

## 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 the endorsement requirements a sports governing body has agreed UK sponsors of Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting categories of the Points Based System must show.

**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.

**The Tier 5 (Temporary Worker) Creative and Sporting category** is for sportspeople (and their entourage where appropriate) and coaches who are internationally established at the highest level in their sport, or will make a significant contribution to the development of their sport in the UK.

**Sport's governing body** is one recognised by one of the home country sports councils (for example Sport England). Every governing body must be approved by the Home Office before they are included in Appendix M of the Immigration Rules.

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

The list of governing bodies and the tiers for which they are currently approved by the Home Office is 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 [government 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	TIER	LENGTH OF ENDORSEMENT
Sponsor	Tier 2 (Sportsperson) and/or Tier 5 (Creative and Sporting)	4 years from date of issue

<b>Migrant</b>	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.
	Tier 5 (Creative and Sporting)	For the length of the contract or up to a maximum of twelve 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.

### **Salary**

The salary should be agreed as part of the contract between the migrant and the sponsor. This and the other conditions of employment should be at least equal to those normally given to a resident worker for the type of work undertaken.

### **Supplementary Employment**

Tier 2 & Tier 5 migrants are eligible to undertake Supplementary Employment under the Home Office Supplementary Employment Regulations (please refer to the [Tier 2 & 5 Guidance for Sponsors](#) – Supplementary Employment).

## **Section 2: Requirements**

This page explains the British Speedway Promoters Association (BSPA) requirements under the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories for the 2019 and 2020 seasons.

### **Consultation**

The following requirements have been agreed by the Home Office following consultation with the BSPA.

### **Review**

The requirements will be reviewed annually in March.

### **Length of season**

The competition seasons runs from March to November.

### **Requirements**

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

<b>Category</b>	<b>Requirement</b>
<b>Sponsor</b>	
Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting	<p>Requests for endorsements will only be issued to a club on the following basis:</p> <ul style="list-style-type: none"> <li>the applicant is a member of the BSPA and competes or is intending to compete with BSPA approval in either the Premiership League or Championship League</li> <li>the applicant has completed and submitted the appropriate application form for a club endorsement</li> <li>the applicant meets the terms of the UK Visa &amp; Immigration (UKVI) policy for licenced sponsors and submits the approved sponsor licence confirmation document to the BSPA before any migrant endorsements are requested (this is because it can take up to 6 weeks before a sponsor appears on the UKVI licenced sponsor register).</li> </ul>
<b>Migrant</b>	
Tier 2 (Sportsperson)	<p><b>Rider</b></p> <p>Endorsement of migrants will be in line with the UKVI's Rules &amp; Regulations and that migrants eligible for endorsement meet the following criteria:</p> <ul style="list-style-type: none"> <li>are internationally established at the highest level of their sport and whose employment will make a significant contribution to the development and operation of their sport in the UK and who intend to base themselves in the UK for the season</li> <li>evidenced by finishing position in a BSPA recognised National or State Championship within two years of the endorsement request. (See Appendix 1)</li> <li>upon the expiry of their Certificate of Sponsorship, a rider returning to the UK must have achieved a Premiership (SGBP) League CMA of 5.00 or a Championship (SGBC) League CMA of 6.00 in order to be eligible for endorsement. Riders must have achieved these averages with a minimum of 20 (twenty) meetings in the previous UK season or have qualified through meeting the National or State Championship criteria. (See Appendix 1)</li> <li>written confirmation from the licenced sponsor must be provided stating who the migrant is responsible to together with who directs the migrant (licenced sponsor), which should be signed by both the migrant and licenced sponsor, to include the riders assessed earnings for the season and how they are made up i.e. payment per point, vans, mechanics etc. A loan agreement, if appropriate, and BSPA contract must be in place and signed by all parties prior to their first professional appearance</li> <li>the rider's earnings must be comparable with the figures on the Certificate of Sponsorship application</li> </ul> <p><b>Loans and Transfers</b></p> <p>Tier 2 migrants may only be initially employed by their licenced sponsor, however, if the Tier 2 migrant is no longer included in their licenced sponsors 1-7 they may be loaned to another club for inclusion in another 1-7 so long as they are still under contract with their licenced sponsor. The licenced sponsor must maintain direction, control and the appropriate records.</p> <p>Tier 2 migrants are eligible to undertake supplementary employment under the UKVI supplementary employment regulations (please refer to the Tier 2 and 5 of the</p>

