

Social Inclusion of African Migrant Athletes in Europe Toolkit



SiNAFE

Social Inclusion of African Athletes in Europe

TOOLKIT [V.01]



Co-funded by the Erasmus+ Programme of the European Union



Istanbul Bilgi University



UNIVERSITY OF BELGRADE



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INSTITUTO UNIVERSITARIO DE LISBOA



Loughborough University



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Table of Contents

(a)	What is social inclusion?	pg 1
(b)	Rationale and Objectives of this Toolkit	pg 2
(c)	How was this Toolkit designed?	pg 2
(d)	For whom is this Toolkit intended?	pg 3
(e)	What countries and regions are covered?	pg 3
(f)	Languages	pg 3
(g)	How to use this Toolkit	pg 3
(h)	Will the Toolkit be updated?	pg 4
(i)	Where do I go for additional information or to provide supporting information?	pg 3

Introduction

a. What is social inclusion?

The European Union defines social inclusion as, “The process of an individual’s self-realisation within a society, acceptance and recognition of one’s potential by social institutions, integration (through study, employment, volunteer work or other forms of participation) in the web of social relations in a community” (Council of Europe Contemporary issues in youth policy).

A further definition by Eurofound (the European Foundation for the Improvement of Living and Working Conditions) explains social inclusion in the context of this territory as, “Social inclusion is at the core of the European Social Model and European values enshrined in the Lisbon Treaty. It is a cornerstone of the European Pillar of Social Rights and a priority of the United Nations Sustainable Development Goals.

Although today sport seems readily accessible to everyone, and in theory participation is perceived as a human right, many still face significant challenges accessing sport, and therefore they are excluded from it. The demographic to which they belong determines how they experience sport and how they can benefit (or not) from both the tangible benefits and intangible values that are inherent to sport.

Historically black athletes were excluded from organized competition, as illustrated in apartheid South Africa and in North America during the era of segregation. Presently, this form of discrimination is no longer possible, but many young people aiming to develop a professional career in sports, still face a myriad of challenges, particularly those who want to pursue their sporting careers outside their own countries. These athletes still report that racial discrimination is present in its ‘hard’ and ‘soft’ forms.

For young people pursuing a career in sports, it is necessary to have equitable systems and policies in place that reflect their human rights, both at home and abroad. These policies facilitate their right to choose and the opportunity to engage (or not) in the wide range of social and democratic activities offered by the country, including sport and recreation.

A socially inclusive approach should therefore be adopted within the framework of basic human rights and International Law, with the understanding that traditional values and behaviours are cultural wealth. When this is achieved, it is without any risk to the migrant athlete’s identity, making it possible for them to access and adapt to European society, in which non-discrimination, tolerance, access to justice, solidarity, and equality are essential and prioritized.



b. Rationale and Objectives of this Toolkit

Athletes from underdeveloped countries in Africa can face barriers in the migration process and their efforts to pursue sporting careers abroad, specifically in Europe. These athletes are at risk of exploitation before, during and after their migration process, and sometimes this exploitation can amount to human trafficking. They migrate to a country without understanding their fundamental human rights or the legal, labour and social structure of this new country. This lack of knowledge and understanding hinders the ease with which they are socially included in their host country as well as their chances of employment by a club.

Despite the efforts made by certain government agencies and community-based organizations in Western countries to provide appropriate resources and information, immigrant athletes still face many issues. More often than not, the information process pertaining to the cultural and social structure to ensure the integration of immigrants has its limits as it does not include any special arrangements for athletes. Thus, to accelerate the process of inclusion, a support mechanism is important.

This toolkit has therefore been prepared with the goal of creating a support mechanism for migrant African footballers who arrive in Europe. It serves as an introduction to the host country and its sports sector. Developing a support mechanism for these athletes, increases their ability to grasp the opportunities available to them and accelerates their social inclusion.

c. How was this Toolkit designed?

This toolkit was compiled with the involvement and input from various stakeholders including athletes, agents, sports organizations (clubs, federations, etc.), migration institutions, NGOs working on migration or sport, journalists, academics, policymakers and/or legislators.

It contains documents directly related to the rights of migrant athletes at a national and European level and includes a summary of the field study reports, acquired through a consultation process. A comprehensive legal guide has also been developed covering areas such as the general rights of migrants in the EU as well as local contractual issues, regulations for migrants, and gender equality issues etc.

Aimed at eliminating the failure of migrant athletes to adjust to their new environments, the toolkit provides guidance and information regarding regulations specific to migrant athletes. Each project partner stakeholder has made a significant contribution by preparing information at a country level, and all data has been united under a European framework.



d. For whom is this Toolkit intended?

This toolkit has been created for migrant athletes who are failing to integrate appropriately into their host countries due to a lack of information. It seeks to provide a comprehensive guide to help them understand their rights and legal procedures at both the European and local level context. To assist this process, information is presented in a manner that is easy to understand and comprehend via graphics, tables and diagrams.

e. What countries and regions are covered?

This toolkit is relevant to migrant athletes from the African continent and explains the migration laws and regulations according to European Law. This is specific to certain countries within the European territory represented by the project partners. These include:

- France
- Portugal
- Serbia
- Sweden
- Switzerland
- Turkey



f. Languages

This toolkit is currently only available in English. Should a resource exist in a language other than English, this will be noted in the introduction section of each document.

g. How to use this Toolkit

This toolkit consists of several sections (as detailed below) with a table of contents to provide direction and guidance for navigating this resource. Each section has been designed to be used independently from the other, and when brought together from the Toolkit.

- (i) Summary of Field Report** – A summary of all partner field study reports.
- (ii) Legal Guides** – This section provides necessary and important information for migrant athletes about their rights and legal procedures at both the local (host country) and the European level.
- (iii) Policy Recommendation for Stakeholders** – This section consists of a set of policy recommendation papers for different stakeholder groups that will impact the social inclusion of migrant athletes. These parties are also involved in the pre- to post-migration process (e.g., policymakers, agents, journalists, club managers, international organizations, etc.)

h. Will the Toolkit be updated?

This toolkit was developed with the support and input of the SINAFE Project partners, and funded through the Erasmus+ Sports Collaborative Partnerships from January 2021 until December 2022. It represents a compilation of data provided by project partners as well as open-source information. The version to be submitted to the European Union, and the one currently in view is an offline version of the toolkit. The online version can be accessed at *migrantathlete.com* and will be updated periodically.

i. Where do I go for additional information or to provide supporting information?

For any queries or to make a contribution that will further develop and expand on the information presented in the toolkit, please contact info@mission89.org.





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SiNAFE

Social Inclusion of African Athletes in Europe

Social Inclusion of African Athletes in Europe Toolkit

Summary Report



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Contents

Introduction	1
Brief Note on Methodology	2
Findings	3
Finding 1: Motives for Migration	3
Finding 2: Available Support Mechanisms	6
Finding 3: Challenges and Constraints of Migrant Footballers	9
Finding 4: Reasons for remaining in Europe	15
Suggestions for Developing Support Mechanisms for African Footballers in the host country	15
France	16
Portugal	17
Serbia	18
Sweden	19
Switzerland	20
Turkey	21
Suggestions of International experts for Developing Support Mechanisms for African footballers in the Host Country	22
CONCLUSION	24



INTRODUCTION

People have always migrated, whether to fulfil their needs or in search of a better way of life. Their movements have had an impact on how they see themselves and their relations with others. Their journeys and new settlements have changed the places left behind as well as their new locations.

Such movements and changes have affected the consciousness, feelings and practices of migrants and their new neighbors. Memories of the past remain important for both groups. Thoughts about what lives were once like and how places used to be still linger, at the same time as new paths are being forged. This sense of the importance of both past and present, home and away can lead in creative directions and to new relationships. But it can also cause anxiety and animosity (Knott 2011).

Sports migration continues to be a significant global phenomenon that has an indelible impact on the lives of many elite and aspiring athletes, as well as their host countries and home communities. Sports migration is distributed in complex configurations of, and often contradictory, geo-political relationships, whose pathways are transient, contested and shaped by wider trends in the globalization processes (Evans 2014). Taylor (2007, 6) conceptualizes the migration of football players as 'one of ebb and flow rather than of straightforward increase and growth; as a series of waves rather than a simple upward curve. Just like any other type of migration, the movement of footballers has been affected by economic and political processes and by the restrictions of states and governments, as well as the regulations of national and international football federations'. Various actors within sport (such as agents, club owners, financiers, and governing bodies) influence the economic and political drivers of talent migration. Such complex configurations in turn raise important questions about participation and social inclusion. This is particularly salient when focusing on migratory pathways, and career trajectories, of both professional and aspiring football players from Africa to Europe.

A dark-side to European football exists that bears very little resemblance to the glamorized lifestyle and success of professional footballers portrayed in the media. The commodification of players, and at times predatory talent acquisition, has had a harmful impact on local African leagues with fewer resources and a lack of investment in infrastructure. This in turn creates a positive feedback loop where limited opportunities in countries of origin (Acheampong 2019) pushes aspirant players to seek their fortune abroad. Reality tells a different story. The majority of aspirant players never make it into professional football for a variety of reasons. Some fall prey to unscrupulous agents, others are defrauded by local football academies or are rejected by European clubs. A common theme in the literature is that those who find themselves along this particular migratory pathway end up abandoned without proper documentation, legal status or sufficient resources to return home (Darby,

Akindes and Kirwin 2007; Scott 2015). Shame compels others to remain in Europe as the pressure to succeed by families and communities is too great – especially where the player or their family have borrowed money to facilitate their migration abroad (Büdel 2013). Others yet, may fall victim to abuse, exploitation and trafficking in persons. Such individuals become objects of exclusion ‘unable to participate fully in economic, social, political and cultural life, as well as the process leading to and sustaining such a state’ (United Nations 2016, 18).

