

**Non-EEA  
Sportspersons:  
UK Immigration**



**Bates Wells Braithwaite**

**This note sets out general information regarding the main categories under which non-EEA national sportspersons may apply for Entry Clearance to the UK.**

**This note is not a substitute for specific legal advice which should be obtained as necessary.**

**1. General**

There are three main categories of visa under which a sportsperson may apply for Entry Clearance to the UK. These are:

- Standard Visitor visa (see paragraph 2)
- Tier 5 Creative and Sporting (see paragraph 3)
- Tier 2 Sportsperson (see paragraph 4)

**2. Standard Visitor visa**

2.1 Since 24 April 2015, the Standard Visitor visa has replaced, among other categories of visa, the Sports Visitor visa. A Standard Visitor visa is applicable where a sportsperson wishes to come to the UK temporarily to undertake specific activities, usually for a period of up to six months.

2.2 *Eligibility requirements*

The sportsperson must:

- (a) intend to leave the UK on completion of their visit;
- (b) not live in the UK for extended periods through frequent and successive visits, or make the UK their main home;
- (c) be genuinely seeking entry for a purpose permitted by the Immigration Rules (see paragraph 2.3 below);
- (d) not undertake any prohibited activities as set out in the Immigration Rules (see paragraph 2.4 below); and
- (e) have sufficient funds to cover all reasonable costs in relation to their visit without working or accessing public funds (the NHS is not classed as a public fund).

2.3 *Permitted activities*

2.3.1 There is detailed UKVI guidance on what activities may be undertaken by a sportsperson whilst they are in the UK as a visitor. Generally speaking, a sportsperson may undertake the following activities under a visit visa:

- (a) take part in a sports tournament or sports event as an individual or part of a team;

- (b) make personal appearances and take part in promotional activities;
- (c) take part in trials provided they are not in front of a paying audience;
- (d) take part in short periods of training provided they are not being paid by a UK sporting body;
- (e) join an amateur team or club to gain experience in a particular sport if the sportsperson is an amateur in that sport.

2.3.2 Technical or support staff for sportspeople must be attending the same event as the sportsperson and be employed to work for them overseas. Examples include physiotherapists, coaches, dieticians, bodyguards and press officers.

2.3.3 **IMPORTANT:-** If the sportsperson intends to participate in a professional domestic championship or league, including where one or more of the fixtures/rounds takes place outside the UK, this is classed as employment (paid or unpaid). If the sportsperson is being employed as a professional sportsperson by a team based in the UK, the sportsperson must consider applying for a work visa under Tiers 2 or 5 of the points based system (see below).

#### 2.4 *Prohibited activities*

There is also detailed UKVI guidance on what activities are *prohibited* by a person whilst he or she is in the UK as a visitor. Generally speaking, the applicant must not (unless expressly allowed under the Immigration Rules) work in the UK. The meaning of 'work' includes the following:

- (a) Taking employment in the UK
- (b) Doing work for an organisation or business in the UK
- (c) Establishing or running a business as a self-employed person
- (d) Doing a work placement or internship
- (e) Direct selling to the public
- (f) Providing goods and services

### 3. **Tier 5 Creative and Sporting**

3.1 The Tier 5 Creative and Sporting sub-tier of the UK's points based visa system is applicable where a sportsperson wishes to come to the UK to undertake a short term contract/engagement for a maximum period of 12 months.

3.2 This category does not lead to settlement in the UK.

- 3.3 Sportspeople applying under this sub-tier must be internationally established at the highest level in their sport and/or their employment must make a significant contribution to the development and operation of their particular sport in the UK.
- 3.4 Sponsors will usually be national bodies, event organisers or venues. The employer must be registered as a sponsor under the Tier 5 Creative and Sporting sub-tier on the UKVI's Register of Sponsors.
- 3.5 In order for a Certificate of Sponsorship ('CoS') to be assigned to a sports person under this sub-tier, the sponsor will need to have an endorsement for the sports person from the appropriate governing body for their sport. The endorsement will confirm that the sports person is:
- (a) internationally established at the highest level and/or his or her employment will make a significant contribution to the development of their sport at the highest level in the UK; and
  - (b) their post could not be filled by a suitable settled worker.
- 3.6 *Conditions of leave*
- The main conditions of leave are:
- (a) no recourse to public funds
  - (b) registration with the police for relevant nationals who are granted more than 6 months' leave
  - (c) no employment except:
    - working for the sponsor in the job recorded on the CoS and, if relevant, any notification of a permissible change to the details of that employment as defined in Home Office guidance
    - supplementary employment (as defined in the Immigration Rules)
    - employment as a sports person for their national team while that team is in the UK, and
    - temporary engagement as a sports broadcaster.
- 3.7 Additionally, the Home Office must be satisfied that the sports person:
- (a) genuinely intends to undertake, and is capable of undertaking, the role for which the sports person has been sponsored; and
  - (b) will not undertake employment in the UK other than in the job for which the sports person has been sponsored, as a sports person for their national team while it is in the UK and temporary engagements as a sports broadcaster.

