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NAVIGATING THE NEXT.

Don't Be Caught Offside: Immigration in the Sports Industry

Shannon Donnelly, Louise Skinner, Yvette Allen, and Jennifer Connolly
June 10, 2021

Presenters



Shannon Donnelly



Louise Skinner



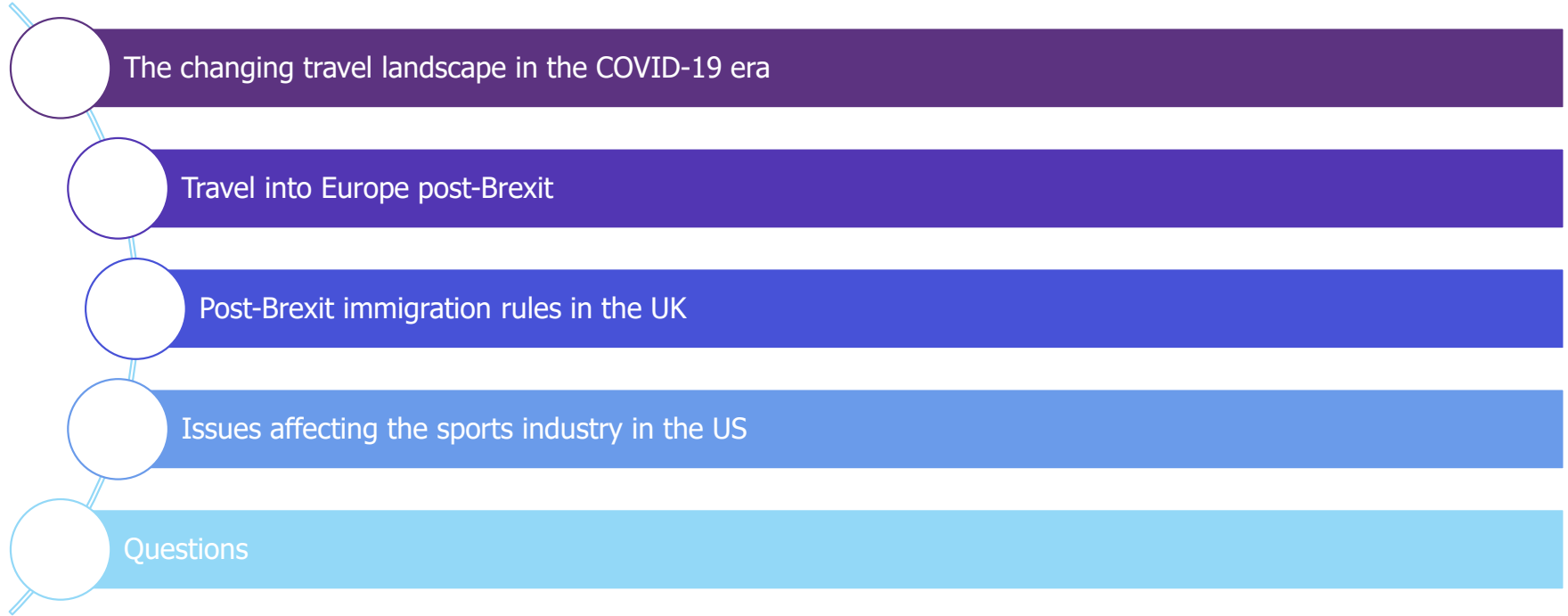
Yvette Allen



Jennifer Connolly

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Today's agenda





The changing travel landscape in the COVID-19 era

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Travel landscape in the COVID-19 era

- **Travel restrictions** - most countries still have partial bans
- **Quarantine requirements** - vary across the world but have been replaced by proof of negative COVID-19 test results, or vaccination and/or health certificate in some countries
- **Health assessments** - on-arrival health questionnaires and health assessments have become common practice
- **Rapid changes** - individuals considering travel and employers considering changes to work arrangements or staffing should seek case-specific advice

COVID-19 and entry into the UK



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COVID-19 and entry into the UK

- The UK is currently operating a 'traffic light' system, depending upon where the traveller has been in the 10 days prior to arrival
- These rules do not relate to the traveler's nationality, and a full a visa assessment is also required

Green list - present a negative COVID-19 test taken in the 3 days prior to arrival and take a further COVID-19 test on or before day 2. No quarantine requirements unless the test is positive.

Amber list - present a negative COVID-19 test taken in the 3 days prior to arrival, quarantine at a private address or hotel for 10 days, and take 2 further COVID-19 tests. Test to release available in England after day 5.