Purpose of the Research

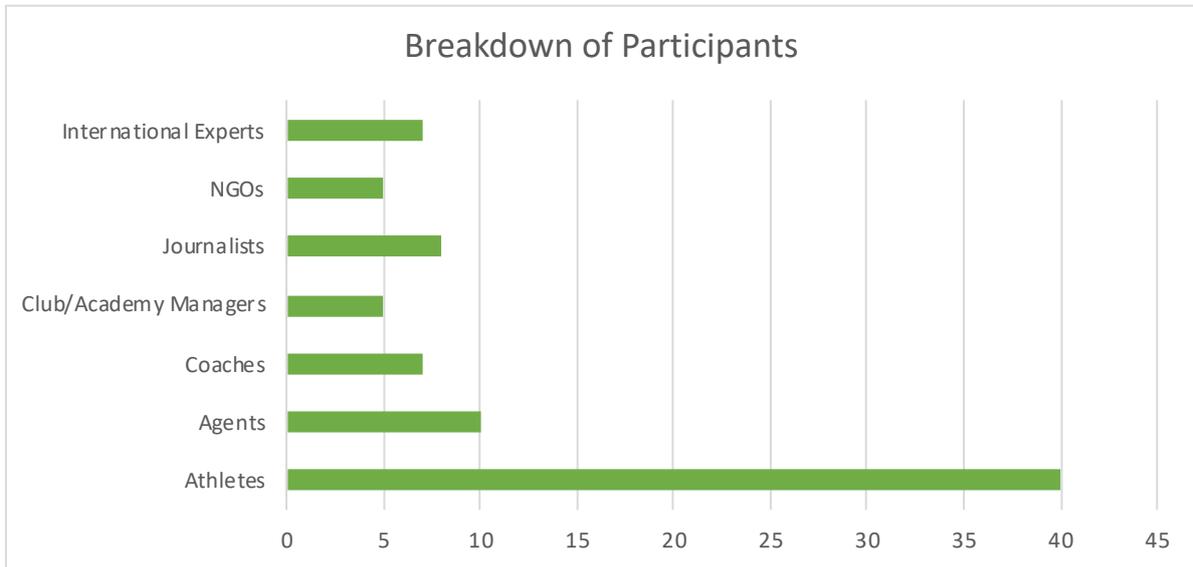
In an era of international migration, marginalization and social exclusion of migrants, such as aspirant professional footballers, can have detrimental effects on the socio-economic stability of host countries (United Nations 2016). States and football associations need to ensure the rights and social inclusion of migrant African footballers in Europe. Social inclusion and the support mechanisms required must ultimately focus on ‘improving the terms of participation’ (Governance SDC Network n.d.).

Social inclusion refers to ‘the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or other status, through enhanced opportunities, access to resources, voice and respect for rights’ (United Nations 2016, pg. 20).

The purpose of the field study was to identify existing mechanisms of social inclusion for migrant African athletes in Europe and to examine gaps in existing social inclusion programs and services. It serves as the foundation for a series of evidence-based recommendations to policymakers, and the development of a toolkit and curriculum for migrant athletes.

Brief Note on Methodology

The research was conducted in six countries: France, Portugal, Serbia, Sweden, Switzerland, and Turkey. A total of 82 interviews were conducted. A breakdown of participants is provided in the table below. This included 40 African athletes (with a strong male selection bias).



A qualitative methodology was employed in order to understand the social world of respondents and the problem under investigation. As the question of social inclusion and support mechanisms has a direct impact on the lives of migrant athletes, an in-depth understanding of participants' lived experiences, perspectives, and backgrounds was required. Salient criteria based on expertise and/or lived experience were used to select participants. In-depth, semi-structured interviews were conducted to elicit a rich, nuanced narrative that carefully considered each participant's perspective and experience. The expertise and/or proximity to site of knowledge of those interviewed ensured authenticity and reliability of information acquired. Participant observation was also employed in Turkey.

Thematic analysis was used to analyze the qualitative data. Thematic analysis is a method for entails searching across a data set to identify, analyze, and report repeated patterns (Braun and Clarke 2006). We employ the method outlined by Braun and Clarke (2006) which constitutes six steps: (i) familiarizing oneself with the data; (ii) generating initial codes; (iii) searching for themes; (iv) reviewing themes; (v) defining and naming themes; and (vi) producing the report/manuscript.

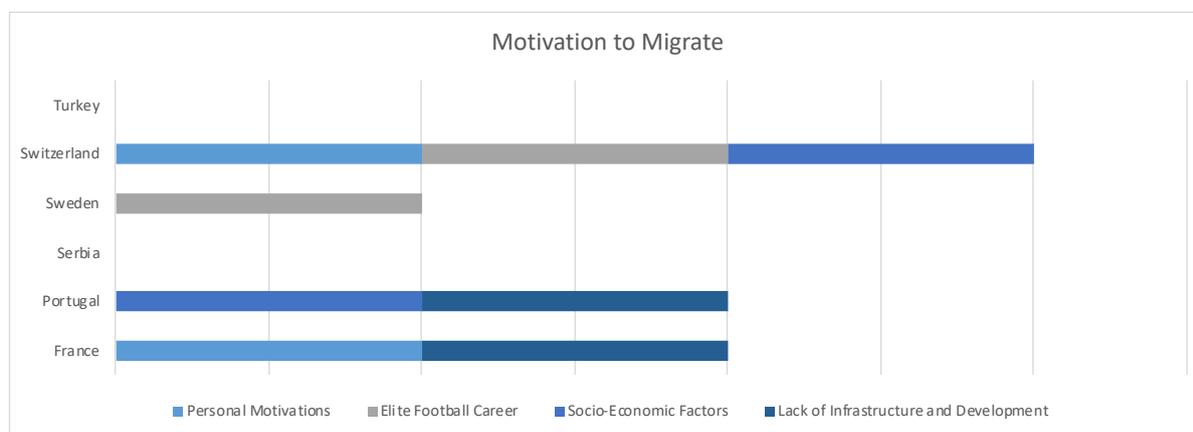
The field research comprized five common themes that lent themselves to investigation and analysis: (i) the motivations for migration; (ii) support mechanisms available to migrants; (iii) the challenges and constraints faced by migrants; (iv) remaining in Europe despite bleak prospects/social exclusion; and (v) evidence-based recommendations to improve social inclusion and available support mechanisms. These themes were analyzed using three levels of analysis: (i) prior to migration; (ii) during the migration process; and (iii) post-migration.

Findings

Finding 1: Motives for Migration

Aspiring African footballers are not a heterogeneous population. They come from diverse backgrounds, countries, levels of education and socio-economic situations. Their motives for migrating to Europe to play football are equally as diverse. Motives for migration have been theorized in the literature on sports migration and a ‘migrant typology’ developed (see Maguire & Stead 1998; Lanfranchi and Taylor 2001; Magee and Sugden 2002; Acheampong et al. 2020). It is important to note that migrant experiences are fluid, and motivations and categorizations thereof may intersect at different times in their career. In addition, the employment of such typologies does not necessarily account for more ‘irrational’ motivations to migrate (Agergaard & Botelho 2010; Evans 2014). Nor do they consider the role that adaptation, loneliness and culture shock may play (Evans, 2014). Thus, while common trends and patterns can be identified amongst participants, generalization of their migration experiences should be avoided.

The motivations of the participants closely mirror available literature referred to above. These have been categorized into four broad subthemes: (i) personal; (ii) a desire to pursue a career in professional football; (iii) socio-economic factors; and (iv) lack of sporting infrastructure and development in home country. This is graphically represented by country in Table 2 below.



Migrating to play professional football is not the sole motivation for most participants. Acknowledgement of this has important implications for adaptation to the host country, psychological well-being, tailoring available support mechanisms and ultimately social inclusion. Similarly, individual motivations to migrate can also provide indicators of the categories of migrant athletes that may be more susceptible to exclusion, abuse and/or exploitation. Where personal motivations played a role in the impetus of the participant to migrate, they saw themselves in the role of the ‘nomadic cosmopolitan’ (Maguire and Stead 1996; Magee and Sugden 2002). This refers to an athlete who is motivated to experience different cultures and nations. Football is viewed as a means to facilitate the desire to travel and experience the world. At times, overlapping with the first category, the dream of pursuing an elite football career featured strongly. Interestingly, where this was the case the perceived wealth and fame that came with an international football career was only of

secondary importance. The last two categories appeared to be the greater motivators for a number of the participants. Socio-economic factors, including lack of opportunities, and lack of sporting infrastructure and development serve as push factors for many African migrant athletes. In many countries of origin, economic insecurity played a significant role.

There was no money in Gambian football. Sometimes they pay players \$5. I think the highest salary in Gambia could be \$14 or \$15. In the Third Division, there was no payment. Sometimes when you win, they give you a bonus.

Low salaries in sport and unstable incomes were cited as major drivers for migration. European football and its different lucrative competitions, and European countries in general, were perceived as sites of stability and prosperity. Better opportunities in Europe also means that migrant athletes are able to send remittances home, contributing to the financial security of their own families and display of social upward mobility. This also shows achievement of high social status, fame and community recognition (Acheampong, 2019).

It's hell on earth and the only highlight is that you're surrounded by love from your family but the downside is you can't help them unless you leave the country and head off to Europe to help them from abroad.

This, however, places pressure on migrant athletes to succeed and provide support back home. Linked to this is the lack of infrastructure and sport underdevelopment in many of the participants' countries of origin. This is especially true for female footballers, who not only earn less than their male counterparts, but are in many cases actively discouraged from pursuing a career in football by their families. Of particular concern was the young age at which 80% of participants had migrated to France – effectively denying many the opportunity of basic education (many were borderline illiterate) and the ability to smoothly integrate and participate in life and the economy outside of football. A significant proportion of participants rationalized the risk of harm that irregular migratory pathways may involve by counterbalancing it with the perceived opportunities that life and a football career in Europe may bring. Barriers to migration were not seen as deterrents. However, the desperation and pressure placed on many aspiring migrant athletes means that they are vulnerable to abuse and exploitation by predatory individuals (including scouts, agents and club managers) (see for example, Darby 2010).

