



## **Players from non-EEA Countries Important Update for Clubs**

Last week an Appeal Tribunal of the Two Counties Cricket Championship (TCCC) gave its judgment on an appeal by Frinton-on-Sea Cricket Club and Blake Reed (an Australian national who has played for Frinton-on-Sea CC this season) against a decision of the TCCC Management Sub-Committee that Mr Reed was an ineligible player. The Appeal Tribunal ruled that the ineligibility decision, being based on Home Office confirmation that Mr Reed was ineligible to play cricket in the UK on his visa on either a paid or unpaid basis, was correct and therefore dismissed the appeal.

We have received a number of enquiries from Leagues and Clubs in light of this decision. Below is a summary update for leagues, clubs and players in light of the judgement.

- The Home Office (not the ECB) is responsible for issuing visas to individuals from non-EEA countries who wish to play recreational cricket in England and Wales.
- Any person (i) who enters the UK on a Youth Mobility or Visitor visa; and (ii) who is also deemed a "professional sportsperson" under the Immigration Rules, is likely to be deemed by the Home Office to be in breach of their visa if they play any cricket in the UK during their stay (on a paid or unpaid basis). "Professional sportsperson" is defined under the Immigration Rules as "*someone, whether paid or unpaid, who (i) is providing services as a sportsman, playing or coaching in any capacity, at a professional or semi-professional level of sport; or (ii) 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 sportsman or coach at any level of sport, unless they are doing so as an "Amateur".*" An "Amateur" is defined 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*"
- In January 2017, the ECB confirmed in its guidance document entitled "Non-European Economic Area (EEA) Sportspeople – Clarification, Questions and Answers" that the Home Office interpreted a "professional sportsman" to include any player who has played cricket at above Under 17 level at state, provincial, territory or national level (paid or unpaid) in any country. It was as a result of this Home Office interpretation that Mr Reed was deemed by the Home Office to be a "professional sportsman" and therefore ineligible to play cricket in the UK (paid or unpaid) on his Youth Mobility visa.
- The ECB continues to have constructive dialogue with the Home Office and will report any developments when appropriate prior to the majority of decisions being made by clubs on players for 2018 season.

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