Red list – travel is banned except for British/Irish nationals and those with a right to live in the UK. Present a negative COVID-19 test taken in the 3 days prior to arrival, quarantine in a government-managed hotel for 10 days, and take 2 further COVID-19 tests.

Elite sport exemption

International sportsperson

- International elite sportspersons and essential ancillary organizational or support staff can participate in a [specified list of UK-based elite sport competitions](#) without having to self-isolate
- May travel between multiple venue locations

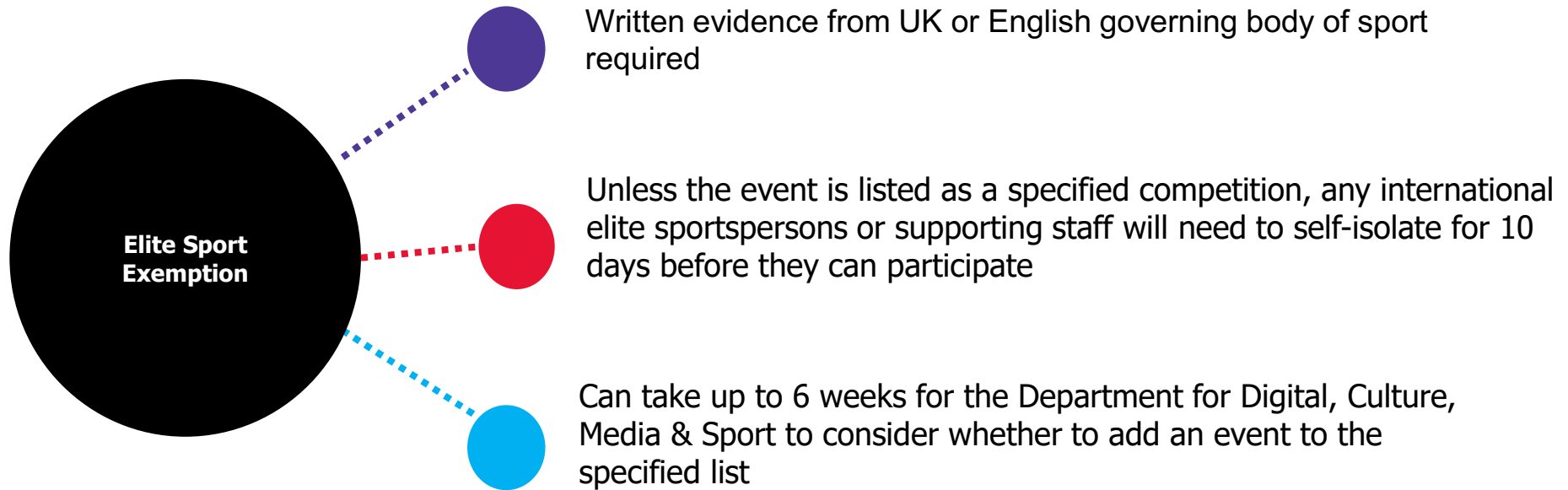
Domestic sportsperson

- Domestic elite sportspersons and ancillary sportspersons are required to self-isolate apart from when:
 1. competing in or training for an elite sports event;
 2. providing essential support to a domestic elite sportsperson in their competition or training; or
 3. providing essential operational support to the running of an elite sports event.

