

## **British Horseracing Authority Governing Body Endorsement Requirements**

### **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 sport's 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, and/or will make a significant contribution to the development of their sport in the UK.

**Sports 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 [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	Tier	Length of endorsement
<b>Sponsor</b>	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 Horseracing Authority (BHA) requirements under the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories for the 2015 to 2016 season. These requirements are only applicable to Great Britain. Enquiries for Northern Ireland should be directed to the Irish Turf Club.

### Consultation

The following requirements have been agreed by the Home Office following consultation between the BHA and the following industry bodies and parties:

- National Trainers Federation
- National Association of Stable Staff
- Professional Jockeys Association
- British Horseracing Authority
- Horseracing Ireland and the Irish Turf Club

### Review

The requirements will be reviewed annually in April of each year. With agreement from the relevant industry bodies, the requirements can be reviewed out of cycle for exceptional reasons.

### Length of season

Horseracing takes place all year round in Great Britain however, there are two types which are predominantly take place within the following season dates:

- Flat Racing – Runs from the end of March until beginning of November with Winter Flat season taking place in the intervening months
- Jump Racing - Runs from April to April

### Requirements

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

Category	Requirement	
<b>Sponsor</b> Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting	Governing body endorsements will only be considered from individuals who hold a current BHA Licence or Permit to Train.	
<b>Migrant</b> Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting	<b>Jockey (Professional)</b>	<b>Initial Application</b> The jockey should have been issued with a licence, equivalent to a professional jockey's licence in Great Britain, from a Recognised Racing Authority*. Full details of any such licence and its period of validity should be submitted with the application.  The jockey should also have ridden one or more 'pattern-class' winners (i.e. winners at group or grade 1, 2 or 3 level and listed races).  An endorsement will be issued on condition that the jockey is issued a licence by the BHA.

	<b>Trainer</b>	<p><b>Initial Application</b> The trainer should hold a licence to train with a Recognised Racing Authority*. This should be submitted with the application.</p> <p>If an overseas Trainer is having runners in Great Britain for more than 90 consecutive days they will be likely to require a BHA Licence to train.</p>
Tier 5 (Temporary Worker) Creative and Sporting Only	<b>Entourage</b>	<p><b>Initial Application</b> Entourage encompasses the support staff that are required to support the continuity of care and/or performance of a sports person/sports animal(s) and work as part of a seasonal operational team. Individuals will be undertaking a permissible role that is recognised under the BHA's Stable Employees Register.</p> <p><b>The only permissible roles are:</b></p> <ul style="list-style-type: none"> <li>• Assistant Trainer</li> <li>• Head Lad/Lass</li> <li>• Stable Lad/Lass</li> <li>• Apprentice/Conditional Jockey</li> <li>• Work Rider</li> <li>• Hostel Employee or Cook</li> </ul> <p>Individuals will have trained and/or worked as part of the operational team and demonstrate 6 months experience in a similar job. The latter should be demonstrated by submitting references from previous employers with the application.</p> <p>Staff normally required as part of the support team when the sports team/training operation is located in Great Britain for competition, pre-training, training or recovery. This is to be confirmed in writing as part of the application.</p>
<p><b>Extensions:</b> The Jockey, Trainer or Entourage member must continue to meet the criteria for initial endorsement</p>		
<p><b>Change of Employment:</b> If Trainers, Professional Jockeys and Entourage staff are intending to change employer, their new employer must request a new endorsement to reapply to the Home Office. New leave to remain must be granted before the individual can change employers.</p>		

\*Recognised Racing Authorities are defined under Schedule (A)8 of the Rules of Racing



### **Further information**

This information is available on the BHA website at [www.britishhorseracing.com](http://www.britishhorseracing.com)

In addition a link to the published information will also be provided on the National Trainers Federation website at [www.racehorsetrainers.org](http://www.racehorsetrainers.org) and the Authority's Racing Administration website at [www.racingadmin.co.uk](http://www.racingadmin.co.uk).)

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

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**Sponsor and Migrant Worker Endorsements (England, Scotland, Wales)**

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As part of the wider communication plan to raise employer awareness of the change in procedures the BHA will:

- publicise the information in member newsletters;
- handle queries from their members escalating as needed;
- write to employers highlighting the changes and the various requirements of Tier 2 and Tier 5.

Information on visas and immigration is available on the [www.gov.uk/browse/visas-immigration/work-visas](http://www.gov.uk/browse/visas-immigration/work-visas) website.

### **Dispute handling procedures**

Should a sponsor wish to appeal against a decision regarding a BHA endorsement, the case will be referred to the Licensing Committee for review and adjudication.

The Licensing Committee will only accept two appeals for each original endorsement application refused. If the initial appeals review is unsuccessful, a sponsor will only be able to seek one further review of the original endorsement application.

Applications for appeal must be submitted within 21 days of the date of the written decision being issued. The appeal application must set out the grounds for seeking an appeal and disputing the original decision. There will be no right of appearance and the appeal will be conducted on the basis of the original application and the grounds submitted. The decision on a second appeal shall be final.



### **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 applications**

Governing body endorsements will be issued by the BHA's Licensing Team. Endorsement requests should be made to the Licensing Team who will then verify the information and approve the endorsement as appropriate.

Once approved, each employer will be provided with a unique number and written confirmation of their endorsement by the BHA to use when applying to the Home Office for registration as a sponsor.

For each migrant worker endorsed, the sponsor will receive a unique number in respect of the migrant worker and written confirmation, for the sponsor to use when applying to the Home Office for the registration of each worker.

Sponsors are required to keep copies of all paperwork relating to endorsements received from the BHA.

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