Points Based System Guidance for Sponsors – Supplementary Employment), this will allow a Tier 2 migrant to guest and appear in open meetings. The supplementary employment does not have to be with a licenced sponsor but does have to be within the same professional level i.e. SGBP - SGBP, SGBC - SGBC, **not** across leagues.

Tier 2 migrants are eligible to undertake secondary employment under the UKVI secondary employment regulations (please refer to the Tier 2 and 5 of the Points Based System Guidance for Sponsors – Secondary Employment), this will allow a Tier 2 migrant to double up. The 'second team' must also hold a valid sponsor licence and a rider endorsement must have been obtained.

A Tier 2 migrant may only be transferred from one licenced sponsor to another providing a new governing body endorsement and Certificate of Sponsorship is issued and the rider is subsequently transferred to the new employer on the Sponsor Management System (SMS) and meet the criteria agreed with the UKVI.

### **Extensions**

Endorsement of Extension applications will only be considered for riders who currently hold a UK Certificate of Sponsorship under Tier 2 (Sportsperson) and are resident in the UK at the time of application and meet the above criteria.

Tier 5  
(Temporary  
Worker) Creative  
and Sporting

### **Rider**

Endorsement of migrants will be in line with the UKVI's Rules & Regulations and that migrants eligible for endorsement meet the following in addition to the Tier 2 criteria listed above:

- the migrant cannot enter the country more than 14 days prior to the start date of the Certificate of Sponsorship
- the migrant must leave the country within 14 days of the end date of the Certificate of Sponsorship
- a robust contract with a clear start and end date should be signed by both the migrant and licenced sponsor. A loan agreement, if appropriate, and BSPA contract must be in place and signed by all parties prior to their first professional appearance

Tier 5 migrants are eligible to undertake supplementary employment under the UKVI supplementary employment regulations (please refer to the Tier 2 and 5 of the Points Based System Guidance for Sponsors – Supplementary Employment), this will allow a Tier 5 migrant to guest and appear in open meetings. The supplementary employment does not have to be with a licenced sponsor but does have to be within the same professional level, for example SGBP – SGBP, SGBC – SGBC, **not** across leagues.

A Tier 5 migrant cannot take secondary employment which in turn does not allow the rider to double up.

### **Extensions**

Endorsement of extension applications will be considered for riders who currently hold a UK Certificate of Sponsorship under Tier 5 providing the original Certificate of Sponsorship was for a period of less than 12 months and meet the above

criteria. In this instance an extension will be considered up to a maximum of 12 months, for example a Tier 5 Certificate of Sponsorship issued for 8 months can be extended to a maximum of 12-months in total subject to meeting the criteria.

### **Injuries.**

Competitions for which the rider was unavailable for selection are to be excluded when calculating the rider's appearance percentage. Unavailable for selection means the rider was not available to ride due to injury or suspension and written evidence supporting this, setting out the matches missed and the reason(s), must be provided by the player's National Association or club doctor to BSPA. 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 riding 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 and/or another misconduct offence.

Exclusions from competing due to injury will be a factor that is taken into account when applying the requirements both in initial applications and extensions. Clubs should submit supporting medical evidence in such cases, stipulating the period of injury and the total number of meetings the rider has missed. The evidence should be from the team doctor, or other official medical practitioner, on headed paper, other evidence may be requested on a case by case basis.