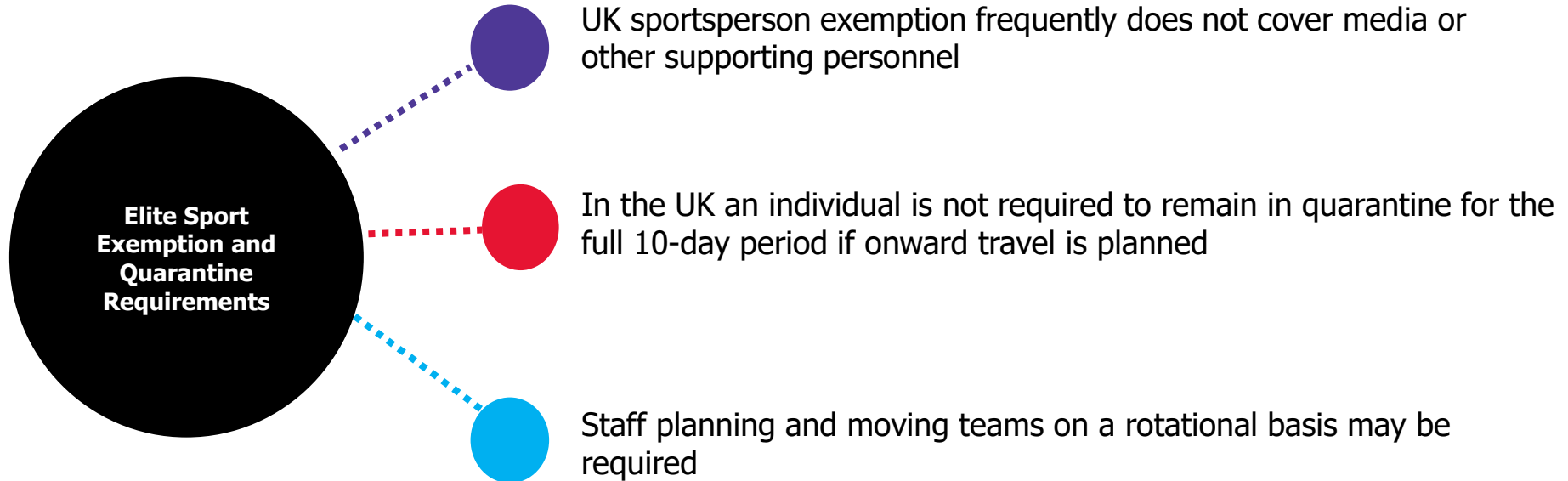
Ancillary sportspersons

- operational staff essential to the running of an elite sports event;
- event officials and referees;
- sports team medical, logistical, technical, and administration staff;
- individual sportsperson medical and technical support staff;
- horse grooms and trainers;
- motorsport mechanics and technical staff;
- the parent or carer of an elite sportsperson under the age of 18; and
- incoming international media members who are accredited to cover specified competitions in the UK

