



Department for
Digital, Culture,
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Lord Jay of Ewelme
Chairman, EU Home Affairs Sub-Committee
House of Lords
London
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TO2018/15223/DC
14 November 2018

Dear Lord Jay of Ewelme,

Thank you for your letter of 31 October to Tracey Crouch MP, regarding her previous response of 10 August to the Committee's questions following your inquiry into *Brexit: freedom of movement in the fields of sport and culture*.

The Government has been clear that freedom of movement will end after the UK leaves the EU. As you are aware, the Migration Advisory Committee's (MAC) report published on 18 September 2018 is the result of a significant evidence gathering and analysis exercise to inform the design of our future immigration system. We are grateful to Professor Alan Manning and the MAC for their report, and the government will publish its Immigration White Paper shortly.

The MAC considered the impact of migration on the UK economy as whole, rather than on a sector-by-sector basis. As you point out, the Tier 5 (Creative and Sporting) visa was not specifically referenced in the MAC's report. However, several of the MAC's recommendations are of relevance to the sport and cultural sectors. We are carefully considering the recommendations, and will continue to consult widely with stakeholders to assess the potential impacts on our sectors.

Both the Tier 2 (Sportsperson) and Tier 5 (Creative and Sporting) visas are designed 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 in the UK. The Governing Body Endorsement (GBE) rules attached to these visas include a range of criteria to determine exceptional talent, including transfer fees and recent participation in elite-level competitions. However, unlike the Tier 2 (General) visa, there is no specific salary threshold attached to these visas. The Home Office and DCMS will continue to work with the national governing bodies for sport to ensure that the future system (including GBE rules criteria) secures the appropriate balance between providing opportunities for home-grown players and enabling sports teams to attract the best international talent.



We note your concerns about the ability of non-elite, amateur and youth level EU sportspeople to come to the UK in the future. Currently, non-elite sportspeople do not qualify for the Tier 2 (Sportsperson) and Tier 5 (Creative and Sporting) visas. However, sportspeople at all levels (amateur and professional) can, for example, currently enter the UK temporarily and engage in sports events on a standard visitor visa, where a visitor visa is a requirement for that person's nationality.

We are also seeking to negotiate a mobility framework with the EU. When considering the design of this, the Government recognises the importance of continued mobility for talented individuals and groups to support sporting cooperation, as stated in the *Future Relationship between the United Kingdom and the European Union* White Paper (July 2018). In the White Paper, the Government stated that this mobility framework should provide reciprocal visa-free travel for tourists and temporary business visitors. The UK has also proposed a UK-EU youth mobility scheme to ensure that young people can continue to enjoy the social, cultural and educational benefits of living in each other's countries. The UK already operates a number of youth mobility schemes with other global partners, for example with Australia and Canada. We are keen to reach an agreement with the EU on that basis, however it is a matter for the negotiations.

On the "Kolpak" judgement, this applies currently to players from countries with Association Agreements with the EU, due to the 2003 ruling made by the Court of Justice of the European Union. My officials are in continuing discussions with the national governing bodies for sports, including the Rugby Football Union and the England and Wales Cricket Board, on the potential impact for clubs with "Kolpak" players of our exit from the EU.

DCMS and the Home Office have been and will continue to engage closely with the sports sector on proposals for the UK's future immigration system, and we are keen to ensure that the sport sector continues to thrive after the UK has left the EU.

I am copying this letter to Rt Hon Caroline Nokes MP, Minister for Immigration, and Damian Collins MP, Chair of the Digital, Culture, Media and Sport Select Committee.

With best wishes,

A handwritten signature in cursive script, appearing to read 'Mims', written in dark ink.

Mims Davies MP

Minister for Sport and Civil Society