3.8 A sportsperson who has already been granted leave under Tier 5 Creative and Sporting for a job as a sportsperson may switch into Tier 2 Sportsperson (see paragraph 4 below) provided they will still be employed as a sportsperson and can meet the requirements of the Tier 2 Sportsperson category.

#### 4. **Tier 2 Sportsperson**

4.1 The Tier 2 Sportsperson sub-tier of the UK's points based visa system is applicable to non-EEA/Croatian elite sportspeople and coaches aged 16 or over who:

- are internationally established at the highest level
- will be employed in a capacity that will make a significant contribution to the development of their sport in the UK, and
- intend to be based in the UK.

4.2 It is a category that leads to settlement for non-EEA nationals provided that the necessary criteria are fulfilled.

4.3 There are special rules which apply to Croatian nationals following Croatia's accession to the EU on 1 July 2013. Croatians who are issued a CoS under the Tier 2 Sportsperson category will have to apply for a worker authorisation registration certificate, but will become exempt from authorisation following 12 months' continuous lawful employment in the UK (which will include time spent in the UK prior to 1 July 2013 with leave under Tier 2 Sportsperson).

4.4 Sportspersons wishing to use this sub-tier must have an employer registered as a sponsor under the Tier 2 Sportsperson sub-tier on the UKVI's Register of Sponsors. Sponsors under this sub-tier must be a *bona fide* sports club or equivalent, with a legitimate need to employ migrant sportspeople and coaches in the UK. All prospective sponsors must obtain an endorsement from the relevant Home Office recognised governing body for their sport prior to applying to the Home Office for a sponsor licence. Where there is no recognised governing body for a particular sport, an appropriate body must be identified and approved by the Home Office. Even when an appropriate body is identified and approved, its endorsement will not be valid to support a sportsperson's application for Entry Clearance or leave to remain until the body is added into the Immigration Rules, Appendix M.

4.5 Every Tier 2 sportsperson must also be endorsed by the governing body for their sport. The sportsperson's sponsor applies to the governing body for endorsement of the sportsperson they intend to sponsor. The governing body will endorse a sportsperson only if it is satisfied that the sportsperson meets the requirements agreed between the governing body and the Home Office in addition to the other eligibility criteria applicable to Tier 2. The recognised body must also be satisfied that it is appropriate to fill the post with a worker from outside of the EEA.

4.6 *Eligibility requirements*

- 4.6.1 When making an application for leave under the Tier 2 Sportsperson sub-tier, a sportsperson must score the following points:
- (a) 50 points for holding a valid CoS
  - (b) 10 points for meeting the English-language requirement
  - (c) 10 points for meeting the maintenance requirement
- 4.6.2 There is a maximum 6-year leave restriction that will apply to all persons with leave in this category unless they are eligible to apply for indefinite leave to remain ('ILR') or were granted initial leave in Tier 2 Sportsperson or certain other transitional categories under the Immigration Rules in place before 6 April 2011.
- 4.6.3 A Tier 2 sportsperson may be accompanied by eligible dependants who meet additional maintenance requirements. Dependants may become eligible for ILR in certain circumstances.
- 4.6.4 Unless exempt, a person cannot apply for Entry Clearance in Tier 2 Sportsperson if they have had Entry Clearance or leave to remain in any Tier 2 category at any time during the 12 months immediately before the date of their application, unless they can provide evidence to satisfy the Home Office that they were not physically in the UK during this period. The only exemptions from the 'cooling-off period' are for those who will earn a gross annual salary which is at or above the 'high earner' threshold, and for persons who were granted Entry Clearance or leave to remain under Tier 2 within the last 12 months on the basis of a CoS which was granted for a period of 3 months or less.
- 4.6.5 Note that the eligibility requirements for Croatian nationals are different in some respects to the above, for example, the cooling-off periods do not apply and they will not need to meet the maintenance requirement.