Practical considerations and examples



Practical considerations and examples

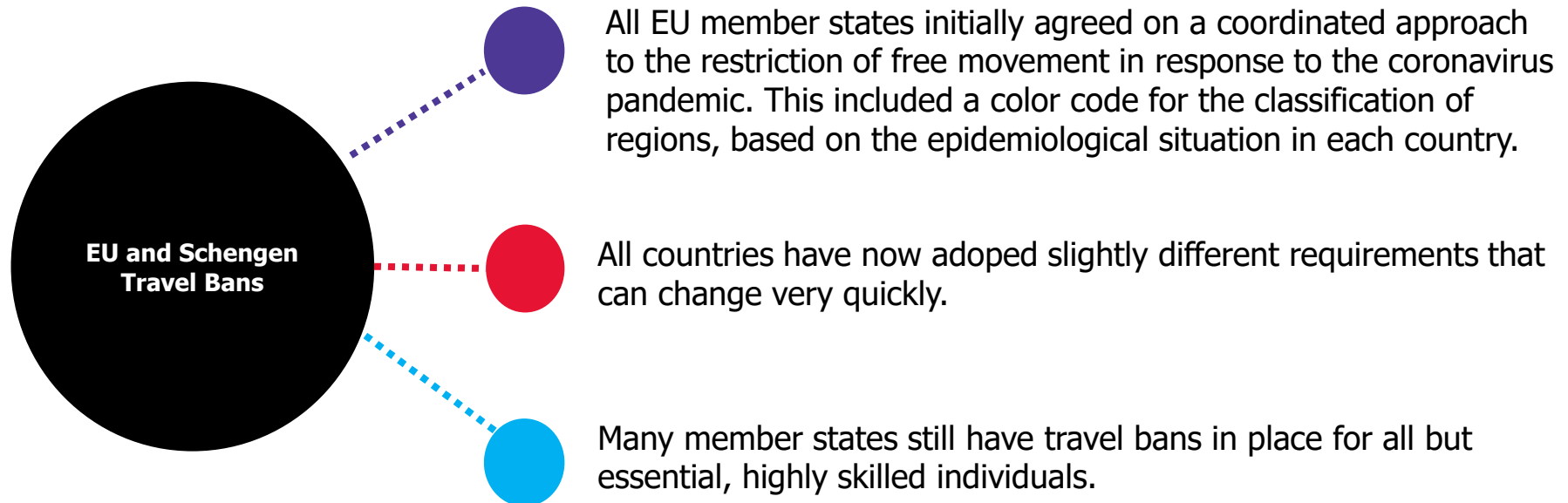


COVID-19 and entry into Europe

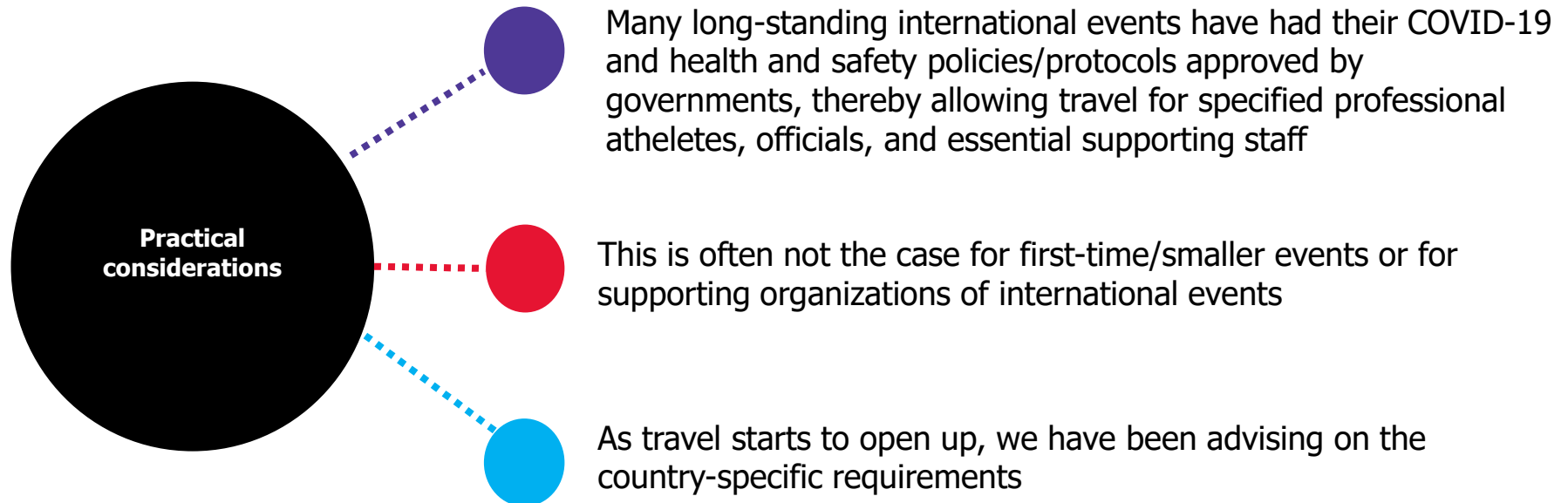
The image is a composite graphic. The background is a deep blue space filled with stars. A bright, glowing sun or star is positioned on the horizon line, creating a lens flare effect. Below the horizon, a cityscape is visible at night, with lights from buildings and streets. Overlaid on the city and extending upwards is a network of glowing blue lines connecting various points, resembling a global communication or data network. The overall color palette is dominated by blues, oranges, and whites.

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COVID-19 and entry into Europe



Practical considerations and examples



COVID-19 and entry into the US

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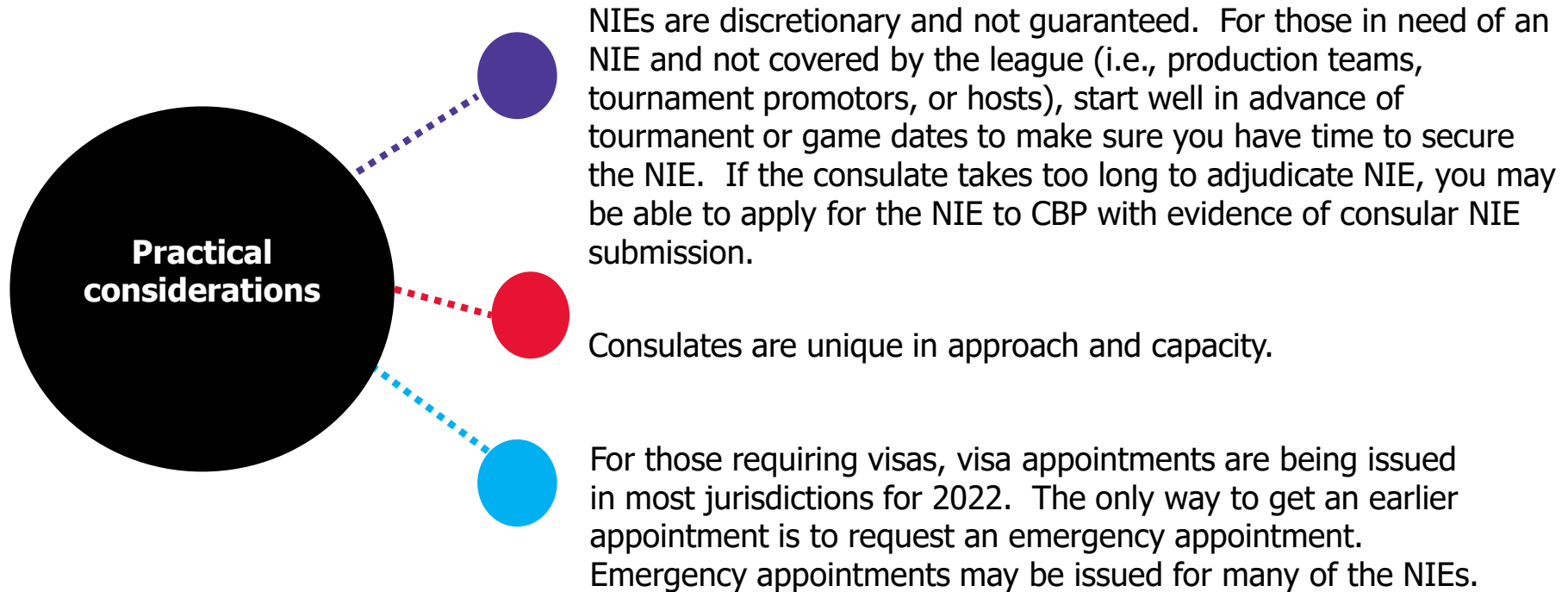
COVID-19 impacts on sports industry

