

## **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

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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.
Sponsor	Tier 5 (Temporary Worker) Creative and Sporting	For the length of the contract or up to a maximum of 12 months, <b>whichever is the shorter period.</b>

### 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 page explains British Swimming requirements under the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories. The requirements are effective from 30 December 2019.

These requirements are applicable to England, Scotland and Wales.

### Consultation

The following requirements have been agreed by the Home Office following consultation with British Swimming who has consulted the Scottish Swimming Association, the Welsh Swimming Association and the Amateur Swimming Association.

### Review

The requirements will be reviewed annually. The next review will be in January 2021.

### Length of season

Aquatics typically runs throughout the year, there is no natural start or end to the season.

### Requirements

The table below shows the endorsement requirements for sponsors and migrants for Swimming, Water Polo, Synchronised Swimming, Disability Swimming and Diving.

Category	Requirement
<b><u>Sponsor</u></b> Tier 2 (Sportsperson) and or Tier 5 (Temporary Worker) Creative and Sporting	<p>Governing body endorsements will be considered by the 'British Swimming Panel' from club's affiliated with either the:</p> <ul style="list-style-type: none"><li>• Amateur Swimming Association</li><li>• Scottish Swimming Association</li><li>• Welsh Swimming Association</li><li>• High Performance Swimming</li><li>• British Swimming</li></ul> <p>The 'British Swimming Panel' will consist of the Director of Business Operations, HR Manager and representative from the relevant national swimming association.</p> <p>In order to obtain an endorsement, the club must prove their affiliation to the Amateur Swimming Association, the Scottish Swimming Association, the Welsh Swimming Association High</p>

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	Performance Swimming and/or British Swimming by providing their unique reference number and club code.
<p><b><u>Migrant</u></b></p> <p><b>Tier 2 (Sportsperson) and or Tier 5 (Temporary Worker) Creative and Sporting</b></p>	The criteria apply to extensions and changes of employment and initial applications.
<p><b>National Performance Directors</b></p>	<p>Governing body endorsements for an individual will be issued if they have a minimum of five years experience, with evidence of directing or contributing to the programme of individual athletes reaching major events such as at the Olympics, World and European Championships and Commonwealth Games and achieving consistent success.</p> <p>This needs to be demonstrated through their history of employment record within the application and also through their record of achievements obtained through references:</p> <ul style="list-style-type: none"> <li>• individuals will hold National and/or International Coaching qualifications; a minimum of UKCC Level 4 or equivalent. Copies of their relevant certificates should be provided <b>and</b></li> </ul> <p>evidence of proven success in setting a strategy to deliver an elite programme at World and Olympic level. This needs to be demonstrated through their history of employment record within the application and also through their record of achievements obtained through references.</p> <p><b>Suspensions</b></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 and/or another misconduct offence.</p>

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<p><b>Head Coach (National Level)</b></p>	<p>Governing body endorsements for an individual will be issued if they have a minimum of 3 years technical coaching experience at World Level (World Championship or Olympic Games) and provide evidence of delivering finalists at World Level (and Senior). This needs to be demonstrated through their history of employment record within the application and also through their record of achievements obtained through references:</p> <ul style="list-style-type: none"><li>• individuals will hold national and/or international coaching qualifications or equivalent; a minimum of UKCC Level 4 Copies of their relevant certificates should be provided</li><li>• leadership and management experience with extensive exposure to high performance issues and solutions such as planning and preparation for FINA (World Championship Level) and LEN (European Championship Level) events. This needs to be demonstrated in the relevant section of the application form and also through obtained references and</li><li>• evidence of one to one peer level coaching. This needs to be supported in the relevant section of the application form and also through obtained references.</li></ul> <p><b>Suspensions</b></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 and/or another misconduct offence.</p>
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<p><b>Head Coach (Club Level)</b></p>	<p>Governing body endorsements for an individual will be issued if they have the minimum of an UK Coaching Certificate Level 3 Coaching or equivalent qualification and have a minimum of 2 years relevant coaching experience. This needs to be demonstrated through their history of employment record within the application and also through their record of achievements obtained through references:</p> <ul style="list-style-type: none"> <li>• individuals will hold national and/or international coaching qualifications or equivalent; a minimum of UKCC Level 3 Copies of their relevant certificates should be provided <b>and</b></li> <li>• evidence of their personal continuous professional development. This will be ascertained by obtaining copies of their relevant certificates and by providing documentation to prove their attendance at National seminars and placements.</li> </ul> <p><b>Suspensions</b></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 and/or another misconduct offence.</p>
<p><b>Tier 5 (Temporary Worker) Creative and Sporting only</b></p> <p><b>Assistant Coach (National and Club Level)</b></p>	<p>Governing body endorsements for an individual will be issued if they have:</p> <ul style="list-style-type: none"> <li>• a national and/or international coaching qualification equivalent to a minimum of UKCC Level 3. This will be ascertained by obtaining copies of their relevant certificates</li> <li>• knowledge of the technical laws associated with the aquatic discipline as ascertained through achieving their UKCC certificates. This needs to be demonstrated in the relevant section of the application form and also through obtained references</li> </ul>

