealt with by consultation with the relevant football governing bodies in a similar way to extension applications. If approval is not given for the application to be progressed automatically, however, an appeal panel will be required.</p> <p><b>Extension applications</b> <b>Where the player is extending his employment with the same club</b></p> <p>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 SFA will consult with the other relevant football bodies by email, providing any details put forward by the club in favour of that individual. If it is their unanimous recommendation that the application does not need to be considered by a panel, then the case can be processed without.</p> <p>If the football bodies do not unanimously agree to the renewal then the club may request that it be considered by a panel.</p> <p><b>Changes during the period of approval</b> <b>Change of employment</b></p> <p>A club wishing to sign a player from another UK club must submit an application to the Scottish Football Association. If the criteria are satisfied, a governing body endorsement will be issued for a maximum of three years in respect of their employment with the new club. If the criteria are not satisfied, the Scottish Football Association will consult with the relevant football bodies by email, providing any details put forward by the club in favour of the player, such as their appearance record for that club and details of</p>
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		<p>how far they meet the criteria. If it is their unanimous 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.</p> <p><b>Temporary transfer of registration (loans)</b> 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.</p> <p>→ <b>To another club in the UK</b> If a player is moving to another club in the UK on a loan basis, their parent club must notify the Home Office of the fact that they have temporarily moved location. There is no requirement for the loanee club to submit an application to the Scottish Football Association or for the player to meet any conditions such as the English Language Test. The loaning club retains overall responsibility for the player as their employer and sponsor and they are granted permission to move temporarily under the provisions of their 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.</p> <p>→ <b>To a club outside the UK</b> Where a player is moving to a club outside the UK on a temporary transfer basis, their parent club must again inform the Home Office of the player's technical change of employment. When the player returns to their parent club after the loan period, they do not need to be tested again against the entry criteria and may simply resume their employment with their original club (providing their existing leave remains valid beyond the date of their return), on the basis that they have an existing Certificate of Sponsorship</p>
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		<p>and have already met the entry requirements at the beginning of their employment with that club.</p> <p>→ <b>From a club outside the UK</b> Any player joining a Scottish 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 Scottish Football Association. International loan players are also subject to appeal panels if they do not meet the criteria.</p> <p><b>Contract changes or re-negotiation during the period of approval</b> Where a club wishes to make significant changes to the terms and conditions of the player's contract, for instance to improve their salary or length of contract part-way through the approved period, the club should notify the Home Office of this.</p> <p>If a new application is required and the criteria are not met:</p> <ul style="list-style-type: none"><li>• where the player's initial contract was for 12 months or longer, the Scottish 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 the application, a panel will be arranged</li><li>• where the player's initial contract was for less than 12 months, a panel will be arranged</li></ul> <p><b>Trials arrangements</b> Governing body endorsements will <b>not</b> be issued to clubs for the purpose of having players to trial with them.</p> <p><b>International transfer windows</b> 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</p>
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	<p><b>Managers and first team coaches</b></p>	<p>used within four months, unless that club has the express approval of the Scottish Football Association.</p> <p>Governing body endorsements will be available for migrants if they meet the following criteria:</p> <ul style="list-style-type: none"> <li>• managers and first team coaches must have overall responsibility for first team selection. Joint or partial responsibility for first team selection does not meet the criteria.</li> <li>• the manager or first team coach must: <ul style="list-style-type: none"> <li>• hold a UEFA professional licence or equivalent or</li> <li>• have managed or coached in a professional league for at least two of the last five years or</li> <li>• have managed or coached an international team with a FIFA ranking of 70th or higher within the last five years</li> </ul> </li> </ul> <p><b>FIFA rankings</b>  There are currently 209 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 ranking.  The Scottish football Association will produce the aggregated two-year rankings list on a monthly basis when the FIFA World Rankings are published. These will be made available on and <a href="http://www.spfl.co.uk">www.spfl.co.uk</a> those countries ranked at 70th or above in the most recent list at the time of application will be considered to have met the criterion.</p> <p><b>Extension applications</b>  If a club wishes to retain the services of a manager or first team coach, they should submit a new application for a governing body endorsement before their current leave expires. If the governing body endorsement criteria are satisfied, an endorsement will be issued for the period of their contract, up to a maximum period appropriate for the tier under which the application is being made.</p>
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		<p><b>Change of employment</b> A club wishing to sign a manager or first team coach from another UK club must submit an application to the Scottish Football Association. If the criteria are satisfied, a governing body endorsement will be issued for the period of their contract, up to a maximum period appropriate for the tier under which the application is being made.</p>
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### Further information

This information is available on the Scottish Football Association website [www.scottishfa.co.uk](http://www.scottishfa.co.uk) and the Scottish Professional Premier League [www.spfl.co.uk](http://www.spfl.co.uk).

For any queries relating to the requirements or the endorsement process please contact:

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Information on visas and immigration is available on the [GOV.UK](http://GOV.UK) website.

### Dispute handling procedures

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

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



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The panel's terms of reference for are:

- to consider whether the player, manager or first team coach is of the highest calibre
- to consider whether the player, manager or first team coach is able to contribute significantly to the development of the game at the top level in Scotland

The panel will make a recommendation to the Scottish 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 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 (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.

### **Section 3: Process for applying for an endorsement**

#### **How to apply for governing body endorsements for Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting sponsor applications**

An administration fee of £100 will be charged for each application for a governing body endorsement.