

This guidance is to be used for all Tier 2 and Tier 5 governing body endorsement requests for the 2020-21 season onwards made on or after the **11 July 2020**.

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](#) 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](#) 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](https://www.gov.uk) 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:

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](#) has more information on this.

Section 2: Requirements

This section explains the Scottish Rugby Union requirements under the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories for the 2020 to 2021 season.

Consultation

The requirements have been agreed by the Home Office following consultation through the Scottish Rugby Union and the other home nation governing bodies.

Review

The requirements will be reviewed annually in 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 Scottish Rugby Union.

Length of season

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

Requirements

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

Category	Requirement
Sponsor Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting	The Scottish Rugby 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: <ol style="list-style-type: none"> i. PRO14 ii. Scottish Super 6

Migrant Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting	Player	<u>Initial applications</u> In order for a migrant endorsement to be awarded, the player must meet one of the requirements listed below:
--	--------	--

Scottish Rugby Union - Rugby Union Governing Body Endorsement requirements

		<p>i. 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 following World Rugby Tier 1 countries:</p> <ul style="list-style-type: none">• Argentina• Australia• England• France• Ireland• Italy• New Zealand• Scotland• South Africa• Wales <p>ii. A player must have played in at least three World Rugby ranking international matches (15-a-side), during the 24 months immediately prior to the date of application from one of the following World Rugby Tier 2 countries:</p> <ul style="list-style-type: none">• Canada• Fiji• Georgia• Japan• Namibia• Romania• Russia• Samoa• Tonga• United States of America• Uruguay
--	--	---

Scottish Rugby Union - Rugby Union Governing Body Endorsement requirements

		<p>iii. 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.</p> <p>iv. A player must have played in at least three World Rugby ranking international matches (15-a-side), during the 24 months immediately prior to the date of application from a World Rugby Tier 3 country and have played in a minimum of 10 full international matches (15-a-side), during their playing career.</p> <p>v. 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:</p> <ul style="list-style-type: none">• PRO14 and European Competitions• Super Rugby• Top 14 and European Competitions• English Premiership and European Competitions• English Championship• Welsh Premiership• Scottish Super 6 <p>‘European Competitions’ shall mean the European Challenge Cup and the European Champions Cup (including the play-off matches for a position in the Champions Cup)</p>
--	--	--

		<p>Injuries and Suspension</p> <p>Matches/games for which the player was unavailable for selection are to be excluded when calculating the player's appearance percentage. Exclusions from selection due to injury, suspension, international duty or serious illness, bereavement or family crisis will be taken into account when applying the requirements. Written evidence supporting this, setting out the games missed and the reason(s), must be provided by the player's National Association or club doctor to Scottish Rugby Union.</p> <p>In order to obtain the governing body endorsement, the individual must not be subject to a provisional suspension or any unexpired period of ineligibility from playing and/or coaching activities in any jurisdiction as a result of being charged with or found guilty of a corruption offence and/or a doping offence. Each case will be judged on the individual circumstances and a decision made on this basis.</p> <p>Extension or change of employment application</p> <p>In order for a migrant endorsement to be awarded for an extension or change of employment application, the player must:</p> <ul style="list-style-type: none">i. continue to meet the initial application requirements, orii. have played in at least 75% of matches for their sponsor for the period of their previous permission in one of the following leagues:
--	--	--

		<ul style="list-style-type: none">• English Championship and Championship Cup• English Premiership and European Competitions• PRO14 and European Competitions• Scottish Super 6• Welsh Premier Division <p>Injuries and Suspension</p> <p>The provision above will also apply to extension and change of employment applications.</p>
--	--	--

	<p>Director of Rugby/Head Coach</p>	<p>Initial, extension or change of employment applications</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>OR</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • English Championship • English Premiership • PRO14 • Scottish Super 6 • Super Rugby • Top 14 • Welsh Premier Division <p>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.</p>
--	-------------------------------------	--

	<p>Assistant Coach / Skills Coach</p>	<p>Initial, extension or change of employment applications</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>OR</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • English Championship • English Premiership • PRO14 • Scottish Super 6 • Welsh Premier Division <p>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.</p>
--	---------------------------------------	--

	<p>Head of Performance</p>	<p>Initial, extension or change of employment applications</p> <p>In order for a migrant endorsement to be awarded to a Head of Performance, a migrant must meet one of the requirements listed below:</p> <ul style="list-style-type: none"> • 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. <p>OR</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • English Championship • English Premiership • PRO14 • Scottish Super 6 • Super Rugby • Top 14 • Welsh Premier Division <p>In addition, the migrant must hold a degree in Sports and Exercise Science or Performance Analysis or a related discipline.</p> <p>It should be noted that a club/union may have only one migrant endorsement for a Head of Performance role.</p>
--	----------------------------	---

Further information

This information is available on the Scottish Rugby Union website at:

<https://www.scottishrugby.org/rules-and-regulations/permission-to-play/player-status-and-contracts>

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

Richard McGhee

Regulatory and Technical Executive

Scottish Rugby Union

BT Murrayfield

Edinburgh

EH12 5PJ

Information on visas and immigration is available on the [GOV.UK](https://www.gov.uk) 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 Scottish Rugby 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 Scottish Rugby 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.

a. 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 Scottish Rugby Union.

A review shall be commenced by the appellant lodging with Scottish Rugby Union Disciplinary Manager, a notice of appeal within 28 days of the decision appealed against. The notice of appeal shall

- i. 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;
- ii. 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
- iii. be accompanied by a deposit of £1000. The panel shall have discretion as to whether the deposit is returned.

The procedure for appeal will be in accordance with the Scottish Rugby Union Disciplinary Regulations and the Panel shall be comprised as detailed below.

b. The Panel

The panel will be appointed by the Chairman of the SRU Discipline Panel. The appointed panel shall consist of:

- (i) a Chairman who shall be legally qualified and independent of the SRU Board, SRU Council, and SRU Executive staff
- (ii) an SRU Board or Council member
- (iii) A suitably experienced rugby person at the discretion of the SRU Disciplinary Chairman.

c. Power of the Panel

An endorsement request may be refused if the Player does not meet the relevant criteria set out in this document or fails to provide the mandatory documents. The SRU will notify a Player in writing of any endorsement request which is refused setting out the reasons for refusal.

An individual shall have 28 days from the date of the written refusal to submit an appeal in writing to the SRU. An individual may only appeal on the basis that the SRU have not applied the endorsement criteria correctly.

The Panel shall consider the appeal and any evidence submitted in support and shall, as far as practicably possible, within 7 working days of the receipt of the appeal, notify the Player of its decision.

d. The Decision

The panel will make a decision using only 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 Mr Richard McGhee, Regulatory and Technical Executive, Scottish Rugby Union, BT Murrayfield, Edinburgh, EH12 5PJ with full details.