



FAQs – Impact of Brexit and right to work in the UK

As a result of Brexit, EU nationals and their family members no longer have an automatic right to live and work in the UK from 1 January 2021. This means that Players need to take steps to ensure that they continue to have a right to work in the UK and can sign new contracts in the future.

Some EU nationals will be able to continue living and working in the UK under the EU Settlement Scheme. Others may require a specific Sportsperson visa in order to do so.

These FAQs set out details of the applications that EU nationals will be required to make under the EU Settlement Scheme in order to continue to living and working lawfully in the UK after 31 December 2020.

They also consider the FA's new Governing Body Endorsement criteria applicable to all non-UK players coming into the UK post-Brexit, who require a Sportsperson visa (i.e., those who are not able to obtain status under the EU Settlement Scheme).



EU Settlement Scheme

I am an EU national and was living in the UK prior to 31 December 2020. Should I be concerned about the impact of Brexit on my right to remain in the UK?

No. EU nationals and their family members who were resident in the UK before the 31 December 2020 should be protected. The EU Settlement Scheme has been implemented to secure your residence rights. You must apply to this Scheme to remain protected.

What are the key points about the Settlement Scheme?

EU nationals and their family members who are residing in the UK by 31 December 2020 will need to make an application under the Settlement Scheme (<https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>) in order to continue to reside lawfully in the UK. The key points to be aware of are:

- EU nationals and their family members (spouse, civil partner, durable partner, dependent child or grandchild, and dependent parent or grandparent) who have been continuously resident in the UK for five years will be eligible for settled status, enabling them to stay indefinitely.
- EU nationals and their family members who have not been continuously resident for five years will be eligible for pre-settled status, enabling them to remain in the UK until they reach the five year threshold. They can then apply for settled status where they have remained continuously resident in the UK for a five year period.

Is there a deadline by which applications must be lodged under the Settlement Scheme?

Yes. EU nationals and their family members will have until 30 June 2021 to apply to the Settlement Scheme.



Who is required to apply under the Settlement Scheme?

All EU nationals need to apply in order to continue to reside lawfully in the UK, subject to limited exceptions:

- Irish nationals are not required to apply, but can do so if they wish.
- EU nationals who have indefinite leave to remain (ILR) or indefinite leave to enter (ILE) (which is not the same as permanent residence) are not required to apply, but can do so if they wish. It is generally regarded as sensible to do so due to the more favourable rights that apply under the Settlement Scheme.

EU national family members of British nationals also need to apply under the Settlement Scheme – ie, there is no exemption by virtue of being, for example, the spouse or partner of a British national.

What are the rules for continuous residence in order to qualify for settled status?

A person must have been continuously resident in the UK for five years in order to be eligible to apply for settled status. In general, a person will have been continuously resident if they have not been absent from the UK for more than six months in total in any 12-month period. There is no restriction on the number of absences permitted, provided that the total period of absence does not exceed six months in any 12-month period.

What rights do EU nationals with settled status have?

Settled status will enable EU nationals to reside in the UK in any capacity and undertake any lawful activity. They will continue to have access to UK benefits (eg, healthcare, benefits, pension and social security) in a similar manner to British nationals.

How long does it take for Settlement Scheme applications to be processed?

Most applications are processed within two or three working days. In some cases it can take slightly longer.

Can settled status be lost?

Yes. Settled status will be lost if a person spends more the five continuous years outside the UK. But it should be possible to 're-set' the clock for the five years by returning to the UK for a short period of time. Pre-settled status will be lost if a person spends more than two continuous years outside the UK. But the important point for a person holding pre-settled status is to ensure that they accrue the necessary continuous time in the UK (ie, five continuous years) in order to qualify for settled status.

Will it be a problem if I was away from the UK travelling over exit date on 31 December 2020 / 1 January 2021?

No. EU nationals who are resident in the UK but who are abroad on business or holiday or living overseas temporarily over the exit date will still be protected. EU nationals resident in the UK before 31 December 2020 will not need a visa or proof that they have already applied under the Settlement Scheme in order to re-enter the UK in the period up to 30 June 2021.

Will EU nationals living in the UK and covered by the Settlement Scheme be able to have family members join them on a long-term basis in the UK at a later date?

Yes. Under the terms of the Withdrawal Agreement, EU nationals who are resident in the UK before 31 December 2020 will have a lifetime right for family members who were family members on 31 December 2020 to join them in the UK.



Governing Body Endorsement (“GBE”) Criteria for Sportsperson visas

I do not have settled status/ do not have UK permanent residence, I am not a UK/ Irish national; can I still play professional football in England?