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	<ul style="list-style-type: none"> <li>• a minimum of two years coaching experience at a high level of domestic and or international level including coaching athletes of international potential. This needs to be demonstrated by identifying the candidate's success at major national and/or international competitions/events and should be supported through the application and through obtained references</li> </ul> <p><b>Suspensions</b></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 and/or another misconduct offence.</p>
<p><b>(Olympic Swimming Performance Advisor (Swimming Only))</b></p>	<ul style="list-style-type: none"> <li>• extensive recent experience at high level Olympic swimming (at least two Olympics in the last four Olympic cycles) as either an athlete, coach or manager</li> <li>• minimum of five years experience in the swimming high performance system</li> <li>• detailed understanding of high performance swimming programmes (international level)</li> <li>• knowledge and application of high performance swimming analysis (international level)</li> <li>• knowledge of elite swimmer development as either a swimmer, coach or manager</li> </ul> <p><b>Suspensions</b></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 and/or another misconduct offence.</p>

### Further information

This information is available on the British Swimming website at

[www.britishswimming.org](http://www.britishswimming.org)

## British Swimming Governing Body Endorsement Requirements

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

British Swimming Governing Body Endorsements  
British Swimming Panel  
C/O The HR Department  
SportPark  
3 Oakwood Drive  
Loughborough LE11 3QF

Telephone: 01509 640346

Email: [bshrdepartment@swimming.org](mailto:bshrdepartment@swimming.org)

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

### **Dispute handling procedures**

Where an application for either an individual covered by the requirements for a governing body endorsement as set out for Tier 2 (Sportsperson) & Tier 5 (Temporary Worker- Creative and Sporting) has been refused on the grounds that the individual 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, British Swimming 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 British Swimming.

A review shall be commenced by the appellant lodging with the British Swimming and the Director of Legal and Governance, 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;

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- 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 £100.00. The panel shall have discretion as to whether the deposit is returned.

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

### **b. The Panel**

The panel will be appointed by the Disciplinary Hearings Manager. The appointed panel shall consist of: an independent chairman, one representative of the British Swimming (who has not been involved in the initial decision) and one representative of the British Swimming Board.

### **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 British Swimming will notify a Player in writing of any endorsement request which is refused setting out the reasons for refusal.

An individual shall have 7 days from the date of the written refusal to submit an appeal in writing to the British Swimming. An individual may only appeal on the basis that the British Swimming have not applied the endorsement criteria correctly.

The British Swimming shall consider the appeal and any evidence submitted in support and shall, within 7 working days of the receipt of the appeal, notify the individual of its decision.

### **d. The Decision**

The panel will make a decision using the above criteria which shall be final and binding. There are no other grounds of appeal.

## **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 licence applications**

All potential sponsors should note that the purpose of an endorsement for a prospective sponsor is to confirm to UK Visas & Immigration (UKVI) officials processing sponsor applications that the application is from a bona fide sports club or equivalent that has a legitimate requirement to bring migrants to the UK as sportspeople. UKVI has additional criteria for sponsors that must be met in order for an aquatic club to be granted a sponsor licence. It is not the 'British Swimming Panel' that will grant a sponsor licence to a club.

There is an administration fee of £100 for each governing body endorsement in support of a sponsor licence application. Cheques must be included with applications, made payable to British Swimming Limited.

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