



TIER 2 & TIER 5 REQUIREMENTS FOR PROFESSIONAL
SPORTSPEOPLE BEING EMPLOYED BY A CLUB IN THE MAGNERS LEAGUE
SEASON 2008/09

A. BACKGROUND

This page explains the Tiers 2 and 5 (sport people) requirements for rugby union for the 2008/2009 season. These requirements were agreed following consultation with the UKBA and the relevant stakeholders for rugby union in Northern Ireland. The category of Tier 2 (sports people) of the Points Based System is for elite sports people and coaches who are internationally established at the highest level, whose employment will make a significant contribution to the development of their sport at the highest level in the UK and who intend to base themselves in the UK. Tier 5 (Sporting) is for sportspeople and coaches who are internationally established at the highest level and/or whose employment will make a significant contribution to the development and organisation of their sport in the UK and will come to the UK for no more than 12 months at a time. The UKBA has recognised the IRFU Ulster Branch as the governing body in Northern Ireland for setting the endorsement requirements and issuing endorsements. The IRFU Ulster Branch has consulted and reached a consensus of all interested bodies in the sport in relation to finalising these requirements.

B. LENGTH OF SEASON

The normal season for this sport is from September to May.

C. REVIEW AND PUBLISHING FINAL ENDORSEMENT REQUIREMENTS

1. The Governing Body Endorsement requirements apply only to the 2008/2009 season and will be reviewed on an annual basis in line with the IRFU (Ulster Branch) Competition Season. Details of the process for review and the method by which clubs may propose changes in these requirements are set out below.
2. The 2008/2009 season requirements were determined by a process of consultation based upon the original UKBA Work Permit Criteria that had been in operation across the game for a number of years. The requirements for Tier 2 & 5 were reviewed by the IRFU (Ulster Branch) Regulations Committee.
3. The requirements for Tier 2 & 5 will be reviewed on an annual basis in line with the code of practice for sport governing bodies through the IRFU (Ulster Branch) Regulations Committee and consulting with representatives from the professional clubs. Clubs who wish to propose changes for the review process to consider must submit those proposals to the IRFU (Ulster Branch). The IRFU (Ulster Branch) will submit the



requirements to be formally ratified by the UK Border Agency for approval in May 2009.

D. EMPLOYING A SPORTS PERSON IN RUGBY UNION

1. A club which is seeking to employ a non-European Economic Area (EEA) player or coach must gain a Governing Body Endorsement (GBE) to act as a Sponsor and another GBE to confirm that the player or coach meets the set requirements.

2. The period of employment shall be for a maximum of 3 years under Tier 2 with provision for a 2 year extension subject to meeting the requirements for extensions set out below and for a maximum of 12 months under Tier 5.

3. The salary is usually agreed as part of the contract between the individual and the employer. This should be at least equal to those normally given to a 'resident worker' for this work. Where the salary quoted appears to be lower than expected we will seek more information from the sponsor and advice from players' representatives.

E. ENDORSEMENT REQUIREMENTS

1. To be a sponsor

A Governing Body Endorsement to become a Sponsor will only be issued for a club in the Magners League.

2. For a player

A Governing Body Endorsement will only be issued for a player to play for a Sponsor which is endorsed by the IRFU Ulster Branch if all of the following requirements are met:

a. Initial Application

- i. Players from countries that are within the first or second tier of the national rugby unions of the International Rugby Board (IRB) will be eligible.

Tier 1 countries

Argentina;
Australia;
New Zealand;
South Africa.

Tier 2 countries

Canada;
Fiji;
Japan;



Romania;
Samoa;
Tonga;
United States of America.

Please note: only the tier 1 and 2 non-EEA countries are mentioned above.

- ii. They must have started at least one full international match (15-a-side), during the 15 months immediately prior to the date of the application.

Players from other countries must have started in an international match in the last 15 months and have played in a minimum of 10 full internationals (15-a-side) during their playing career.

- iii. Players from Tier 1 Countries who have played at least 20 Super 12/14 matches.

Exclusions from selection due to injury will be a factor that is taken into account when applying the requirements. Clubs should submit supporting medical evidence in such cases stipulating the number of games the player has missed.

b. Extensions and changes of employment

Applications for extensions with the player's current club or changes of employment from a club within the United Kingdom to a club within Northern Ireland, the player should either:

- i. continue to meet the requirements as for initial applications, OR
- ii. the player must have started in at least 75% of Competitive Games for his club for the period of the previous permission.