Yes. However, an English club will have to obtain a GBE for the player from the English FA, before he is granted the right to play football in the UK. Please note, The FA will only grant GBEs to clubs playing in the Premier League or the English Football League (i.e. divisions 1 – 4 of the English football pyramid).

How do I qualify for a GBE?

Under the FA’s new post-Brexit GBE criteria, you may qualify for a GBE, depending on your level of experience, through one of three routes:

- The ‘Auto Pass’ route: where a GBE will be granted automatically for players who have made a certain number of international appearances for their national teams. The better the national team’s FIFA ranking, the lower the number of matches the player is required to play to automatically qualify for a GBE.
- Points scored under ‘Senior Criteria’: Senior players will be assessed against six different objective criteria, across which they must score a total of 15 points.
- Points scored under ‘Youth Criteria’: Players under the age of 21 are classified as youth players. Youth players are assessed against a separate set of six objective criteria, across which they must score a total of 15 points. In addition, youth players must also score a minimum of 10 points under the Senior Criteria. Where this is the case, youth players, are able to have their application decided at the discretion of a three member panel comprising representatives from The FA, the league in which the player will play; and the PFA. Of course, Youth players may still qualify directly with 15 points under the Senior Criteria if they satisfy the requirements.



What are the criteria I need to fulfil?

This will depend on whether you are a senior player or a youth player.

Senior Criteria

1. **International appearances:** for those players that do not have enough international appearances for their national teams, they still have the opportunity to score points based on how many games they play in the two year period preceding the GBE application (one year if the player is a youth player). The better the player's national team's FIFA ranking, the greater the points available, with a maximum of 10 points. Players from countries ranked 51-200 can obtain a maximum of 2 points.
2. **Domestic league minutes:** The FA has categorised domestic leagues from across the world into six groups, or 'bands'; Band 1 being the highest. The greater the appearances made by the player in a higher ranked league, the more points he can obtain, with a maximum of 12. By way of example, the 'Big 5' European leagues are all classified as Band 1; Belgian, Dutch and Portuguese leagues are among those classified as Band 2; and the Brazilian, Mexican and Argentine first divisions are examples of Band 3 leagues. Leagues that are not expressly classified fall into the 'Band 6' category.
3. **Continental competition minutes:** Much like the domestic leagues, The FA has also categorised continental competitions into three different bands. Band 1 continental competitions are the UEFA Champions League and the CONMEBOL Copa Libertadores. The greater the appearances made by the player in a higher ranked continental competition, the more points he can obtain, with a maximum of 10.
4. **Domestic league performance:** The better the finishing position of the player's previous club, the greater the points available (with a maximum of 6). Points are awarded for winning the league, qualifying for continental competitions, finishing mid-table and being promoted to a higher league.
5. **Continental competition performance:** The further the player's previous team progressed in a higher ranked continental competition, the greater the points available (with a maximum of 10). Points are awarded for reaching the finals and each prior round in continental competitions.
6. **Previous league quality:** The better the quality of the league the player is transferring from, the greater the points available. So for example, a player transferring from La Liga in Spain (Band 1), would obtain significantly more points than a player transferring from the Chinese Super League (Band 5).

Youth Criteria

1. **International appearances:** Youth players can earn points based on the international matches played for their national teams at age group level (e.g. U17, U20 and so on), with a maximum of 7 points.
2. **Senior club debut:** Youth players who made their senior debut in the 12-month period preceding the GBE application are eligible for points. The higher ranked the league, the greater the points available (with a maximum of 6 points).
3. **Domestic league performance:** Youth players who play a specified number of minutes in domestic youth or B team competitions, are able to benefit from the finishing position of their senior team in the league. Points vary based on whether the senior team won the title, qualified for continental competition, finished mid-table or got promoted to a higher league, with a maximum of 3 points available.



4. **Continental competition performance:** As with domestic leagues, youth players who play a certain number of minutes in youth continental competitions, are able to benefit from their senior team's progress at continental level, with a maximum of 5 points available.
5. **Previous league quality:** Subject to youth players making a specified number of appearances for their youth/B teams at domestic or continental level, they stand to benefit from their senior team's league rating. Greater points are awarded for Band 1 leagues as compared with Bands 2 and so on.

My club obtained a GBE for me and now wants to loan me out to another club in England. Does the loanee club need to obtain another GBE?

No. The player's parent club will continue to retain responsibility as the player's sponsor and must also notify the Home Office of the loan and change of the player's location within 10 working days. If a player's loan move is made permanent, the new club will be required to submit an application for a new GBE.

My club obtained a GBE for me and now wants to loan me out to another club in Scotland/Wales/Northern Ireland. Does the loanee club need to obtain another GBE?

