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# ARE YOU PREPARED FOR BREXIT? HAVE YOU THOUGHT ABOUT APPLYING FOR A TIER 2 LICENCE?

From January 2021 anyone employing a foreign national will need to have a Tier 2 licence. European nationals are currently exempt from this requirement due to the UK's membership of the EU. However from January 2021 only British and Irish nationals (and foreign nationals who already have a UK visa) will be exempt. European players already in the UK can ensure they are not subject to this new system by applying under the EU Settlement Scheme.

In May 2019 the Guardian reported that Ministers were "battling to stop Brexit bringing an added layer of bureaucratic chaos to one of football's most frantic periods - the January transfer window" and that there were "concerns in Whitehall that some clubs are not alive to the changes".

We've noticed from the Home Office's list of registered sponsors that you do not currently have a Tier 2 licence. In order to recruit European players for the 2020-21 football season you will need to have a licence in place. Given that January 2021 will be a particularly hectic period, with the implementation of the UK's new post-Brexit immigration system coinciding with the mid-season transfer period, it is important to begin preparing early.

## The process for recruiting European players after January 2021 will be as follows:

- 1.** Apply to the Home Office for a Tier 2 licence, demonstrating that you have appropriate systems in place for monitoring sponsored workers and complying with your duties as a Tier 2 sponsor;
- 2.** As part of the licence application you will need to confirm how many certificates of sponsorship you require for the coming year. You will need one certificate for each foreign player you plan to recruit. A request for a further annual allocation of certificates must be made each April;
- 3.** Certificates must then be allocated to particular players before the player applies to the Home Office for permission to enter the UK. Before a certificate can be issued, a player must have been endorsed by the Scottish Football Association;
- 4.** The criteria for endorsement are set out at Appendix 3 of the SFA Handbook. Over the last 2 years, the player must have played for his/her country in at least 75% of its competitive team matches and the player's country must be at or above 70th place in the official FIFA World Rankings when averaged over the last 2 years;

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5. The SFA must confirm that the player is internationally established at the highest level, that his/her employment will make a significant contribution to the development of football at the highest level in the UK, and the post could not be filled by a UK player.
6. Once the certificate is issued, the player can then apply to the Home Office for permission to enter the UK in the Tier 2 (Sportsperson) category. This must be done within 3 months of the date the certificate is issued.

This is a highly technical process. At McGill & Co Solicitors we can provide advice and assistance regarding all aspects of the Tier 2 system. We can also assist European players currently in the UK with applications under the EU Settlement Scheme to ensure they are able to continue living and working in the UK after Brexit. Contact us today for a free consultation to discuss your club's immigration requirements.



### Grace McGill

An experienced practitioner in immigration, nationality and refugee law who has specialised in this area since 1995, Grace McGill established McGill & Co in April 2008. She has extensive experience in all aspects of UK immigration law, focusing on family migration and commercial immigration, with a particular specialism in Tier 1 Investor applications. She is also uniquely skilled in inter-country adoption work.

Grace manages large corporate clients within the UK and worldwide and is adept at the successful progression of complex immigration matters for individuals, providing skilled representation at all levels of the process.

In recent years Grace has become increasingly involved in high level foreign investment and corporate work. She has been instrumental in a number of multi-million pound foreign investments into UK companies. Her role continues to develop in respect of overseas strategic investment work which has seen recent emphasis for corporate clients on

strategic development relationships in Cyprus, UAE and the USA. She maintains a strong association with corporate entities in the development of this role and has formed associated companies in Cyprus and Houston USA.

She holds a Master's degree in International Human Rights Law from the University of Strathclyde and is a member of the International Bar Association, Commonwealth Lawyers Association, and British Association for Sport & Law. She is an appointed member of the Society of Writers to Her Majesty's Signet (WS) and has been appointed to the WS Society Council. She is the present author of the 2nd Reissue of the Immigration Law Chapter of the Stair Memorial Encyclopaedia, published in 2016. She is a contributor of published articles for Lexis Nexis and for the International Bar Association

She has been commended for her work by the Legal 500 for the last 6 years, the last 4 of which she has been elevated as Leading Individual in Scotland.

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### Iain Halliday

Iain Halliday joined McGill & Co in 2014 after graduating from the University of Glasgow with First-class honours and completing the Diploma in Professional Legal Practice at the University of Aberdeen. He first studied immigration and asylum law during the third year of his law degree, which he spent studying abroad at the University of Helsinki, completing further studies in this area of law in the final year of his degree.

During his time at the firm, Iain has been involved with the preparation and submission of many immigration and nationality applications to the Home Office, conducted numerous appeal hearings at the First-tier Tribunal (Immigration

& Asylum Chamber) and he regularly represents clients with complex legal issues ranging from the posting of international workers to family migration problems.

Iain frequently assists clients with applications to enable them to come to the UK to work or start a business, providing invaluable advice and guidance on the requirements and necessary documents in relation to: Tier 1 (Entrepreneur) applications and, more recently, applications under the new Start Up & Innovator route; Tier 2 applications; and applications to come to the UK as the sole representative of an overseas business.

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