**APPENDIX 1 – GBE**

Overview of Governing Body Endorsement Requests

This document is to be used for all Tier 2 and Tier 5 governing body endorsement requests made on or after the **17 August 2017**.

# 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 what endorsement requirements apply in respect of the Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting categories of the points-based system.

**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; and the post cannot be filled by a suitable settled worker.

**The Tier 5 (Temporary Worker) Creative and Sporting category** is for sportspeople (and their entourage where appropriate) and coaches (who must be suitably qualified to fulfil the role in question) 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; and the post cannot be filled by a suitable settled worker.

**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 **approved 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 **approved governing body** for their sport before you assign the certificate of sponsorship.

An **approved governing body** is one specified in [Appendix M](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370986/20141106_immigration_rules_appendix_m_final.pdf) of the Immigration Rules. Such a governing body must be recognised by one of the home country sports councils such as, Sport England, and will have been approved by the Home Office before being included in [Appendix M](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370986/20141106_immigration_rules_appendix_m_final.pdf) of the Immigration Rules.

Approved governing bodies will work within the Home Office [‘Code of practice for sports governing bodies](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257342/sportingcodeofpractice.pdf)’ and must comply with any immigration regulations, UK legislation and the principles of the points-based system as detailed on the [GOV.UK](https://www.gov.uk/browse/visas-immigration/work-visas) website.

## 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:

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| **Type of application** | **Tier** | **Length of endorsement** |
| **Sponsor** | Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting | 4 years from date of issue |
| **Migrant** | 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.  |
| **Migrant** | Tier 5 (Temporary Worker) Creative and Sporting | For the length of the contract or up to a maximum of 12 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.

## Supplementary Employment

Tier 2 and Tier 5 migrants are eligible to undertake supplementary employment under the Home Office supplementary employment regulations. The ‘Supplementary employment’ section of the [Tiers 2 and 5: guidance for sponsors](https://www.gov.uk/government/publications/sponsor-a-tier-2-or-5-worker-guidance-for-employers) has more information on this.

# Section 2: Requirements

This section explains the Rugby Football Union requirements under the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories for the 2017 to 2018 season and onwards.

**Consultation**

The requirements have been agreed by the Home Office following consultation through the RFU Governance Standing Committee which has representatives from Premier Rugby Limited (Premiership clubs) and First Division Rugby (representing clubs in the Championship), with final approval by the RFU Management Board. Consultation has also been conducted with the other home nation governing bodies.

**Review**

The requirements will be reviewed annually by end June of each year. Clubs or rugby bodies who wish to propose changes for the review process to consider must submit those proposals to the Rugby Football Union.

**Length of season**

The season for rugby union ordinarily runs from September to May.

**Requirements**

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

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| **Category** | **Requirement** |
| **Sponsor**Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting | The Rugby Football Union may act as a sponsor in its own right, or issue a Governing Body Endorsement for a club to become a Sponsor if the club is participating in one of the following leagues:* 1. English Premiership
	2. English Championship
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| **Migrant**Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting | Player | **Initial applications**In order for a migrant endorsement to be awarded, the player must meet one of the requirements listed below:1. A player must have played in at least one World Rugby ranking international test match (15-a-side), during the 24 months immediately prior to the date of application for one of the following World Rugby High Performance Tier 1 countries:
* Argentina
* Australia
* England
* France
* Ireland
* Italy
* New Zealand
* Scotland
* South Africa
* Wales

 1. A player must have played in at least three World Rugby ranking international test matches (15-a-side), during the 24 months immediately prior to the date of application for one of the following World Rugby High Performance Tier 2 countries:
* Canada
* Fiji
* Georgia
* Japan
* Namibia
* Romania
* Samoa
* Tonga
* United States of America
* Uruguay

 1. A player must have played in at least one World Rugby ranking international match (15-a-side), during the 24 months immediately prior to the date of application from one of the World Rugby Tier 2 countries listed in ii. above and have played at least 50% of games, during the 24 months immediately prior to the application in one of the leagues listed in v. below.
2. A player must have played in at least three World Rugby ranking international test matches (15-a-side), during the 24 months immediately prior to the date of application for a World Rugby Performance Tier 3 country and have played in a minimum of 10 full international test matches (15-a-side), during their playing career.
3. A player must have played in at least 75% of matches, during the 24 months immediately prior to the date of application in the following leagues:
* PRO 14 and European Competitions
* Super Rugby
* Top 14 and European Competitions
* English Premiership and European Competitions.
* English Championship
* Welsh Premiership
* Scottish Premiership

Exclusions from selection due to injury, suspension or international duty will be a factor that is taken into account when applying the requirements. Sponsors should submit supporting medical evidence in such cases stipulating the number of games the player has missed.‘Europeans Competitions’ shall mean the European Challenge Cup and the European Champions Cup (including the play-off matches for a position in the Champions Cup)**Extension or change of employment application**

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| In order for a migrant endorsement to be awarded for an extension or change of employment application, the player must:1. continue to meet the initial application requirements, or
2. have played in at least 75% of matches for their sponsor for the period of their previous permission in one of the following leagues:
* English Championship and British & Irish Cup
* English Premiership and European Competitions
* PRO 14 and European Competitions
* Scottish Premiership
* Welsh Premier Division and British & Irish Cup
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Exclusions from selection due to injury, suspension or international duty will be a factor that is taken into account when applying the requirements. Sponsors should submit supporting medical evidence in such cases stipulating the number of games the player has missed. |
| Director of Rugby/Head CoachAssistant Coach / Skills CoachHead of Performance | **Initial, extension or change of employment applications**In order for a migrant endorsement to be awarded to a Director of Rugby/Head Coach, a migrant must meet one of the requirements listed below:* A migrant must have been contracted in a Director of Rugby or Head Coach role to a senior 15-a-side full international team that is currently ranked in the top 12 of the World Rugby rankings for a minimum of 12 months, during the 48 months immediately prior to the date of application.