Yes. Even though a player has been granted a GBE by The FA in England, he will need to obtain a GBE from the Scottish/Welsh/Northern Irish FAs, as applicable, in accordance with their criteria. The player's parent club will continue to retain responsibility as the player's sponsor in England and must also notify the Home Office of the loan and change of the player's location within 10 working days.

My club obtained a GBE for me and now wants to loan me out to another club outside the United Kingdom. Does the loanee club need to obtain another GBE?

It depends on whether the jurisdiction in which the loanee club is based follows a similar GBE system, in which case a GBE or equivalent work permit would be required. In any event, any loan to a club outside the United Kingdom will be subject to the immigration laws of that particular country. The player's parent club will continue to retain responsibility as the player's sponsor in England and must also notify the Home Office of the loan and change of the player's location within 10 working days.

Does the same GBE criteria apply to female players?

No. The FA have issued a separate set of GBE criteria for the women's game ("Women's Criteria"). While the process of applying for and granting a GBE is largely the same as the men's GBE regulations (e.g. the existence of an 'Auto Pass' route for those with a certain % of international appearances, with the requirement to score points across criteria for those who do not benefit from an 'Auto Pass'), the key differences are as follows:

- The Women's Criteria apply only to Women's Super League and Women's Championship clubs (i.e. clubs from the first two women's professional divisions). Clubs below the Women's Championship (i.e. Tier 3 and below) will not be eligible to recruit players via the GBE route;
- There is no separate set of criteria for female youth players in the Women's Criteria. All players are assessed under one category, regardless of age; and
- Female players are required to obtain a minimum of 24 points (as opposed to 15 for male players) across a set of five objective criteria.



So what are the five criteria applicable to female footballers?

The five criteria against which female players will be assessed are as follows:

- 1. International appearances:** for those players that do not have international appearances for their national teams to qualify for an 'Auto Pass', they still have the opportunity to score points based on how many games they play in the two year period preceding the GBE application (one year if the player is 21 or under). As is the case with the men's criteria, the better the player's national team's FIFA ranking, the greater the points available, with a maximum of 5 points. Players from countries ranked 41 and higher can obtain a maximum of 1 point.
- 2. Domestic league minutes:** The FA has categorised women's domestic leagues from across the world into two groups, or 'bands'; Band 1 being the highest. Band 1 leagues include the first division women's leagues from England, Australia, France, Italy, Germany, USA, Spain and Sweden. All other leagues are classified as Band 2.
The greater the appearances made by the player in a higher ranked league, the more points she can obtain, with a maximum of 10.
- 3. Continental competition minutes:** The FA has similarly categorised continental competitions into two different bands. Band 1 continental competitions are the UEFA Women's Champions League and the CONMEBOL Copa Libertadores Feminina. All other women's continental competitions are classified as 'Band 2'. The greater the appearances made by the player in a higher-ranking continental competition, the more points she can obtain, with a maximum of 10.
- 4. Domestic league performance:** The better the finishing position of the player's previous club, the greater the points available. Points are awarded for winning the league, qualifying for continental competitions, finishing mid table and being promoted to a higher league. The maximum points a player can score under this category is 10.
- 5. Previous league quality:** The better the quality of the league the player is transferring from, the greater the points available. A player transferring to an English (WSL or Championship) club from a Band 1 league (such as the Australian W-League, the Italian Femminile Serie A or the USA's National Women's Soccer League) would earn 10 points as opposed to a player from a Band 2 league (for example, the Campeonato Brasileiro de Futebol Feminino Serie A1), who would earn just 5 points.

My club has been granted a GBE by The FA. What next?

Once a player's application for a GBE is granted by The FA, the club will then proceed to assign the player a 'Certificate of Sponsorship' ("CoS"). Only clubs who hold a valid Sponsor's License may issue a CoS to a player. Premier League and English Football League clubs are eligible for a sponsor's license.

Within 3 months of the CoS being assigned, the player must then present his/her GBE and CoS to the UK Home Office to apply for 'entry clearance' or a visa.

There are two types of visas that a player can be granted – Tier 2 or Tier 5.

- Tier 2 visas will be granted for three years or the length of the player's contract (whichever is shorter); and
- Tier 5 visas will be granted for twelve months or the length of the player's contract (whichever is shorter).



Although it may be quicker to obtain a Tier 5 visa, if a player can speak English (generally proven by a standardised 'IELTS' test) it will likely be preferable to obtain the longer Tier 2 visa, which will also count towards the time spent in the UK if a player is later looking to obtain residency/British citizenship.