- Country travel bans
- Consular capacity
- In-bound negative testing requirements (and possible outbound)
- State travel and quarantine restrictions are easing
- State guidelines related to sporting events are more welcoming

COVID-19 and entry into the US

- In January 2021, the country-specific travel bans were reinstated by the Biden administration (Presidential Proclamation 10143) and have not yet expired.
- Professional athletes continue to be recognized by the US Department of Homeland Security as eligible travelers in the US national interest.
- As of March 2021, the OFO Coronavirus Coordination Cell (CCC) which is managing the National Interest Exception (NIE) application process for professional athletes, issued new guidelines for professional sports-related travel. All leagues, whether approved under past presidential proclamations, will be required to submit additional information for league approval prior to additional athlete NIE waiver requests being considered.
- Certain athletes and certain essential staff (e.g. trainers and coaches) continue to be eligible to apply for NIEs to travel bans. Athletes may continue to receive 1 year exemptions, but support staff and dependents are being issued single-entry NIE's valid for 30 days.
- As part of the NIE application, leagues must provide information outlining how their athletes and certain eligible support personnel will strictly adhere to CDC guidelines for international travel and the CDC protocols upon arrival in the US (e.g. pre-departure negative COVID testing, post-arrival quarantine).

Practical considerations and examples



Post-Brexit immigration in the European Union



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Post-Brexit immigration in the European Union



- Freedom of movement ended for UK citizens, except into Ireland on December 31, 2020 at the end of the Brexit transition period
- UK nationals can no longer travel and work freely in Europe based on their UK passport



- UK nationals currently working in the EU may have the ability to obtain an Article 50 Permit or Frontier Worker Permit
- New UK hires in the EU may be subject to immigration schemes for non-EU citizens



