

Managed Migration in Club Cricket – 2017 update

To whom it may concern,

Since September 2016, the ECB has worked predominantly with accredited ECB Premier Leagues to assist them with the monitoring and enforcement of the Immigration Rules set by the Home Office (the **Rules**) and to further educate them in relation to the potential application of those Rules and the impact of Managed Migration in club cricket more generally.

In September 2016 and, again, in January 2017, I wrote to clubs advising that the Home Office had spoken to the ECB regarding restrictions on players from outside the EEA entering the UK using the Standard Visitor visa, the Youth Mobility Visa or as a Non-Visa National. In particular, these visas only allow a player to join an amateur team or club to gain experience in a particular sport if they are an “Amateur”. The term “Amateur” is defined by the Rules as:

“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”.

The term “Professional Sportsperson” is defined by the Rules as 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 sports person or coach at any level of sport, unless they are doing so as an “Amateur”.”

The Home Office has advised that it would consider that the following are likely to be included in the definition of “*professional sportsperson*”:

- players who have played for professional or semi-professional clubs at junior levels, which may include under 19s teams, whether they were paid or not;
- coaches of junior teams of professional or semi-professional clubs, whether they were paid or not;
- former professional sportspeople who have formally reverted to amateur status according to the rules of their sport; and
- players who have played representative sport for their state, country, or territory, whether they were paid or not.

The ECB correspondence is enclosed. Please click on this link to view a copy of the Home Office’s guidance, dated 14 June 2017, on this subject: <https://www.gov.uk/government/publications/visit-guidance>. (The four bullet points are taken from pages 26 and 27 – note that the first bullet point above is different as it reflects the updated position of the Home Office since the guidance was issued).

Having now reviewed levels of compliance with the Rules across a number of accredited ECB Clubs and Premier Leagues as part of the ECB’s 2017 season review and following further recent discussions with, and directions from, the Home Office, it

is important that all accredited ECB Clubs and Leagues are aware of the following information:

- The ECB identified a number of clubs that appeared to be in breach of the Rules as a result of one or more of their non-EEA players being in breach of their visa. These clubs have now been formally notified as to such breach(es) and have been warned of the consequences of any further such breaches.
- For the 2018 cricket season it is expected that less players will be able to gain access to the UK, using the incorrect visa, due to practical changes in the way the Home Office will manage migration.
- The criteria used in 2017, and the guidance provided by the ECB on the directions of the Home Office, remains unaltered.
- By way of additional clarification, the Home Office have also confirmed that a) the payment of a player's airfare or accommodation and/or b) the use of an agent to promote the availability of players, is likely to increase the prospect of the Home Office considering the player to be a "professional" and, as a consequence, the risk of that player being deemed ineligible to participate in accredited ECB Leagues.
- If clubs are in any doubt as to player eligibility, then they should seek guidance from the Home Office prior to undertaking any such arrangements. Should you experience any issues when contacting the Home Office then please let me know.
- Clubs found to be in breach of the visa regulations could be subject to the highest level of sanctions available for breaching the Rules.
- The ECB and other sports governing bodies are working collaboratively with the Home Office regarding possible amendments to the Rules and related guidance the Rules for implementation for the 2019 cricket season. Precise details are expected to be agreed by autumn 2018.

It is essential for Clubs to comply with the published Rules and clubs registering and/or playing non-EEA migrants must abide by these Rules.

Note:- The ECB is not registered or qualified 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, **[click here to email](#)**.

Yours sincerely



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