### **Dispute Resolution Process**

Should a Licenced Company, Partnership, Sole Trader or Promoter have a difference of opinion as to the rules, they should follow the procedure laid down as follows:

- a) They should first appeal by letter or telephone call to the BSPA Office who consults the Rule Book and gives a decision as to clarification of the ruling on the disputed matter. There shall be no right to appeal against a statement of fact and no fee shall be applied by the BSPA for this service.
- b) However, if the licenced company, partnership, sole trader or Promoter is dissatisfied with that decision, where a statement of fact cannot be substantiated, s/he would have a right to appeal to the BSPA Directors (via the BSPA Office) and would be required to pay a fee of £100.00 for a decision at the next Directors meeting or, if an early or instant decision is required, after a telephone communication with the Directors. If the aggrieved party making the appeal has the appeal upheld by the Directors, then the fee is refunded. If not, it is retained by the BSPA.
- c) Should the licenced company, partnership, sole trader or Promoter be dissatisfied with this decision, they have the right to appeal to the General Council, then the following actions must be taken: -
  - i) The appeal must be submitted to the BSPA Office in WRITING, enclosing the mandatory fee of £200.00.

- ii) The appeal to the General Council must be made within 28 days of the receipt of the notification of the Code of Conduct fine.
- iii) The appeal MUST stipulate the time, date and place of the incident to which the Code of Conduct refers.
- iv) The appeal document must be included in the next General Council agenda papers.
- v) The General Council may by majority decide: -
  - Endorse the Management Committee decision and dismiss the appeal
  - Increase the Code of Conduct fine
  - Decrease the Code of Conduct fine
  - Endorse the appeal by the respondent and eliminate the Code of Conduct fine made by Directors.
- vi) Any respondent aggrieved by the decision of the General Council has a right of appeal for a TRIBUNAL hearing to the SCB or ACU but will become responsible for meeting the costs of the tribunal hearing at the discretion of the members of the tribunal.
- vii) The aggrieved parties still have a final right of appeal against an SCB Tribunal hearing to the Courts of the Land as per existing rules and legislation.

## Appendix 1 – Eligibility for endorsement

FIM Speedway Grand Prix – All series competitors excluding reserves and wildcards  
 FIM Speedway of Nations – All series competitors excluding reserves

Argentinian International Championships	Winner
Australian Individual Championships	Top 4
New South Wales Championships	Top 4
Queensland Championships	Top 4
South Australia Championships	Top 4
Victoria State Championships	Top 4
Western Australia Championships	Top 4
Tasmania State Championship	Top 4
Northern Territory State Championship	Top 4
Canadian Individual Championships	Winner
New Zealand Individual Championships	Winner
Russian Individual Championships	Top 4
South African National Championships	Winner
Ukrainian Individual Championships	Winner
United States individual AMA Championships	Top 4
American Final	Top 4
AMA Nationals	Top 4

## Further information

This information is available on the BSPA website at <http://www.speedwaygb.co/homepage>  
 For any queries relating to the requirements or the endorsement process please contact:

A.C.U. House  
 Wood Street  
 Rugby

Warwickshire CV21 2YX.

Telephone: 01788 560648

Fax: 01788 546785

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

### **Dispute handling procedures**

Should there be a dispute which cannot be resolved, it will be referred to the BSPA Management Committee who will consider written applications from the club and/or rider concerned. The Management Committee will give written reasons for their decision.

### **Section 3: Process for Applying for an Endorsement**

All enquiries and requests for information must be submitted in written or electronic form in order to maintain accurate records for the UKVI compliance visits.

Breach of the Policy or the UKVI Regulations will render the club liable to a significant Code of Conduct fine.

The migrant will **not** be permitted to compete unless the following documentation is logged and approved by the BSPA:

- completed licenced sponsor endorsement application form
- completed BSPA sponsor's agreement
- completed migrant endorsement application form
- copy of rider's passport – in particular a copy of their bio data page
- copy of passport front cover
- copy of entry clearance/residence permit (once the rider has gained entry clearance but before they turn a wheel)