**31st January 2019**

**All,**

**Following recent updates from the government on the ‘Home Office Immigration Rules for Cricket’, (overview attached) which was released on 14th December 2018, there are areas of concern around the signing of certain cricketers from outside the UK/EEA.**

Whilst Cricket Scotland, and the ECB, have concerns regarding these rules, and have attempted to progress them with the Home Office, as things stand these remain the rules that clubs will be required to adhere to.

I have attached documentation that should allow you as a club to understand the type of visa that someone from outside UK/EEA will require to hold in order to be correctly registered as an Overseas Paid Player or Overseas Amateur cricketer.

I would note that it is the responsibility of the individual involved and the club to ensure that any player registered as an Overseas Paid Player or Overseas Amateur cricketer is in the UK on the correct Visa. It should be noted that the buck stops with the Club Chair (or appropriate equivalent) and that there are **SUBSTANTIAL** fines should they have not carried out the correct checks or chosen to ignore the Home Office requirements.

The information provided below has been taken from various Home Office documents and needs careful consideration before registering a player with your League. Please pay particular attention to the 'Player Pathway'\*\* definition, as any person that has played cricket from U17 upwards at state / province / territory level (paid or unpaid) may be considered a 'Professional Sportsperson'.

I would suggest that if you are planning on signing a person that may be considered on a 'Pathway' your first action is to seek written approval from the Home Office that the player disclosed all relevant information on their visa application and has been deemed an amateur by the Home Office.  There is an Enquiry Bureau Helpline - 0300 123 4699.

I have also attached a summary documents that may be of use (See ‘Home office Overseas Players Amateur v Professional Definition’ which was last issued on 25th January 2019).

1. **Home Office definition of Professional vs Amateur**:

The Immigration Rules set out the definitions for an amateur and a professional sportsperson as follows:

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 : is providing services as a sportsperson, playing or coaching in any capacity, at a professional or semi-professional level of sport; or 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”.

Deriving a living is defined as receiving payment for playing cricket and does not need to be the sole earnings. A person may also be considered as “seeking to derive a living” if they have played as part of a player pathway.

**\*\*Player “Pathway”:** A player may be considered to be on a “Pathway” and therefore classified as a “Professional Sportsperson”, if that person has played cricket from U17 upwards at state/ province/ territory level (paid or unpaid) in any country.

1. **Responsibility of Clubs:**

Clubs wishing to use the services of a player who is in the UK, but not on a Tier 5 Creative & Sporting visa, must ensure that the visa the person has, allows them to play and/or coach.

They must make their own checks, and not solely rely on information that Agents provide them.

**Sources of support:**

ECB Managed Migration website – <https://www.ecb.co.uk/governance/regulations/governing-body-endorsement>

Home Office website – <https://www.gov.uk/government/organisations/home-office>

Sponsor & Employer Enquiries: 0300 123 4699 or BusinessHelpdesk@homeoffice.gsi.gov.uk

1. **Responsibilities of other Parties including Sanctions and Penalties**

**Cricket Scotland and League Associations**:

If any club found to be playing an individual who is in breach of their visa the process is for Cricket Scotland and/or the League Association to:

* Inform the Home Office of the breach
* Recommend to the club that they no longer use the player
* Inform the appropriate league management group and request that they take the appropriate action as per the league rules.
* League Association only: Inform Cricket Scotland that the above has occurred.

(The same process will apply if a player, in breach of the visa rules, was denied registration in one league to be found registered in another).

**Home Office**:

As far as the Home Office is concerned, “Employment” can be paid or unpaid.
In cricket, the **club Chair (or equivalent)** holds the legal responsibility for all activities in the club and is therefore the “Employer”.

Should the Home Office be advised of a breach then the following may occur:

* An employer who has not carried out the correct checks or chooses to ignore the requirements **faces a penalty of up to £20,000**
* The individual concerned could be stopped from entering the UK or deported
* If the club holds a current Tier 5 Sponsor License, they can expect this to be withdrawn

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