Finding 2: Available Support Mechanisms

When prompted about the support mechanisms available to migrant athletes to facilitate safe and regular migration, international experts pointed to FIFA's regulatory and safeguarding framework pertaining to the general prohibition of the international transfer of minor players. However, while this is a well-intentioned effort to protect minors from predatory intermediaries, FIFA as the global governing body has limited oversight and

enforcement mechanisms. This has the unforeseen consequence of creating additional layers of vulnerability due to the commodification of young players and the above-mentioned push and pull factors. Safeguarding was thus highlighted as an integral support mechanism. The lived experiences of participants support the need for this as well.

FIFA defines **safeguarding** as:

[T]aking proactive action to protect people from harm or abuse through appropriate prevention and response measures and promoting their wellbeing. It means doing everything possible to identify and address risks and to prevent any kind of harm or abuse from happening such as physical, sexual, emotional abuse and neglect, trafficking and exploitation. It also means having appropriate systems in place to adequately address and respond to concerns.

Football academies play a fundamental role in providing institutionalized support. All too often, aspiring players are denied any participation in the deals made between coaches and intermediaries. In many instances, such contracts 'fall through' leaving players in precarious situations. However, football actors such as agents through their mentorship roles can empower aspiring migrant athletes and provide indispensable support. This was underscored in interviews with agents in Portugal who claimed to cover migrant athletes' expenses (from the purchase of football boots to the payment of their studies) and accompany them to several trials until all possible opportunities have been exhausted.

Training leaders and academy managers locally in Africa is critical to increasing the participation of African athletes in Europe.

A further enabling mechanism was the role played by interpersonal relationships: individual contacts, relatives, friends, and the presence of a diaspora community in the host country. Thus, they used individualized resource-based itinerary, collective resource-based itinerary and formal network-based itinerary (Acheampong et al., 2020). Such relationships also influence the choices made by migrating athletes. This was primarily noted in the case of Portugal.

A key focus of the study was on **available support mechanisms** in the host country post-migration. Access to legal advice was cited as an important support mechanism in navigating contractual disputes, visa status and bureaucracy. Civil society, agents, clubs, football academies and FIFA all play a significant role in this regard as both formal and informal channels of support. Athletes could provide little information about the social participation support mechanisms established by national and international institutions. This is a point for concern. As indicated by international experts, there are diverse admission channels, particularly for athletes recruited by football clubs, and systematic institutional policies. Another aspect that warrants further attention is the lack of emphasis on social inclusion. Rather, the primary focus appears to be on social integration. It is only where second or third generation immigrants are concerned, that focus shifts to the former. This indicates that despite existing policies in place, participation by migrant African athletes

remains limited – which in turn affects their awareness and access to available support mechanisms. The perceived burden to provide such support remains with football actors.

Smaller clubs and academies established by African migrant footballers offer informal support. They provide space for the vast majority of unsigned aspirant migrant footballers to continue training and using club facilities in the hope that they will be 'discovered' by an agent.

Informal academies serve as a support mechanism for players who have been rejected in the transfer market. Informal academies further serve as 'imagined communities' forging symbolic links to people from the same country and those who are in a similar predicament. An institutionalized version of this is the Professional Players' Union, which provides access to its training facilities. France provides a more structured system for footballers, and migrant athletes rely on associations like the Kampos Saint-Denis Academy of Football to provide them with a range of assistance and support – including navigating bureaucracy, food and accommodation, language skills, educational opportunities and directing them to appropriate institutions. This is mirrored to varying degrees in other countries that formed part of this study, like Sweden, Switzerland and Turkey. In Sweden, for instance, clubs play an important supportive role in helping migrant athletes integrate into their host community and also linking them with diaspora communities. Clubs and academies play a pivotal role in ensuring the social integration and inclusion of migrant African athletes. The diversity of aspirant players backgrounds was highlighted in the case of Turkey. Many are categorized as middle class in their home countries and have more resources to facilitate their journeys to third states, and provide them with financial support whilst occupying the lowest social stratum in their host country.

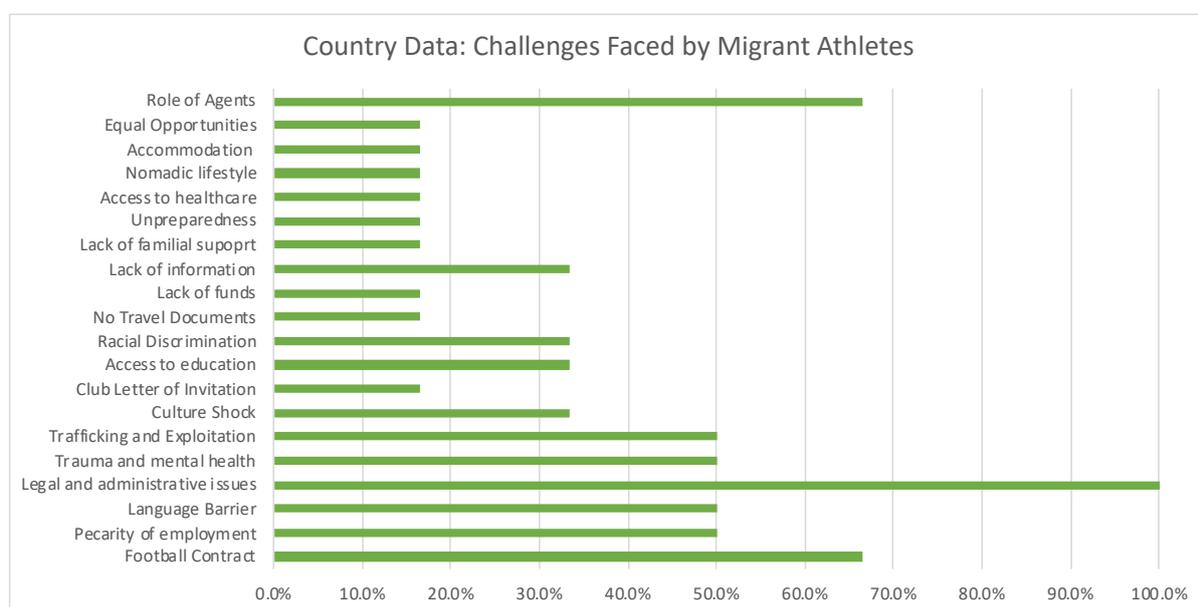
In Turkey, it was further noted that professional African footballers sometimes facilitated the introduction of aspirant players to agents and clubs. However, this practice was largely exclusionary and personal connections played a significant role. The international experts interviewed as part of the study offer a different perspective on the perceived role that professional athletes should play, particularly in raising awareness about the perilous journeys many aspirant footballers undertake to reach Europe, predatory scouts and agents, and supporting anti-trafficking initiatives in football.

Families are often unwittingly complicit in exposing young aspirant players to the various dangers and challenges that may exist in their journey to Europe and professional football career when dealing with agents during the recruitment phase (Van der Meji and Darby, 2017). In the instance that an aspirant player is a minor, the family's consent is required in order for the agent to represent them. However, some agents do not provide the minor's guardians with the requisite information that such an undertaking might require or the consequences of the player not being selected by a club in Europe. This opens up the aspirant player to possible exploitation and demonstrates a marked narrative shift from agents' own accounts where the onus of safeguarding is shifted to the clubs.

In Portugal, the asymmetrical power relationship between agents and athletes was underscored where the gift system is prevalent. While it is perceived by some of the participants as a support mechanism, it renders them vulnerable to abuse and exploitation. The gift system involved the wider collective – the player’s family – and is based on subjective reciprocity. It can create an extreme dependence on the agent. As a result, access to legal recourse and official norms are often denied. This is reflected in the disenfranchisement and social exclusion of the former when the deal is not successful. This may account for why players’ accounts do not present strong moral judgements regarding their agents’ conduct. The relationship with the agent often ends when they fail to be signed up with a club. At times this may be abrupt and leave some stranded in a foreign country without resources.

Finding 3: Challenges and Constraints of Migrant Footballers

There are numerous challenges and constraints that migrant footballers face throughout their migration journey. At times, these challenges may overlap and/or be mutually reinforcing. Such challenges are further exacerbated by international and national legislation, immigration policies and various regulations governing the sport in both source and destination countries. The following section unpacks the various challenges and constraints faced by migrants and through the lens of the different stages of migration. Common themes which emerged from the data include among other things: lack of information; administrative and legal issues (under which bureaucracy and football contracts are subsumed); human trafficking in and through sport; the role played by predatory agents; language barriers; precarity of employment; culture shock and mental health. A number of further sub-themes were identified and are discussed below, such as lack of familial support; racial discrimination; lack of equal opportunities; undocumented migration and access to services. Unrealistic expectations and limited familial support act as threat magnifiers, which render aspirant footballers more vulnerable to predatory agents and other opportunistic actors.



An overarching theme that affects migrant athletes throughout the migration process is the **lack of information and knowledge** relating to the migration process itself, legal and administrative procedures (such as documentation, visas, contracts, football regulations governing transfer of players and trials, etc.), social norms, rights, economic systems and further opportunities. Athletes' understanding of their future in European countries can often be unrealistic, as they are not provided with accurate information.

Aspiring migrant footballers who do not make the cut often find themselves excluded from society, without access to institutions of the host country (often due to a lack of awareness) and without legal status (i.e., expired visas or residence permits). As these issues are not football-related, many young African migrants are not aware of the non-governmental organizations that could assist them.

This represents a serious gap and challenge for African footballers (particularly minors) who may not be familiar with the language, weather, food, legal system, or bureaucracy of the host country. Social integration and inclusion begins before the migration process takes place. It is thus essential that migrant athletes are empowered from a rights-based perspective with the requisite knowledge and skills to navigate their journey to Europe, and become participating members of European society. Integration is viewed as a continuum that starts early on in the migration phase, and can be facilitated through pre-departure briefings and orientation programs.

