



HOUSE OF LORDS

European Union Committee

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Tracey Crouch MP
Parliamentary Under Secretary of State for Sport and Civil Society
Department for Digital, Culture, Media & Sport
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31 October 2018

Dear Minister,

Thank you for your letter of 10 August, following our inquiry into *Brexit: freedom of movement in the field of sport*. The Sub-Committee first considered your letter on 5 September, but, since the Migration Advisory Committee (MAC) final report on *EEA migration in the UK* will provide an evidence base for the Government's post-Brexit migration policy, decided to wait until the publication of that report before responding.

On 17 October we took evidence from Professor Alan Manning, Chair of the MAC, and excerpts from that session are included below. Question numbers refer to the oral evidence transcript, available at the Sub-Committee's website: <https://www.parliament.uk/eu-home-affairs-subcommittee>

Your response was helpful, and you responded constructively to many of the questions that we put to you in our letter of 27 July. However, we would ask for further clarification on the following points.

The MAC report refers only to the Tier 5 (Youth Mobility) visa, and is silent on the role that the Tier 5 (Creative and Sporting) visa might play in any post-Brexit immigration system. Professor Manning did not refer to Tier 5 in his evidence.

The report has much more to say about the utility of maintaining the Tier 2 route post-Brexit, not least as a means by which both EEA and non-EEA migrants might enter the UK in the future.

- **Has the Government assessed whether extra Tier 5 or Tier 2 visas will need to be issued for EU27 sportspeople wishing to enter the UK post-Brexit, and if so, how many extra visas might be needed?**

The MAC report's recommendation (p.5) is for the Tier 2 salary threshold of £30,000 to be retained. Professor Manning told us (Q7):

“To be eligible for the Tier 2, non-EA at the moment, you have to be in certain occupations which are, crudely, graduate-level jobs. We recommend expanding that. There is an element based on the general level of skills in these jobs. Why have a salary threshold to meet as

well? There are a number of reasons. First, if you think we need migrants because there is a shortage of labour in a particular job—the demand for labour is running ahead of the supply—it is important that there is upward pressure on wages in those sectors. That is what will make more people want to go into those sectors. If you had no salary thresholds at all, it would be easy to recruit into a lot of quite skilled jobs at very low salaries. It is some protection against undercutting the domestic market and even having some upward pressure on wages, which would be good.”

Our concern is that a threshold as high as £30,000 could discriminate against amateur sportspeople, youth sportspeople who have not yet established a professional career, and people involved in sports that are not highly remunerated. As we suggested in our report *Brexit: freedom of movement in the field of culture*, salary levels often do not equate to skill levels. Too high a threshold might therefore also discriminate against talented sportspeople.

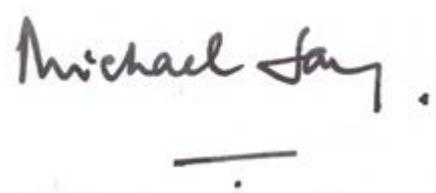
- **Has the Government considered how salary thresholds might have an effect on the numbers of sportspeople who will be able to enter the UK in the future?**
- **How will non-elite EU27 sportspeople enter the UK after the end of the transition period? Will the Government introduce a preferential system for EU27 sportspeople, or will they fall under the rules that currently exist for non-EU sportspeople?**

In our letter of 27 July, we noted the opinion of Angus Bujalski, Legal and Governance Director of the Rugby Football Union, on the effect that the so-called Kolpak rule has had on certain sports. Mr Bujalski believed that the "majority" of non-UK rugby players qualified to play in the UK under the terms of the Kolpak ruling. While your letter of 10 August outlined plans to “engage with stakeholders to understand the potential implications of the removal of the Kolpak ruling”, we would welcome further clarification about the consequences of leaving the EU for teams that rely on this ruling.

- **Under the terms of an association agreement with the EU as envisaged by the future relationship White Paper, would UK sportspeople be able to play in EU sports teams as “homegrown” players, post-Brexit? And could EU sportspeople continue to play in the UK as “homegrown” players?**

I look forward to a response within ten working days.

With best wishes,

A handwritten signature in black ink that reads "Michael Jay". Below the signature is a horizontal line and a small dot, likely a stylized flourish or part of the signature.

Lord Jay of Ewelme, Chairman of the EU Home Affairs Sub-Committee