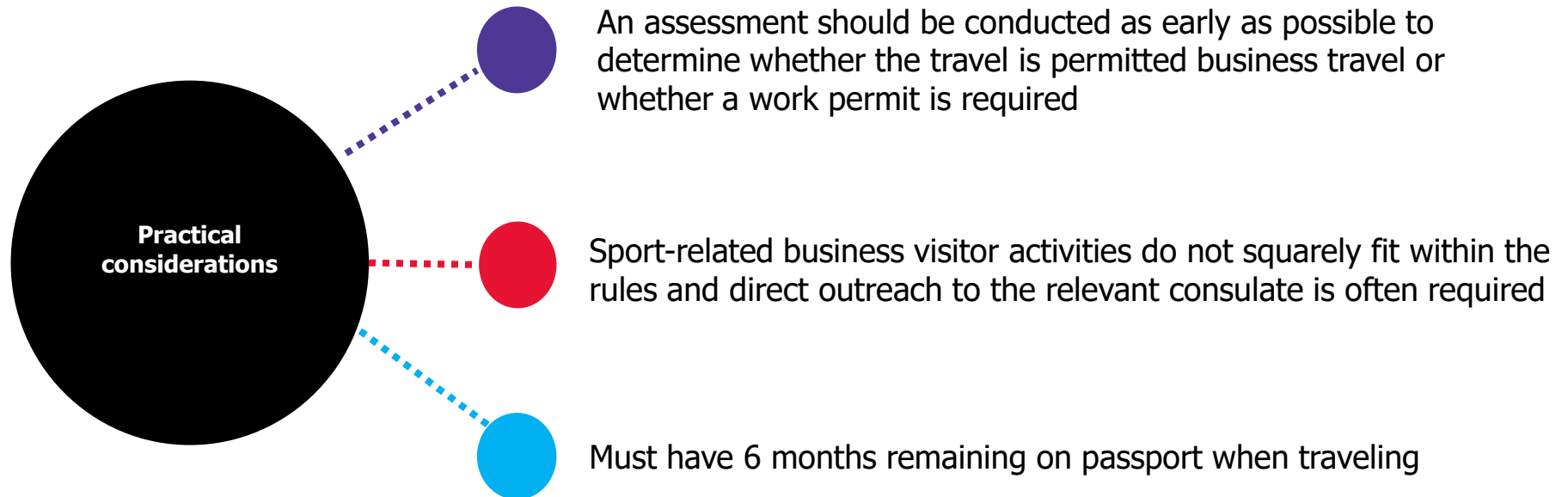
Country-specific, and not all member states have provided full guidance yet

Post-Brexit immigration in the European Union

- The EU-UK Trade Agreement business visitor rules set out the activities that British nationals can undertake without requiring a work permit.
- Many EU member states have adopted the EU-UK Trade and Co-operation Agreement business rule which sets out activities that short-term business visitors are permitted to engage in. Examples include:

| | |
|----------------------------|-------------------------------------|
| meetings and consultations | sales and purchasing |
| research and design | after-sales or after-lease services |
| marketing research | commercial transactions |
| training seminars | trade fairs and exhibitions |

Practical considerations and examples





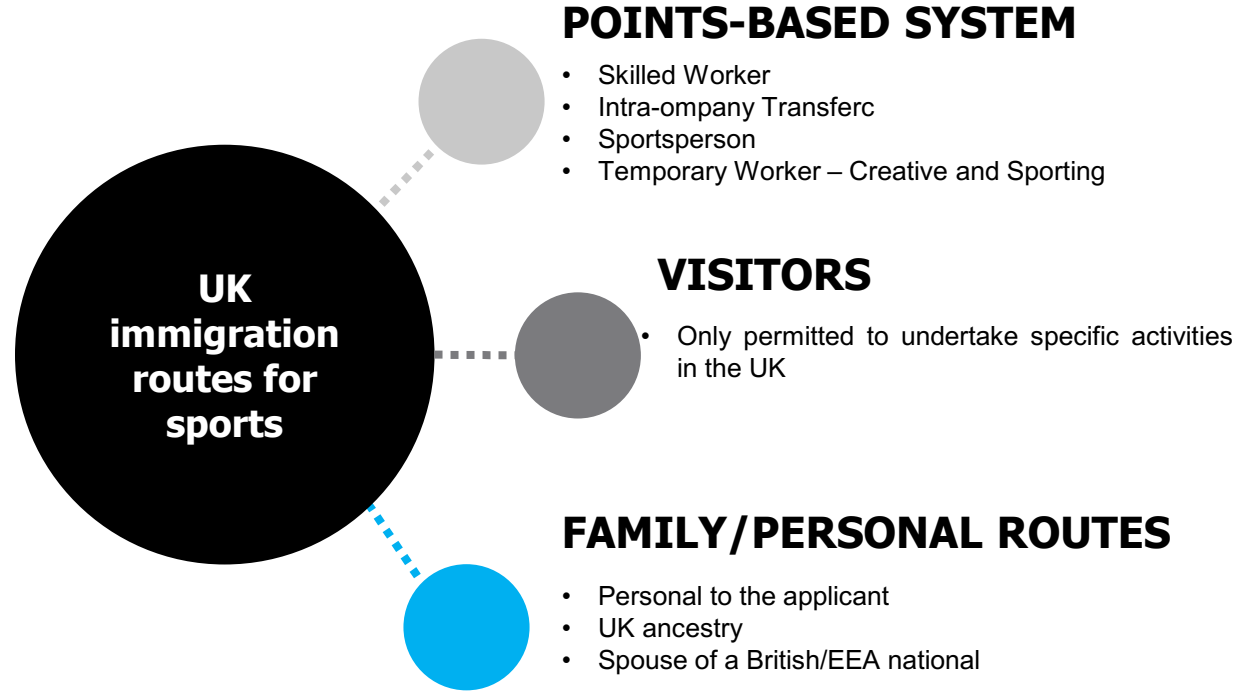
Post-Brexit immigration rules in the UK

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UK immigration routes for the sports industry

Effective 1 January 2021, the new immigration system applies to EU citizens and non-EU citizens equally.