Luring aspiring African footballers to Europe under false pretenses appears to be a reoccurring theme. Some may have entered the country legally, but then quickly find themselves 'illegal' or in conflict with the law without any real knowledge of available recourses. Layers of vulnerability are noted due to the age of footballers (being a child), their socio-economic status, and in some instances, their gender, where girls and young women are concerned. Factors contributing to the vulnerability of aspirant athletes include **lack of familial support**, particularly in the case of females. The aforementioned often manifests in the form of exploitation and in many instances may be considered human trafficking. Sports trafficking (whether in or through sport) is a poorly understood phenomenon, and clubs often fail to acknowledge that **human trafficking** can take place in football. Various actors, including intermediaries such as agents, parents, families, and even clubs may form part of trafficking networks.

Sports trafficking is an umbrella term that refers to:

- i. aspirant athletes paying (non-registered) agents or intermediaries purporting to have contacts with professional clubs abroad, obtaining the opportunity to trial with a club or obtain a contract that is exploitative; or
- ii. the recruitment of aspirant athletes by intermediaries with false promises of a trial at a foreign football club or a fake contract, confiscating their documentation and money, and abandoning them upon arrival.

In both instances, aspirant players are left in precarious legal situations.

The issue of unscrupulous or **predatory scouts and agents** is a key sub-theme noted by the majority of the international experts interviewed. Aspiring young football migrants are exploited, and those who are not selected by a club are often abandoned, resulting not only in an infringement of fundamental rights and freedoms, but also rendering some of young footballers 'illegal' in the countries they found themselves in with little recourse or access to services. A lack of due diligence on the part of clubs was cited as another issue where agents presented minor foreign players for trials. Abandoning players who had suffered injury or not paying for their incurred medical expenses were also examples cited by some of the participants (e.g., Büdel 2013). The lack of implementation of safeguards for their welfare was noted.

Those who come from disadvantaged socio-economic backgrounds and thus do not have resources for visas or documentation (birth certificates/passports), and pressured by families to succeed, may find themselves taking perilous and irregular routes to Europe – often engaging the services of smugglers. Others adopted a more **nomadic lifestyle** when it emerged that there was no club lined up for them, moving between multiple countries or clubs in search of more permanent opportunities. As is noted in the case of Turkey, the desire to succeed and provide better opportunities for their families, framed as the need to 'get out', appears to allow a system of abuse and deception to continue unabated.

An agent boasted: 'You can get them to do anything; that's how hungry they are.' After hearing story upon story along the same lines from footballers nearing 30, as well as those who just turned 20, we were curious to understand why they still believed duplicitous agents. The answer was striking: 'Despair'.

Due to their irregular status, abandoned migrant athletes are rendered even more vulnerable and often may end up finding 'employment which is dictated by organized crime'. The accounts of participants highlighted the dangers that aspiring young African footballers are exposed to, and the flaws in the protective and support mechanisms throughout the migration process:

- vulnerability of those who migrated on false promises, unable to make the cut, and
- the lack of protection afforded to them by the receiving club(s) or agent.

Institutions in both source and host countries need to take responsibility and work collaboratively to prevent football trafficking. Awareness-raising is a vital first step in which the media must play a fundamental role. In addition, more ethical recruitment practices are required. Technology can be leveraged to ensure this by creating a portal to register aspirant players and vetting agents – even in more economically depressed regions.

Another area of concern was the proximity of agents to football clubs and managers where they had either previously played or were related to creating closed systems and networks that are premised on profit generation.

Clubs make money off various offerings agents bring with them in exchange for getting their players to sign with these clubs. The network of agents is made up of former footballers and other people in close (familiar or business) connection to club administrators. Nobody outside of this network including new agents, players or administrators can penetrate it. The system is set up so that those within the network continue to increase their profits.

FIFA regulations prohibit double and triple representation to avoid collusion and corruption in the sport. Compensation for representation is regulated. However, many agents hold different roles simultaneously – albeit in an informal capacity.

Administrative and legal issues were flagged in all countries under study as a fundamental challenge, particularly the burden of bureaucracy. A common challenge faced by the African athletes is related to strict local and European laws and regulations that cause difficulties in the migration process (see also, Acheampong et al. 2020). This plays out in a variety of ways. There are obstacles in the path of obtaining a work visa and extending it. The major concern for athletes was when their work visa expired. One athlete mentioned that even after having a signed contract, obtaining a work visa in Switzerland can prove challenging due to the lengthy and difficult administrative processes involved. This becomes even more challenging for migrants seeking asylum and who cannot be contracted to a football club while their application is under review. Lastly, Swiss regulations restrict the number of foreign players a club can hire, allowing each club to hire only two or three foreigners. Where migrant athletes overstay their visa and become undocumented, they are rendered **invisible** and find themselves in conflict with the law. This has the consequence, as noted in Turkey, that because of their irregular status they cannot report any crimes committed against them (for fear of arrest, detention and deportation), nor can they access primary healthcare, and minor children are deprived of a right to education.

Linked to this is the lack of investment in resources for transferring and accepting African players. African migrant players may feel discriminated against, particularly where human resource policy does not consider them. This in turn, creates further obstacles to social integration and inclusion.

Another common theme was the **precarity of employment** faced by both aspiring athletes and those whose careers have come to an end (see for example, Darby et al. 2022). It was noted that clubs have a responsibility to ensure that players had options available outside of the field of football. Opportunities for further development and education should be facilitated by clubs. As one participant mentioned, tens of thousands of players end up unemployed as contracts lapse and aren't renewed or they are never offered one. Precarity of employment is further exacerbated if the player is from outside of Europe – especially in instances where players lack requisite educational and language skills. Skills development off the field is essential. 'European clubs seldom show great interest in providing for adequate courses or job training. Certainly, it would contradict their cost-benefit approach to secure great African talent at relatively low prices' (Ungruhe and Agergaard 2021). Ungruhe and Agergaard (2021) note that structural exclusion is a factor that needs to be addressed. Few migrant African players 'remain in the game as coaches or in administrative positions in European football' (Ungruhe & Agergaard, 2021). Instead, this option only seems available

after returning to their home countries. It is regarded as a waste of talent and resources where talent is not retained or funneled into other areas of the sport.

In Turkey, both established and aspirant footballers work non-football related jobs to survive. They work in shipping companies, textile sweatshops or in other manual labor. One participant recounted that he worked all night with just a 30-minute break and then he has to train during the day to stay fit. In addition, he complained that the chemicals used in the factory are hurting his health, that working all night on his feet prevents him from being able to play well.

African migrant players are often viewed as a source of cheap labor (Acheampong 2020; Darby 2007). This was a perception held by interviewed athletes and reflected in the literature. Many of the athletes interviewed were only able to hold menial, low-paying jobs for a host of reasons. Some degree of exploitation was documented in their accounts.

The lack of opportunity available to them and disparity in treatment was seen as being an exclusionary practice. A conceptual shift away from this is required. Migrant athletes are rights holders and should be afforded the same **equal opportunities** as any other player. The findings support the notion that further education and/or vocational training is much needed to ensure that they can get decent jobs outside of football. Where this is denied, it perpetuates existing barriers to social mobility, inclusion and reproduces vulnerability.

Racial discrimination was noted to varying degrees in a number of participating countries. In Portugal, Sweden and Switzerland racial slurs were sometimes hurled at players by football fans during matches. In Portugal one's nationality is an important identity marker, as opposed to skin color for example. Rather, the economic burden of migrant players on clubs was cited as an issue, whereas national players (and their families) contributed financially to their training. In Turkey, the stereotyping and 'othering' of migrant African athletes was more apparent (Fassin 2011), where despite being documented, players were regularly harassed by the police. Xenophobic attitudes were also noted in Turkey, where players were perceived to be 'stealing' spots on teams from natives. As discussed in the preceding section, athletes wish to be given the same opportunities to train or showcase their talents as the locals. Lack of equality and opportunity made migrant athletes feel desperate, making them feel inferior, as they perceive themselves to always be someone's second or third choice. Access to participation then becomes important, as well as the terms of participation.

Culture shock, and at times the traumatic migratory pathways followed by some to enter Europe, may account for some of the negative perceptions of migrant athletes and their ability to successfully integrate and fully participate in European society. Connecting newly arrived migrant African athletes with the diaspora community may provide support, information, and help facilitate social inclusion in the host country. It does become more of a thorny issue where clubs do not act as a bridge between migrant and diaspora community, or in smaller towns or cities that may not have a large immigrant community.

The last major theme identified in the research as a major impediment to social integration and inclusion was **language barriers**. Social integration and inclusion is not just about what the state, club or host community provide, but also the attitude of the

players themselves to integrate and participate in the host country. A lack of motivation amongst athletes to learn a language and make an effort to learn about the culture of the host country was perceived to be a key barrier (see for example, Agergaard and Botelho 2014). Compounding factors included the level of education, literacy, busy schedules of players, outdated teaching methodologies, and a relatively short-time in the host country. The diversity of languages, as well as divergent levels of literacy, on the African continent means that a single approach to acquiring language skills cannot be followed. The inability to fully understand teammates and coaches can negatively affect the result of a game and an aspirant player's career. Cultural and linguistic barriers to social inclusion are equally as important as socio-economic ones. More consideration to them is required by clubs and states.