Competitive Games that were played when the player was on international duty and when they were unavailable for selection through injury (supported by medical evidence) will be excluded from the assessment.

Competitive Games are defined as those played in the Magners League, Heineken Cup, European Challenge Cup.

For extensions or changes of employment, the Sponsor must submit a new application for the player.



3. For a Director of Rugby/Coach

a. Initial Application

If a club wishes to employ a non-European Economic Area (EEA) national as a Director of Rugby, Head Coach, Assistant Coach, or Skills Coach, in order to qualify for a Governing Body Endorsement from the IRFU Ulster Branch they must have been:

- i. Contracted in a coaching role to the 15 a-side full international senior XV for a country that is currently ranked in the top 12 international teams based in the official IRB rankings, for a minimum period of 12 months and within the last four years, or proves current coaching competence/experience during the intervening period.

Or

- ii. Contracted in a Coaching role to a Super 12/14 Team for two years in the last five years.

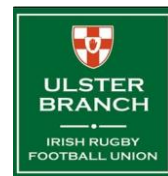
It should be noted that we do not issue endorsements for player/coaches. We will only consider applications as a player or as a coach.

Posts must be advertised in appropriate media that provides the best way of reaching suitably qualified resident workers allowing four weeks from the date the advertisement appears to receive applications. The advertisement should be placed within the six months before the application for a governing body endorsement.

b. Extensions and changes of employment

Where a club wishes to extend the employment of a non-European Economic Area (EEA) national as a Director of Rugby, Head Coach, Assistant Coach, or Skills Coach a new Governing Body Endorsement should be applied for and will receive automatic endorsement.

Where a club wishes to employ a non-European Economic Area (EEA) national as a Director of Rugby, Head Coach, Assistant Coach, or Skills Coach, who has been until the date of application employed by another Rugby Club in the United Kingdom, a Governing Body Endorsement should be applied for and will receive automatic endorsement.



F. REVIEW OF APPLICATION

Where an application for either a player to play in a team or a coach to coach a team in one of the leagues covered by the requirements for a Governing Body Endorsement as set out for Tier 2 & Tier 5 has been refused on the grounds that the player or coach fails to meet the published requirements, the club may seek a review of the application. The Sponsor (club) will have 28 days to request such a review. In these cases the IRFU Ulster Branch will refer the club's evidence to an independent panel.

Where possible the club's supporting evidence will be sent to the panel in advance for their consideration in order to allow an informed decision.

Clubs should note that, in respect of any application, there will only be one panel available and the decision of the panel is final. A club should therefore ensure that all evidence it wishes to present in support of its application is presented to the panel.

If the club 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 IRFU Ulster Branch.

A review shall be commenced by the appellant lodging with the IRFU Ulster Branch Disciplinary Chairman, 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;
- (ii) set out in full the grounds of appeal and an appellant shall not be entitled to rely on any ground of appeal not set out in the notice of appeal; and
- (iii) be accompanied by a deposit of £1,000.

The procedure for appeals will be in accordance with the IRFU Ulster Branch Disciplinary Regulations and set up a Panel as detailed below.



b. The Panel

The panel will be appointed by the IRFU Ulster Branch. The appointed panel shall consist of:

- (i) Independent Chairman
- (ii) IRFU representative
- (iii) Professional Team Management Committee representative

c. Power of the Panel

The Review Panel shall have the power to:

In relation to a migrant coach:

- i. Consider whether the coach is internationally established and of the highest calibre in consideration of the Published Requirements for Tier 2 & 5.
- ii. Consider whether the coach is able to contribute significantly to the development of the game at the top level in Northern Ireland.

In relation to a migrant player:

- i. Consider whether the player is internationally established and of the highest calibre in consideration of the Published Requirements for Tier 2 & 5.
- ii. Consider whether the player is able to contribute significantly to the development of the game at the top level in Northern Ireland.

d. The Decision

The panel will make a decision using the above criteria which shall be final and binding.

G. FURTHER INFORMATION

These requirements for Governing Body Endorsements are available at the IRFU Ulster Branch Website [www.ulsterrugby.com] For more information please contact the IRFU Ulster Branch at:

MICHAEL REID

IRFU Ulster Branch
Ravenhill Rugby Grounds
85 Ravenhill Park
Belfast
BT6 0DG

Phone: 02890493222

Fax: 02890648502

Email: m.reid@ulsterrugby.com