OR* A migrant must have been contracted in a Director of Rugby or Head Coach role for a minimum of 12 months, during the 48 months immediately prior to the date of application for a team that is currently competing in one of the following leagues:
* English Championship
* English Premiership
* PRO14
* Scottish Premiership
* Super Rugby
* Top 14
* Welsh Premier Division

It should be noted that a club/union may have only one migrant endorsement for a Director of Rugby and one for a Head Coach. In addition, no endorsements are available for player/coaches. Applications will only be considered as a player or as a Director of Rugby or Head Coach.**Initial, extension or change of employment applications**In order for a migrant endorsement to be awarded to an Assistant Coach / Skills Coach, a migrant must meet one of the requirements listed below:* A migrant must have been contracted in an Assistant Coach / Skills Coach role to a senior 15-a-side full international team that is currently ranked in the top 12 of the World Rugby rankings for a minimum of 12 months, during the 48 months immediately prior to the date of application.

**OR*** A migrant must have been contracted in an Assistant Coach / Skills Coach role for a minimum of 12 months, during the 48 months immediately prior to the date of application for a team that is currently competing in one of the following leagues:
* English Championship
* English Premiership
* PRO 14
* Scottish Premiership
* Welsh Premier Division

It should be noted that no endorsements are available for player/coaches. Applications will only be considered as a player or as an Assistant Coach / Skills Coach.**Initial, extension or change of employment applications**In order for a migrant endorsement to be awarded to a Head of Performance, a migrant must meet one of the requirements listed below:* A migrant must have been contracted in a Head of Performance role to a senior 15-a-side full international team that is currently ranked in the top 12 of the World Rugby rankings for a minimum of 24 months, during the 48 months immediately prior to the date of application.

**OR*** A migrant must have been contracted in a Head of Performance role for a minimum of 24 months, during the 48 months immediately prior to the date of application for a team that is currently competing in one of the following leagues:
* English Championship
* English Premiership
* PRO 14
* Scottish Premiership
* Super Rugby
* Top 14
* Welsh Premier Division

In addition, the migrant must hold a degree in Sports and Exercise Science or Performance Analysis or a related discipline.It should be noted that a club/union may have only one migrant endorsement for a Head of Performance role. |

**Further information**

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

Alys Lewis

Rugby Football Union

Rugby House

Twickenham Stadium

200 Whitton Rd

Twickenham TW2 7BA

Email: alyslewis@rfu.com

Information on visas and immigration is available on the [GOV.UK](https://www.gov.uk/browse/visas-immigration/work-visas) website.

**Dispute handling procedures**

Where an application for either a player to play in a team or a coach to coach a team in one of the leagues covered by the requirements for a governing body endorsement (or for the Rugby Football Union itself) as set out for Tier 2 (Sportsperson) & Tier 5 (Temporary Worker- Creative and Sporting) has been refused on the grounds that the player or coach fails to meet the published requirements, the sponsor may seek a review of the application. The sponsor will have 28 days to request such a review. In these cases the Rugby Football Union will refer the sponsor’s evidence to an independent panel as set out below.

Where possible the sponsor’s supporting evidence will be sent to the panel in advance for their consideration in order to allow an informed decision.

Sponsors should note that, in respect of any application, there will only be one panel available and the decision of the panel is final. Sponsors should therefore ensure that all evidence it wishes to present in support of its application is presented to the panel.

If the sponsor has previously made an application that was unsuccessful at panel a further panel cannot be requested for the same player during the season unless his status changes and he meets the requirements whereby a new application can be submitted.

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| **The Review** |
| The request for a review may only be made by the sponsor for whom the governing body endorsement has been initially rejected by the Rugby Football Union. |
| A review shall be commenced by the appellant lodging with the RFU Legal and Governance Director, a notice of appeal within 28 days of the decision appealed against. The notice of appeal shall |
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| 1. set out details of the decision appealed against and, if the whole of the decision is not appealed against, identify that part of it which is appealed against;
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|  |
| 1. set out in full the grounds of appeal and an appellant shall not be entitled to rely in any ground of appeal not set out in the notice of appeal; and
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|  |
| 1. be accompanied by a deposit of £1,000. The panel shall have discretion as to whether the deposit is returned.
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The procedure for appeal will be in accordance with the RFU Disciplinary Regulations and the Panel shall be comprised as detailed below.

**b. The Panel**

The panel will be appointed by the RFU Disciplinary Hearings Manager. The appointed panel shall consist of: an independent chairman, one representative of the RFU (who has not been involved in the initial decision) and one representative of Premier Rugby (in the case of a sponsor who is in the Premiership) and one representative of the Championship Clubs committee (in the case of a sponsor who is in the Championship).

**c. Power of the Panel**

The Review Panel shall have the power to:

In relation to an endorsement under Tier 2 (Sportsperson):

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|  | Consider whether the player, coach or Head of Performance is internationally established at the highest level and whose employment will make a significant contribution to the development of Rugby at the highest level in the UK |

In relation to an endorsement under Tier 5 (Temporary Worker) Creative and Sporting:

* Consider whether the player, coach or Head of Performance is internationally established at the highest level and/or whose employment will make a significant contribution to the development of Rugby at the highest level in the UK

**d. The Decision**

The panel will make a decision using the above criteria which shall be final and binding.

# 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**

Sponsors wishing to apply for governing body endorsements should apply in writing to Warren Collier at WarrenCollier@rfu.com with full details, and include a £100 administration fee.