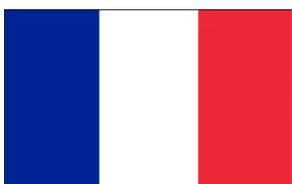
Finding 4: Reasons for remaining in Europe

There are numerous reasons why a migrant African athlete may choose not to return home, including where they have not been selected by a club, abandoned by an agent or their career has ended. Five interlinked reasons were identified. The first was the **shame** associated with having to return home and being regarded as a failure, especially where scant resources had been sacrificed to send them to Europe including some taking loans to pursue their football career. They feel obligated to make a success of their move regardless of the cost. The second reason cited was the **unrealistic expectations** of a football career in Europe, and clinging to the dream of success despite the realities on the ground. In this context, players remain in a social limbo waiting for an opportunity, or trying to enter the labor market. Continuing studies or pursuing an academic career while leaving the social world of football does not seem to be a contemplated option. The third reason was the **socio-economic conditions and lack of opportunities** in their home countries, which had also served as the initial impetus for migration. The African football system does not provide much in terms of infrastructure and development, particularly for female footballers. The fourth and fifth reasons relate to **gender inequality and discrimination**. Women football players have to contend with the gendered nature of football. Infrastructure and development are not readily available to them. Sport is seen as frivolous and undervalued in a large number of African countries. In many instances, women are not afforded the opportunity to enter into legally binding contracts, and where salaried, these processes tend to be arbitrary and unreliable. Lastly, **football's star attraction played a significant role** – what they did, we can too! The romanticization of beating the odds, sometimes even by relatives, and in particular by agents and the media, fuels the imagination of many aspirant athletes. They have no choice but to succeed. Campaigns involving football stars, even if the message is to warn of the risks, often have the opposite effect, as the presence of these stars is proof that they too can beat the odds.

Suggestions for Developing Support Mechanisms for African Footballers in the host country

The following section dissects suggestions and recommendations emanating from the interviews on a country-by-country basis. Recommendations are linked to challenges and support mechanisms that were discussed in the previous sections

France



1. The **mental health** of footballers is often neglected. A crisis center for psychological assistance is needed for players.
2. **Education and awareness of rights:** A significant proportion of players have no knowledge and information of their rights, which creates challenges and adds to vulnerability when these rights are infringed. Legislation, policies and regulations are often worded in ways that are difficult to comprehend for players with limited language skills or literacy. A simple and straightforward curriculum of their rights would help them to integrate socially and culturally into the society.
3. **Language and skills development:** Many players expressed the wish of signing up for language training or computer training programs but as they see themselves as outcasts in the society, they don't think they are entitled to anything, linking to the previous point.
4. **Addressing the lack of retention of players in Africa:** With so much talent emigrating from Africa to Europe, and often not succeeding for a variety of reasons and personal misfortune or circumstance, it is then questioned why more is not being done to retain and develop talent in their home countries or intraregionally.
5. **European clubs should allow local African footballing structures to develop and to sign up to the football economy.** In order to retain talent on the African continent, it was suggested that European clubs should pay retainers to local clubs who are essentially training and growing their future talent for them. This would limit the number of aspiring players embarking on perilous and irregular journeys to try their luck in Europe, and in turn feed into the economic development of the state in question. It would also reduce vulnerability of young players falling prey to predatory agents and traffickers.
6. **Successful African athletes have a responsibility to form part of this support mechanism.** African athletes who have succeeded must be more vocal about the problems aspirant players may face and the dangers of involved. They can also contribute to reducing the victimization of and/or shame associated with players who do not succeed in Europe and return home.

Portugal



1. **Articulated response between various sectors linked to sport and the State:** Joint solutions between the Portuguese Football Federation, the Ministries of Foreign Affairs, Education and Sport, and security forces such as the SEF (Alien and Border Services) and the PSP (Public Security Police) are required. This approach seeks to remedy the illegalities of 'trafficking in football' and therefore gives a more active role to the immigration control authorities.
2. The need for **quicker repatriation programs** that respect the dignity of human beings.
3. **Guiding unsuccessful players to alternative careers**, thus avoiding their often unwilling return to their countries of origin. This could be remedied through the creation of incentives to hire foreign athletes and develop programs to foster dual careers and entrepreneurship. Given that these are players who immigrate at a very young age, incentives should be created for them to complete their compulsory education, which may include sanctions and rewards in football activities provided by the clubs themselves.
4. **A platform for denunciations** that respects and protects whistleblowers, including his or her anonymity, but allows cases of undue exploitation or discrimination to be brought to the attention of the competent authorities.
5. **A more media-orientated perspective** that involves journalists and the media curating successful cases of African athletes in the world of sport.
6. **Action at the level of the countries of origin of athletes:** Promoting local exchanges between consular representatives and sports structures in order to mitigate the irregularity of the recruitment processes of many athletes; implementing campaigns communicating basic information on legal entry and stay in national territory, the assumptions and conclusion of the sports employment contract, sports regulations and differentiation between amateur and professional statuses, training for integrity and ethics in sport, the framework of tax obligations of sportsmen and sportswomen, among other issues related to citizenship and relationship with national institutions. Such campaigns would have a special focus on the countries of origin, but can also be implemented in the country of arrival possibly as part of a wider training.
7. **Listening to the voices of young aspiring athletes.**

Serbia



1. The Ministry of Labor, Employment, Veterans' and Social Affairs of the Republic of Serbia is encouraged to enable **a faster asylum and work permit process** in the case of African migrant athletes. Long waiting periods for asylum, work permits and travel documents prevent athletes from registering at a club, competing, or traveling outside the borders of the Republic of Serbia.
2. **Development of a Special Protocol for the Protection of Children from Violence in Sports, during Sports Activities and Recreation in Sports Associations, Sports Organizations and Sports Clubs.** This document would also cover the problem of 'children on the move' (refugee children, migrants) who practice sports.
3. The Ministry of Youth and Sports of the Republic of Serbia and the Commissariat for Refugees and Migration of the Republic of Serbia should open **a Special Office for Athletes of African origin** who come to the Republic of Serbia to play sports professionally. The proposed office would be a body that would make it easier for migrant athletes of African origin to obtain all relevant information about sports clubs and, in general, this body would enable better adaptation and inclusion in the Serbian society.
4. **Media representatives** to recognize the importance of the topic of inclusion of migrant athletes of African origin in the society in contemporary Serbia.
5. **Enriching the NGO sector with projects and programs to help migrant athletes of African origin and 'children on the move' who practice sports:** organize a Serbian and English language course; organize workshops for athletes and for members of the local community to encourage better inclusion in the local community and society; provide funds for material assistance to migrant athletes of African origin to procure quality sports equipment.
6. **Sports governing bodies should conduct comprehensive empirical research at the level of sports clubs in the Republic of Serbia on the situation, needs, and degree of inclusion of African migrant athletes.** This should include 'children on the move' as well as African migrant athletes who cannot play football professionally as the procedure of getting asylum and work permits is too long and for them it is not possible to register in the football club.



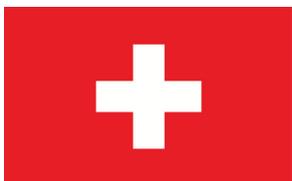
Sweden



- 1. Provision of a certified training for athletes in football academies before migration.**
- 2. Language skills:** The integration process is more difficult, especially for non-English speaking immigrant athletes. English language courses for immigrant football players who frequently move from one country to another should be provided.
- 3. Athletic abilities should be strengthened through training.** Athletes' tactical skills and tempo, in particular, should be improved as the content and level of education of young players in Europe is more developed than in Africa, which would benefit their chances of success.
- 4. Time to adjust to their new culture,** and they should be informed about the culture of the country to which they are moving. Opportunities for the host players to learn about the cultures of international players should be created as part of this mutual process.



Switzerland



1. **Any effective solution, aimed at addressing root causes, should be based on collaboration between different stakeholders, clubs, and agents.**
2. **Provision of affordable and accessible legal advice for migrant athletes.**
3. **Educating athletes:** Financial management skills and the significance of saving are needed, as in some cases the financial issues of the athletes are not related to low income but their improper approach toward money and budgeting. Another notable dimension of education was related to the migration process. Young players and their families need to learn about moving to Europe from Africa including legal aspects, social norms, financial matters, tax, etc. This knowledge will assist athletes in their journey.
4. **Hiring people from the athlete's region or close to the culture of the player eases the integration process.**
5. **Living arrangements:** Athletes from the same region or international athletes living near each other would be able to communicate more easily and build relationships more effectively.
6. **Creating a platform** (or using social media, such as Facebook) **to help players and migrant athletes find other foreigners in the same neighborhoods.** This can improve social life for migrants. The same participant noted that teams can provide an opportunity for foreign players to introduce their culture, foods, and traditions. In this context, players can understand each other and respect different cultures.
7. **Promoting positive stories about African players.**
8. **Increasing investments in African athletes**
9. **Defining a clear policy (including HR policy) for transferring African migrant athletes** to their host countries and addressing their fundamental needs, like using translators, should be discussed.



Turkey



1. **Standardization of opportunities for both foreign and native players:** Inequality, not only between how local and foreigners are treated, but inequality with regards to how men's and women's football are valued, must be addressed.
2. **A training program for athletes for life after football:** Foreign players could be offered training programs for coaching or for translating allowing them to work and stay in Turkey should they choose to.
3. **Inclusion of foreign players in male amateur leagues.** There are not enough training camps or youth squads to make the most of the talent that is coming in. If someone was older than 19, they were expected to qualify for the main squad of any given club, and were denied space to improve.
4. **Access to decent jobs that allow them to continue training.** Only being able to find employment in low-waged manual labor has negative effects on aspirant players' psyche and greatly limits their chances of a successful placement in a club due to long working hours and poor working conditions.
5. **Providing a help desk to assist migrant footballers:** Simple practical arrangements to assist migrant athletes with day-to-day practicalities, like how to deal with the banking system or landlords or municipalities.
6. **Redesigning the agent system in Turkey:** There is a lot of fraud and corruption among agents who are poorly regulated. This includes agents using ACT logos and signatures to deceive players, to the Federation selling agent certifications with no proper transparency or international accreditation.