EEA and Swiss nationals who lawfully entered the UK before 31 December 2020 are able to remain in the UK indefinitely. They will be required to make an application under the EU Settlement Scheme **before 30 June 2021**.



The points-based system

Skilled Worker

- Individuals who wish to come to the UK for the purpose of working in a skilled job they have been offered.
 - Minimum skill level: RQF level 3;
 - English language requirement; and
 - Minimum salary requirement: higher of the going rate for the SOC code and the general salary threshold of £25,600

Intracompany Transfer

- An existing employee of an overseas office who needs to be transferred to the UK branch for training purposes or to fill a vacancy either on a long-term basis or for frequent short visits.
 - Minimum skill level: RQF level 6;
 - Must have worked for the overseas entity for at least 12 months prior to the date of the application (unless the salary is above £73,900)
 - Minimum salary requirement: higher of the going rate for the SOC code and the general salary threshold of £41,500

Sportsperson and Temporary Worker

Governing Body Endorsement

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graph TD; A[Governing Body Endorsement] --> B[Certificate of Sponsorship from A-Rated Sponsor]; B --> C[Visa Application];
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Certificate of Sponsorship
from A-Rated Sponsor

Visa Application

Business travel

- Non-visa national visitors (including EEA nationals) are permitted entry at the border for up to 6 months. Visa nationals must obtain visitor visa prior to travel.
- Permitted activities include business meetings, talks and speeches, negotiating and sign deals and contracts, etc.
- Work is prohibited.

Business travel – sport

- A sportsperson may:
 - a) take part in a sports tournament or sports event as an individual or part of a team; and
 - b) make personal appearances and take part in promotional activities; and
 - c) take part in trials provided they are not in front of a paying audience; and
 - d) take part in short periods of training, provided they are not being paid by a UK sporting body; and
 - e) join an amateur team or club to gain experience in a particular sport if they are an amateur in that sport.
- Personal or technical staff of the sportsperson, or sports officials, may support these activities if they are attending the same event as the sportsperson and are employed to work for the sportsperson outside the UK.

Practical considerations and examples

- It is important to undertake a full visa assessment for the individual traveling to the UK, and considerations should be given to:
 - The duration of stay;
 - The frequency of their visits;
 - The activities they will be undertaking;
 - Their role within the sports organization and the salary on offer;
 - Their previous working relationship with the sportsperson/organization;
 - Whether they will be employed in the UK or overseas; and
 - Their previous experience.

The image features a composite background. At the top, a view of Earth from space shows the horizon with a bright sun or star. Below this, a cityscape is visible, overlaid with a network of glowing blue and orange lines and nodes, suggesting a global network or data flow. The overall color palette is dominated by deep blues, oranges, and whites.

What's next?

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What's next?

- Return to elite sport and spectator sport globally
- Country-by-country basis analysis required
- Key takeaway – advance planning required



Coronavirus COVID-19 Resources

We have formed a multidisciplinary **Coronavirus/COVID-19 Task Force** to help guide clients through the broad scope of legal issues brought on by this public health challenge.

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To help keep you on top of developments as they unfold, we also have launched a resource page on our website at

[www.morganlewis.com/
topics/coronavirus-
covid-19](http://www.morganlewis.com/topics/coronavirus-covid-19)

If you would like to receive a daily digest of all new updates to the page, please visit the resource page to [subscribe](#) using the purple “Stay Up to Date” button.



Biography



Shannon Donnelly

Washington, DC

+1.202.739.5264

shannon.donnelly@morganlewis.com

As a senior member of the firm's immigration and global mobility team, Shannon Donnelly counsels clients on global corporate immigration issues and provides legal and strategic advice related to the movement of global talent, global immigration policies, and compliance best practices. Shannon works with clients to facilitate the mobility of key foreign executives and managers, specialized knowledge, and professional employees. This includes regular work with global employers to help manage business traveler programs, coordinate counsel on immigration, tax, employment requirements of remote work, and compliance with right to work provisions globally.

