

CCL March 2017 – Overseas FAQs

Please note that if the player has a UK passport or an Ancestral Visa, he does NOT count as an overseas.

The League is not authorised to act as an advisor for Visa and Immigration procedures. The information we give is purely for guidance and based on our own research (including discussions with ECB) of current regulations.

All references to 'he' or 'him' should be taken as 'she' and 'her' as well.

Why have the Home Office brought in new rules for overseas players in our club cricket?

There are no new rules. The Home Office are simply using existing rules to clamp down on what they are viewing as widespread abuse of the Visitor Visa scheme by clubs to engage high quality or quasi-professional players to augment their playing strength while avoiding the proper route for employing a professional player. It is fair to say these are actions now designed to remove the 'awesome overseas' culture from recreational cricket. So, if a player counts as a professional in the Home Office definition, and we do believe the definition does cover without restriction the player's entire career, he is NOT entitled to play recreational (club) cricket. See CCL overseas player Form OS1 for the definition of professional. There are blurred dividing lines and clubs are welcome to call the Home Office help line (0300 123 4699) for informal advice. This costs £1.40 a minute, though, and the advice is verbal and not binding.

We have an agreement with an overseas player. Can he work while he is here?

Unless the player comes from Australia or New Zealand, the answer is almost certainly no. Even if the player comes from Australia or NZ, he will still need a Tier 5 (Youth Mobility) Visa to work legally. This visa does NOT entitle him to be paid for playing or allow him to lead coach. In short anyone who is here on a Standard Visitor Visa (which is the only one available for almost all visitors here for less than six months) cannot work, coach or be paid for playing cricket. End of.

The player should be viewed as a visitor to the country who incidentally can play recreational cricket. There cannot therefore be any agreement between a club and a potential overseas player. Our own CCL rules preclude premier and County 1 player transfer in-season in Cornwall, but should the club stump up for air fare and the potential player does not show up or wishes to play for another club at short notice, there can be no legal redress or room for complaint.

All dealings regarding overseas players must be taken at the club's own risk.

What can we give by way of payment?

You can give nothing. In the same way as individuals and any friend or relative coming to stay from the other side of the world, clubs may offer to pay airfare (travel expenses) and look after him. But what is seen to be reasonable expenses for lodging varies depending on the part of the country (in Cornwall it would be low) and should be accounted for in the club accounts as it may be open to scrutiny to the powers that be. We strongly recommend that clubs do not pay airfares and visa fees in advance. Always reimburse. Any agreement between club and player should be restricted to information about air fares and lodging for some degree of mutual confidence and at that level would probably not be taken by the Home Office as evidence of intent to pay or play as a professional. Any other document even vaguely laying out conditions of what the player is expected to do (as favoured by agents), however, should be strongly avoided. Please bear in mind if a player is counted as a professional, the club will automatically become an employer – regardless of whether the player has indeed been paid or not – and subject to employment and migrant worker's laws.

Will the CCL register our player if he comes over?

It is very unlikely that a person visiting our country with the correct visa will be turned back at immigration. The league will make a standard check prior to registration - it is therefore vital that you keep the league informed of your intentions - and if we find using reasonable Web searches that the player has played first class (or equivalent one day or 20 over) cricket, we will NOT register that player. If the player is a passport holder from a country in the European Economic Area, we will ask for proof that that person has been resident in that country for at least a year. If the player is currently resident and working in the UK, to play in the CCL he needs to have been working and resident continuously since before the 1st Jan of the current year. We will need to see the Visa and possibly letter from employer as evidence.

We will register in good faith any other player.

As we have stated many times before, the league does not have any authority at all to make the final decision on whether an overseas player can play. If, however, it is subsequently shown by any means that the player would be classified as a 'professional' under the Home Office guidelines, the league will count that player as incorrectly registered under CCL Rule 15 and relevant subsections. The club could be docked 5 points for each game that the player appeared in in accordance with the league disciplinary code. This, of course, is extra to any actions taken by the Home Office or HMRC. Please note that any appeal lodged in such a case will require, almost by definition, Home Office involvement.

Our advice remains: if in doubt, don't!

Any information that we have given here is freely available on the Home Office Website

<https://www.gov.uk/guidance/immigration-rules>