Suggestions from International experts for Developing Support Mechanisms for African footballers in the Host Country

- 1. Leveraging football governance regulatory frameworks and embedding safeguarding standards.** While FIFA does not have specific programs relating to the social inclusion of players, safeguarding measures intersect with this. Child protection forms the core of this framework. **Special focus is placed on child protection and vulnerable groups** and the referral to specialized child protection services, law enforcement agencies and expert local organizations. A rights-based approach to safe sport is required. Embedding safeguarding standards is viewed as essential to prevent cases of harassment, violence and harm that can be done to children. The FIFA Guardians Program provides a framework to raise awareness and build capacity amongst its 211 member associations.
- 2. The legal status of many of these 'failed' footballers is uncertain, as are the routes they may have taken to enter Europe to pursue their dreams. Football as a means of, and motive for, migration requires further interrogation and support in this context.** Not all aspiring footballers have the same motivations or resources for migrating to Europe; and the gender of the migrant will also have an impact on this process (Agergaard & Botelho, 2014).
- 3. Sports trafficking must be acknowledged and addressed.** While international associations need to take the lead, States need to be aware of some of the dynamics of sports trafficking and the vulnerabilities of young aspirant migrant athletes. Identification of victims may not be a linear process as with other forms of trafficking. Dialogue, cooperation, and collaboration amongst international organizations and host countries is required, as well as collecting reliable data on the phenomenon. Turkey and Serbia were cited as two countries that needed to pay more attention to this issue. **Third country partnerships outside the EU are also critical in preventing exploitation.**
- 4. Safeguards need to be put in place and enforced in academies and football development centers and linked to licensing,** as the majority of young foreign players will not become professional footballers. This is particularly relevant to the lower division where the culture of looking after the welfare of players is inconsistent.
- 5. Player associations need to be more proactive in education and working with irregular or undocumented migrants** who may actually be players who have been duped into coming to Europe. The failure to safeguard these players is viewed as a form of regulatory failure by States.
- 6. A broader approach is needed than merely providing specific services:** Migrant athletes' mental, physical, social welfare, as well as cultural aspects need to be considered.
- 7. Host countries have a duty to care for, protect and enforce human rights of players and in sports.** The establishment of the Centre for Sports and Human Rights was cited as the result of a multi-stakeholder dialogue between different actors related to sport and human rights, e.g., sports federations, sponsors, NGOs, trade unions,

different governments and certain international organizations. The Mega-Sporting Events Platform is another example. **Collective action is key to prevent human rights violations in sport and ensure effective remedies.** Its primary areas of focus include, children's rights, remedy, gender, non-discrimination, and safeguarding (Centre for Sport and Human Rights n.d.). As an international human rights organization for sport, that has the buy-in of multiple stakeholders, including governments, the support mechanisms provided should be better incorporated and implemented by host countries. It would appear that while the knowledge infrastructure is there, resources and knowledge are not adequately leveraged or disseminated.

8. **Community participation in the planning of inviting labor migrants into the local workforce.** It in turn connects migrants with opportunities to participate, whether this may be sports clubs or recreational activities. From a policy perspective, there are gaps in terms of access to services and communities (e.g. civic inclusion measures).
9. **One stop service centers** are expected to provide all integrated services for migrants. The challenge is the dissemination of information to migrants.
10. Host countries are encouraged to **develop support mechanisms that are accessible to a diverse array of young African footballers**, some of whom may have been brought to the host countries under false promises or abandoned after not being selected by a club. **Cooperation and coordination** of such support mechanisms that should begin before the migration process are needed with countries of origin, and transit. Information should be made available to aspirant football migrants about which organizations can be contacted should something go wrong.
11. **Language skills:** Teaching the host country's language(s) to migrants through football can harness the power of sport for social inclusion. However, innovative methodologies need to be used that take teaching outside the classroom. Similarly, promoting migrants' languages can assist with social inclusion in the host country.
12. A **platform** is needed to facilitate the **networking of migrants from similar regions.**
13. **Engagement with diaspora communities** to gain a better understanding of how informal social integration and inclusion may be facilitated.
14. **The role of the media:** Media also has a fundamental role to play in ensuring social inclusion by reporting on the pathways to migration used by African footballers, as well as the risks involved, and what happens to those who do not succeed in fulfilling their dreams. African footballers need to be included in the football-migration narrative, as well as the need to tell their stories without fear or favor in order to prevent aspiring footballers falling victim to abuse and exploitation.



CONCLUSION

European football is highly competitive, and foreigners are increasingly involved in forming European youth teams. Sports migration requires a multi-layered approach. It requires looking beyond generalized perceptions of immigrants and immigrants' experiences in sports, as well as a thorough understanding of the realities of the sport industry. Moreover, the heterogeneity of migrants must be recognized when developing policies.

Despite participants diverse backgrounds, a number of intersecting issues were present that affected them collectively. Of particular concern is the population of migrant athletes who cannot return to their countries of origin despite the hardships they encounter in Europe. The factors that influence migration directly impact on this: wanting to play football and have a successful career; providing financial support for their families and the reciprocal expectations of their families; lack of opportunities for development of their talent and infrastructure in their home countries; and meagre revenue generated from football across the majority of African nations. The underdevelopment of football in Africa is cited as a major cause for concern and a key motivation for migration. In order to succeed in an international football career, aspiring young athletes see no other alternative but to migrate abroad to Europe in order to develop their skills. This is a double burden for female athletes who want to play football and have few options, and are actively discouraged from pursuing such a career.

Due to the explosive growth of the football industry, it has become increasingly common for people to be trafficked. Trafficking can occur at any stage of the migration process. Yet, sports trafficking is seldom acknowledged, as the idealized world of "the beautiful game" creates a sense of cognitive dissonance. The stigma attached to being a victim of trafficking is compounded by lack of familial support, resources and the shame of not succeeding, leaving many young players without recourse or ability to return home.

Football players who were born in another country have the opportunity to make a positive contribution to the process of social inclusion. Protective measures are thus integral in the formulation and implementation of policies and programs aimed at the social inclusion of migrant athletes. As discussed in the report, the majority of athletes surveyed exhibited multiple layers of vulnerability that rendered them open to abuse, discrimination and exploitation. Perceptions of social exclusion were common. Child protection and safeguarding are two important features given the low median age at which aspirant athletes migrate to pursue careers in football. While FIFA regulations exist to address this, enforcement is not universal or equally applied in some States, particularly in Africa. Similarly, aspirant athletes who work without a contract are at risk of being let go at any time and are typically paid less than their teammates. Complex legal and administrative procedures in the host country were found to further undermine the migrant football player's inclusion process. Regulation of agents appears to be a major problem experienced by African migrant athletes. It opens athletes up to exploitation, and those who are abandoned may quickly be unable to access any services or recourse in their host country. Safeguarding of minors is thus vitally important, as well as stamping out a host of bad practices in the industry. Labor exploitation and precarization are two common themes that warrant a more granular inspection in football.

Social inclusion from a youth perspective 'is the process of individual's self-realization within a society, acceptance and recognition of one's potential by social institutions, integration (through study, employment, volunteer work or other forms of participation) in the web of social relations in a community. It has a particular meaning to those young people who come from disadvantaged backgrounds and had lived in precarious conditions. For them social inclusion involves breaking various barriers before acquiring their social rights as full members of society' (Council of Europe).

Football clubs have an essential role to play in ensuring the social and psychological welfare of their players and ultimately social inclusion. Prior to and after migration, there is a need for education on national laws and legal advice regarding contracts, payment structures, money management, and social norms. Agents and clubs need to be empowered in this regard and held accountable.

Another consideration is that football players who are constantly on the road do not have sufficient time to acclimatize themselves with the host country's culture. Club orientation programs need to be structured in a way to adequately address this. Connecting migrant athletes with diaspora communities is another avenue that can facilitate social integration and inclusion.

Access to information and awareness of supportive programs and mechanisms continues to be a challenge for migrant athletes despite the existence of UEFA and FIFA. Key limitations related to this are language, literacy levels and the level of education of some young players. A lack of familiarity with existing support services can also result in further feelings or perceptions of social exclusion. Linguistic and cultural mediators are key to assisting foreign players to integrate with their team and into society quickly.

Awareness and education are underscored. Programs and campaigns involving States (including home countries), football governing bodies, football influencers, as well as the media are necessary. Multilevel stakeholder collaboration and cooperation are essential. One of the most essential tools for inclusion is providing support for alternative career paths. While many clubs are eager to include African football players as athletes, they do not appear to be willing to hire Africans in areas of expertise such as coaches, trainers or administrators, which are among their post-football career options. Units to support migrant athletes should be created by Federations to address this.

The field of football ultimately needs to reflect upon and interrogate what conditions are necessary if it is to make a substantial impact in combating the social exclusion of African migrant athletes. A proactive approach ranging from grassroot level clubs to premier league clubs, and national associations, is required to ensure that policy interventions aimed at social inclusion are successfully implemented. Giving voices to migrant athletes is equally important in this process. Initiatives aimed at social inclusion in Europe must also consider the conditions in countries of origin, and encourage a parallel approach involving key stakeholders.

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SiNAFE

Social Inclusion of African Athletes in Europe

Social Inclusion of African Athletes in Europe Toolkit

EU Legal Guidelines

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Table of Contents

1. Introduction

2. Legal Frameworks

- a. Immigration law
- b. Free movement rights under EU law
- c. The Schengen area travel
- d. EU Immigration Portal as a key resource

3. Football Regulations

- a. Player status
- b. Player registration
- c. Transfers
- d. International transfer of minors
- e. Trials
- f. Employment contracts with clubs
- g. Working with agents

4. Human Rights of Migrant Athletes

- a. Human rights as a concept
- b. Your human rights as a migrant athlete
- c. Your participation in football and children's rights



1. Introduction – Your movement to the EU for the purposes of participating in football

Your move to a member state of the European Union (EU) to participate in football might have different purposes including taking part in **trials, joining a football academy or club, and/or playing professional football with a club**. Regardless of your motivation, migration to the EU and participation in football are both subject to a wide range of laws and regulations.

These frameworks are adopted by public authorities, i.e., governments and the EU, and football governing bodies. Generally, your immigration status and legal rights and obligations as a person in the EU are the emphasis of legislations enacted by public authorities. On the other hand, aspects of your football participation such as player status, transfers, and contracts, are governed by FIFA and National Associations' regulations.