Biography



Louise Skinner

London

+44.20.3201.5638

louise.skinner@morganlewis.com

Louise Skinner provides sophisticated, strategic advice on all aspects of employment law, with particular focus on regulatory employment matters. Described as “truly exceptional and insightful” by clients in The Legal 500 UK guide, Louise advises on issues including investigations, contractual disputes, whistleblowing, discrimination and restraint of trade. Louise has a particular focus on the financial services, life sciences, sports, media, and entertainment industries.

Biography



Yvette Allen

London

[+44.20.3201.5595](tel:+442032015595)

yvette.allen@morganlewis.com

Yvette Allen is a member of the firm's immigration and global mobility team. Yvette advises businesses of all sizes from a variety of sectors on the full range of UK immigration permissions as well as global immigration matters for the EMEA region. This includes prevention of illegal working, Tier 2 and 5 of the points-based system, business visitors, EEA applications and preparations for Brexit, and other UK employment-related immigration categories.

Biography



Jennifer Connolly

London

+44.20.3201.5682

jennifer.connolly@morganlewis.com

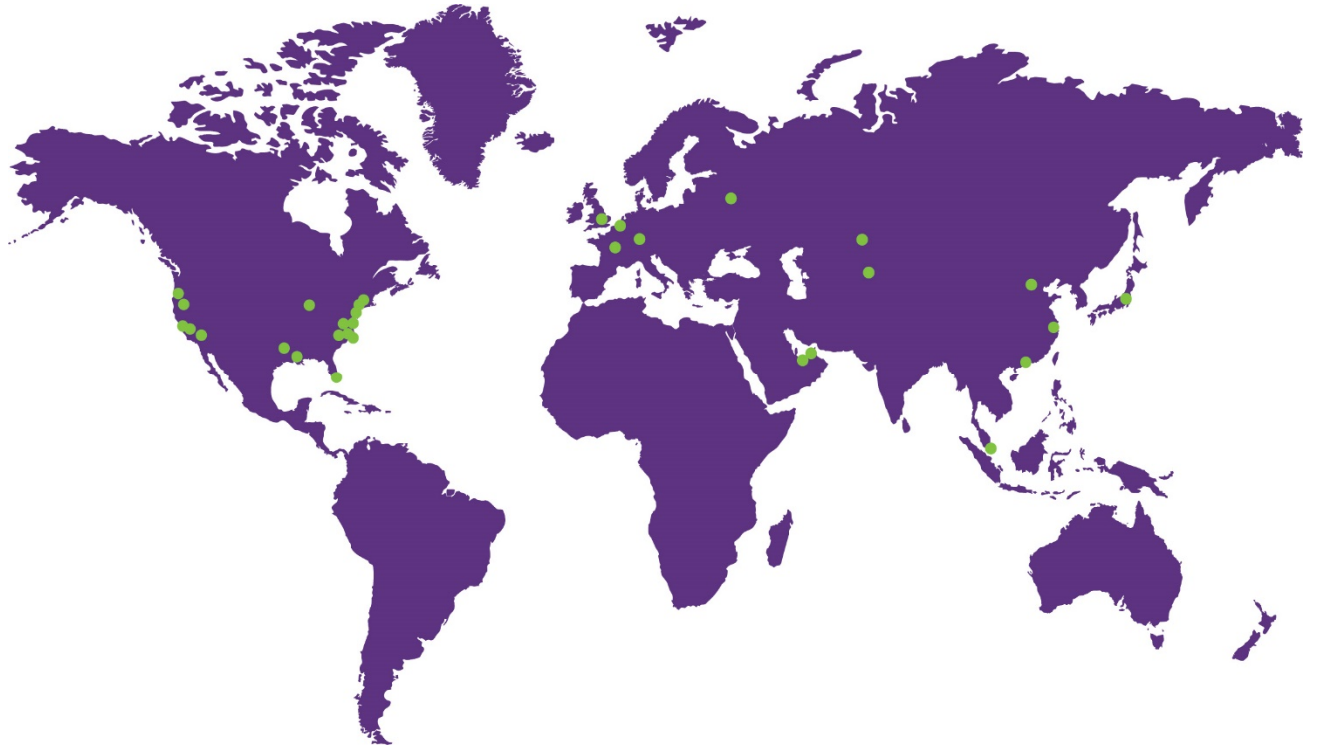
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Our Global Reach

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Asia Pacific
Europe
Latin America
Middle East
North America

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Beijing*
Boston
Brussels
Century City
Chicago
Dallas
Dubai
Frankfurt
Hartford
Hong Kong*
Houston
London
Los Angeles
Miami
Moscow
New York
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