As a player, **it is vital** that you have a thorough understand of these frameworks to help you with;

- **Your Legal Compliance:** ensuring you always comply with legal and regulatory requirements and avoid doing anything contrary in your migration to the EU,
- **Your Rights and Obligations:** ensuring you know your rights and obligations so that you know what to do if something goes wrong,
- **Your Safeguarding and Welfare:** you are protected and your welfare is upheld.

This guide is meant to help you learn about some of the most crucial information about your move to the EU to play football.



2. Legal Frameworks

a. Immigration law

When you want to enter into a foreign country (i.e. any country in which you are not a registered citizen), you are subject to immigration law which consists of rules that govern rights of entry and exit. These laws also affect internal rights, such as the right to work and settle in that country, effectively allowing you immigration status in a foreign country. Therefore, when you consider moving to the EU for the purposes of football, the first thing to do is to check the immigration law of the country you are moving to in order to determine the conditions and requirements around the right of entry. These conditions and requirements can differ depending on your country of origin and other factors.

Generally, every country maintains its own immigration law and each country might have different conditions and requirements for non-nationals. For this reason, you must check the immigration law of the country you are traveling to before your departure from your home country.

It is your responsibility to ensure that you comply with the entry requirements and the conditions of your stay in a foreign country.

i) Your visa (Do you have a right to enter and stay in a foreign country?)

In order to enter a foreign country, you first need to check whether you need a visa. Subject to certain exceptions, it is highly likely that you will need a visa to enter a foreign country.

A visa is an official document that allows the bearer to legally enter, leave, or stay for a certain period of time in a foreign country. It is issued by the authorities of that country.

Depending on the purpose of your move to and stay in a foreign country, you may require different types of visas.

Participation in football might be for different purposes and will determine the type of visa you need.

- **For trials:** Trials are usually for a limited and short period, generally between 2 to 4 weeks, allowing a club or an academy to assess your footballing abilities and prospects. Therefore, you need to visit a foreign country to take part in trials meaning that **your status will be a visitor**, requiring you to obtain either **a visitor or temporary visa** prior to your departure.
- **For joining an academy or a club in an amateur capacity:** If you are joining a club or an academy requiring you stay in a foreign country for a longer period (whether it is beyond your trial period or without trials) to play football in an amateur capacity you may require a visa that allows you to stay in a foreign country in that capacity because you would no longer be a visitor but you would be undertaking a specific footballing activity. So, the type of visa you obtain should enable you to undertake the specific footballing activity.

- **For joining an academy or a club as a professional¹:** If you are joining an academy or a club in a foreign country as a professional, then you will need a visa allowing you not only to enter and stay in a foreign country for a specific period, but also to work in that country. Because a professional status means you will be employed by the club, i.e., under a written player contract with a certain level of remuneration (salary) exceeding your expenses you incurred to participate in football. In this case, **your immigration status will be that of a worker**, and your visa must permit you to engage in employment in a foreign country.

Note that countries might operate **work permit schemes** and you may need to apply separately for this alongside your visa application to play football as a professional. If there is a work permit scheme for the country that you are moving to for the purposes of football, then you must make sure that you will be eligible to qualify for the work permit in that country as well as a visa with rights of entry and stay.

If you stay in an EU Member State beyond the duration of your permitted stay as per your visa, you are defined as an overstayer² and a legal procedure will be applied. That may result in you being ineligible for visas in the future and may even result in your deportation to your home country.

ii) Extending or renewing your stay (visa)

If you need to stay longer than the duration of your visa, then you must apply for an extension or renewal which may mean that you will be issued with an extension or a new visa by the authorities of that foreign country.

It is your responsibility to ensure that your stay in a foreign country is legal by complying with the conditions of your visa. It is also **your duty to extend your visa** before it expires which is extremely important. This requires you to submit an application to the immigration authorities for the extension or renewal and you must ensure that such application is submitted on time and prior to the expiry of your visa. Note that, in some cases, **this may mean returning to your home country or applying from a third state.**

You should never overstay beyond the visa period in a foreign country.

iii) Settling in a foreign country

A settlement status³ in a foreign country means that you are no longer subject to any immigration restriction to stay in that country, allowing you to live and work and remain in the country as long as you wish. Effectively, it gives you a permanent status with a right to indefinite leave to remain in that country.

However, in order to qualify for the settlement status in a foreign country, generally, eligibility requirements are very stringent and complex. These requirements also vary from country to country and therefore you must seek legal advice.

¹ To understand the distinction between amateur player status and professional player status, please see Section 3 of this guide on Football Regulations.

² For the definition of overstayer: https://home-affairs.ec.europa.eu/pages/glossary/overstayer_en

³ Countries may use different terminology for settlement status such as 'permanent residency' or 'indefinite leave to remain'. It is important that you understand specific terms used by the authorities of the country in which you are staying, to avoid any confusion.

Important points to consider regarding your movement to a foreign country

- Check whether you require a visa and ensure that it is obtained before your departure.
- Never travel illegally, i.e., without the right to enter your destination country.
- **Ensure that you have travel and identity documents.**
- Once entered, ensure that you comply with the conditions of your visa.
- Never overstay in a foreign country, i.e., staying beyond the expiry of your visa. If you need to extend or renew your stay, then ensure that you apply for an extension or renewal of your visa on time allowing you the right to stay. Alternatively, plan for returning to your home country before the expiry of your visa.
- Immigration law and processes can be complex. Always seek legal advice from a legal professional specializing in immigration law.

b. Free movement rights under EU law

Nationals of EU member states are automatically citizens of the EU. This means that they can move freely around the countries of the EU and have the right to live in those other countries if they fulfill certain conditions. This fundamental principle enshrined under EU law is called ‘free movement principle’ and associated rights are called ‘free movement rights’⁴.

Freedom of movement applies to all EU member states. It also applies to Norway, Iceland and Liechtenstein (who make up the European Economic Area (EEA) alongside the 27 EU member states) and Switzerland.

EU member states, EEA and Swiss nationals benefit from the right to move freely within the territory of the European Union, European Economic Area and Switzerland. They can travel within the territory of the European Union, the EEA and Switzerland without a visa granting them right of entry.

Do non-EU citizens have EU free movement rights?

If you are a non-EU citizen, i.e., not a national of any of the EU member states and also not a national of Norway, Iceland, Liechtenstein, or Switzerland, then **you will not benefit from the EU free movement rights. This means that you will be subject to immigration control when you travel to the EU to participate in football.**

c. The Schengen area travel

Schengen area: Alongside the European Union (EU), there is also the Schengen area comprising 26 European countries who have abolished all types of border control at their mutual borders. Most EU member states are a part of the Schengen area (except Bulgaria, Croatia, Cyprus, Ireland and Romania) alongside Norway, Iceland, Liechtenstein, and Switzerland as well as Monaco, San Marino and Vatican City.⁵

4 Further information on the free movement principle and rights can be found here: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/movement-and-residence_en

5 Further information on the Schengen Area can be found here: [Schengen Area \(europa.eu\)](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/movement-and-residence_en)

i) The Schengen area visa regime

The visa policy of the Schengen area allows **third-country nationals** to enter into the Schengen area **without a visa for stays of up to 90 days within a 180-day period**. Known as 'Schengen visa-free', this policy operates visa waiver.

Therefore, when moving into the EU, you need to check whether you are traveling into the Schengen area and whether you are entitled to 90-days visa free stay. **To check this, you need to check whether your country is actually part of this visa policy as a third country.**

As a third-country national, you can only benefit from 90 days visa free travel into the Schengen area, if you are entitled to it.

The list of third-countries **whose nationals can benefit from a visa-free stay of 90 days in a 180 days can be found in the Annex 2 of the EU Regulation via here: [EUR-Lex - 32018R1806 - EN - EUR-Lex \(europa.eu\)](#)**

ii) Entry conditions for the visa-free 90-days stay in the Schengen area

It is important to note that the 90-day visa-free stay, if you are entitled to it as a third-country national, does not mean that you will not be subject to border controls, i.e. giving you the right of unconditional stay.

You must fulfill below entry conditions to be allowed into the Schengen area;

- possess a valid travel document or documents authorizing you to cross the border,
- justify the purpose and conditions of your intended stay, and
- have sufficient means of subsistence, both for the duration of the intended stay and for the return.

iii) For which purposes can you travel without a visa to the Schengen area?

You might travel for various reasons including visiting a club, taking part in trials, or attending a football camp.

However, you cannot undertake any employment.

iv) Can you stay more than 90 days without a visa in the Schengen area?

No, you cannot stay more than 90 days without a visa in the Schengen area. If you are intending to stay longer to work, to live, or to study, then you should apply for a Schengen visa to stay.

e. EU Immigration Portal as a key resource

[EU Immigration Portal](#) is a very important and comprehensive resource for non-EU nationals who want to come to the EU. It provides all sorts of information including immigration controls and your rights.

Additionally, it allows the user to find out information about the immigration law of each member state.

3. Football Regulations

When you move to a member state of the European Union, whether it is for trials, to join a football academy or to play professionally with a club, both FIFA, the world governing body for football, and the country's national football association have rules about your status as a player, transfers, employment contracts, and how agents can represent you.

It is important that you understand those regulations before embarking on your journey, in order to ensure regulatory compliance, i.e. you do not do anything contrary to the rules.

These Regulations are particularly more restrictive if you are under the age of 18. Everyone under the age of 18 is considered a child by the United Nations⁶, and as such, they are entitled to certain protection and in football, if you are under the age of 18, you are defined as a 'minor'.

A key regulatory document in football that should be noted is the FIFA⁷ Regulations on the Status and Transfers of Players (FIFA RSTP).⁸

a. Player status

Football regulations only recognise two categories of players: **amateurs and professionals**. This means that as a player you will either be an amateur or a professional player.

A 'professional' is defined as a player with a written contract with a club who is paid more for his/her footballing activity than the expenses incurred.

All other players that do not fit into the definition of professional, i.e., not having a written contract with a club and not paid more for his/her footballing activity than the expenses incurred, are defined as **amateurs**.

Why is your status as a player important?

- Firstly, when you are registering as a player to play football, your status needs to be determined under your player registration.
- Secondly, the applicability of regulations may differ depending on your status as a player.

b. Player registration

Registering as a player is important and a prerequisite to participate in football.

A player **must** be registered with an association to play football for a club as either a professional or an amateur.

Registration Process: each national association operates an electronic registration system. When you register as a player, your member association must assign a unique FIFA ID to you. The assignment of a unique FIFA ID allows you as a player to be accurately and reliably

6 For more information about child rights: <https://www.unicef.org/child-rights-convention>

7 FIFA as a world governing body constantly updates and amends its rules and regulations. Therefore, always check and access the latest addition of the regulations, which are available from the official website of FIFA. The section of the website containing all regulations are available here: <https://www.fifa.com/about-fifa/official-documents>

8 The latest edition of FIFA RSTP is available here: <https://digitalhub.fifa.com/m/cb37201b05fe8f7/original/Regulations-on-the-Status-and-Transfer-of-Players-July-2022-edition.pdf>

identified. The FIFA ID shall remain unchanged and identical in every relevant member association's electronic player registration system throughout your career.

Why is the registration as a player important?

- The registration is a prerequisite to play in organized football, i.e., association football organized under the auspices of FIFA, the confederations and the associations, or authorized by them.
- The registration is also required to play for a club.

c. Transfers

Broadly, a football transfer is the movement of your player registration (i.e., the right of the player). There are two types of transfers:

National transfer: the movement of the registration of a player at an association from one club to another within the same national association.

International transfer: the movement of the registration of a player from one association to another association. This is where your registration moves from a club in one country to a club in another country.

National transfers are administered and managed by national associations but due to the cross-border dimension of international transfers, FIFA has implemented administrative processes and tools for international transfers.

In essence, it is important for you to understand what an international transfer is, as well as the administrative process and requirements that go along with it. If you move between your home country and any EU member state, this is considered an international transfer, no matter if you play football as a professional or as an amateur.

d. International transfer of minors

The regulatory regime established under the Article 19 RSTP concerning the international transfer of any player under the age of 18 comprises a general prohibition and certain exceptions to the prohibition.

i) Art. 19.1 FIFA RSTP - General Rule

As a general rule, the international transfer of minors is prohibited by FIFA.

Art 19.1 of RSTP states that: 'International transfers of players are only permitted if player is over 18'

Therefore, **as a player, if you are under the age of 18, you will not be able to transfer internationally unless one of the exceptions that are listed below can be fulfilled.**

ii) Exceptions to the general rule

There are a total of 5 exceptions listed within the Article 19.2 of FIFA RSTP. **Your international transfer must fulfill one of these exceptions below in order to be approved by FIFA.**

- **Art. 19.2(a) FIFA RSTP – The Parents Exception**

Art 19.2(a) of RSTP states that: ‘Player’s parents move to the country in which the new club is located for reasons not linked to football’

- **Art. 19.2(b) FIFA RSTP – The EU/EEA Exception**

Art 19.2(b) of RSTP states that: ‘The player is between 16 – 18 and transfer (i) is within the territory of EU / EEA; or (ii) between two associations within the same country.

Note that the new club must comply with minimum obligations’

- **Art. 19.2(c) FIFA RSTP - The Cross-Border Exception**

Art 19.2(c) of RSTP states that: ‘Player lives less than 50km from national border and club with which the player wishes to be registered in and neighbouring association is also within 50km of that border’

- **Art. 19.2(d) FIFA RSTP – The Refugee Exception**

Art 19.2(d) of RSTP states that: ‘Where Player flees his country of origin without his parents for **humanitarian reasons** (“refugee exception”)’

- **Art. 19.2(e) FIFA RSTP – The Student Exchange Exception**

Art 19.2(e) of RSTP states that: ‘Where a student moves without his parents to another country temporarily for **academic reasons** in order to undertake an exchange programme’

There is another exception (6th exception) under Art. 19 (3) of FIFA RSTP concerning the first registration of the minor in a foreign country.

- **Art. 19.3 FIFA RSTP The Five-Year Exception**

Art. 19 (3) of FIFA RSTP stated that:

‘A minor who has never previously been registered with a club, is not a national of the country in which he wishes to be registered for the first time and has lived continuously for at least the last five years in said country, is allowed to register with a club for the first time (the First Registration) in that country’.

iii) Procedure and process concerning the international transfer of minors

Players’ Status Chamber of the Football Tribunal (PSC) is the competent body to verify and approve every international transfer or the first registration of minors **where the minor is at least 10 years old.**

There is a procedure for applying to the PSC for approval of the international transfer or the first registration of minors.

The application for approval is submitted by the national association that is going to register the minor upon the request of the new club. In the case of the first registration, the national association of the first club of the minor submits the application for approval. The application for approval is submitted through **the Transfer Matching System (TMS)**

and contains all mandatory documents enabling the PSC to verify whether one of the exceptions is fulfilled.⁹

The approval should be obtained prior to the international transfer or the first registration.

If the minor is under the age of 10, then it is the responsibility of the national association that wishes to register the minor to verify and ensure that one of the exceptions are fulfilled. Such verification should be made prior to any registration of the minor.

Why is understanding this regulatory regime for the international transfer of minors important for you if you are a minor?

- It is important to note that although it is not your responsibility as a minor player to obtain the approval of FIFA PSC of your international transfer or the first registration in a foreign country, you must understand these rules to be able to make an informed decision when an opportunity arises for playing football in another country.
- This regulatory regime prohibits the international transfer of minors and therefore when someone approaches you about a potential transfer to another country, you must first ensure that one of the exceptions to the general rule can be fulfilled.
- Once you ascertain that one of the exceptions can be fulfilled, then, you must ensure that the application for approval for all relevant supporting documents is submitted to FIFA via your national association.

e. Trials

What is a trial?

A football trial allows you to get a feel for the club environment and gain experience at a potential club before committing. At the same time, trials also enable clubs to get a good look at you and all aspects of your game over a period of time. Clubs pay close attention to a player's skill set (both on and off the field), as well as his/her social and emotional maturity.

After a successful trial, you may be invited to join the club, either as a member of the academy squad if the trial was for the academy or the first team if the trial was for the first team.

iv) Important regulatory considerations for trials

- Trialist player should not be allowed to participate in organized football during trials

FIFA RSTP defines organized football as football organized under the auspices of FIFA, the confederations and the associations, or authorized by them. Within organized football matches are official matches played within the framework of organized football, such as national league championships, national cups and international championships for clubs. To participate in these official matches players need to be registered at the club to play for them.

⁹ See FIFA's Guide to Submission Minor Application for the details of documentation required for each exception and also further details on the approval procedure. The Guide is available here: [lb2t6bqgm2aX1pr5xs-pdf.pdf \(fifa.com\)](https://bit.ly/3bqgm2a)

As a trialist, you would not have registration with the club. Therefore, you cannot take part in any official matches.

Friendly and trial matches are the only games that you may participate in during your trial.

- **There might be restrictions imposed by national associations on the number of trial matches a player can play with a club if the player is already under contract with another club**

It is essential to verify this with the rules of the respective national associations. If you are currently under contract with a club, verify that your current agreement allows you to try out for other teams.

You may need to seek the consent of your existing club to go to a trial at another club.

v) Practical considerations for trials

Before trial

- **Your welfare and safeguarding as a player** is the most important consideration, especially if you are a minor. Risk to a player's welfare is greater if the club at which you are trialing is located away from your home or in another country. Therefore, keep in mind that the club is responsible for your safety during the trials if you are a minor or if you are otherwise at risk because of your circumstances.
- Make sure you have the necessary documentation for international travel and a valid visa if the trial is taking place in a different country.
- Ensure that there are adequate **transportation and accommodation arrangements** in place for you.
- **Check if the club has advised you about confirmed trial arrangements. If you are a minor, your** parent(s)/legal guardian(s) should also be informed about the arrangements.
- Start **getting ready for trial by developing a training plan** to get technically, tactically, mentally and physically ready for the trial.

After trial

- **Safe return back from the trial:** Ensure that you safely return back to your home and/or your home country (if the trial is in a foreign country) if the trial is not successful.
- **Never stay** in another country or away from home without a visa for the trial is not successful.
- **Obtain feedback from the club about your trial for** your personal development if the trial is unsuccessful. Aim to identify areas for improvement in your game.

f. Employment contracts with clubs

A football employment contract is an agreement between a player and a club that sets out the terms of the player's employment. The contract will specify things like the length of the contract, salary, and any bonuses or other benefits.

i) Regulatory requirements: contracts between professional and clubs

- **Length of a contract:** As a general rule, the length of a contract cannot exceed 5 years.
- **Contracts with minors:** players under the age of 18 may not sign a professional contract for a term longer than 3 years.

Legal capacity of minors to enter into a contract: by law, minors cannot enter into any contract except in certain situations. Therefore, it is important to check and understand national law around the capacity of minors to enter into legal contracts.

Legal guardians or parents of the minor may also need to sign the contract and it is important that everyone understands their rights and obligations before entering into a contract.

Football regulations also stipulate requirements of counter signature of parents or legal guardians of minors on the contract.

g. Working with agents

i) Authorization of agents to represent you (Is your agent authorized to represent you?)

Football agent license: It is critical that you as a player only work with legitimate agents, i.e., licensed football agents. FIFA requires individuals to have a license to work as an agent. It is your responsibility to check the license of your agent and ensure that they are licensed.

Authorization to represent minors: it is important to note that the football agent license does not automatically allow agents to represent minors. An **additional authorization** is required to represent minors in football.

Agents are required to obtain this authorization to represent minors prior to directly or indirectly approaching or entering into a representation contract with minors.

Therefore, always verify the authorization of your agent if you are a minor player. First, ask the agent to show his/her authorization. If in doubt, contact either your national association or FIFA to check the agent's authorization.

Fake agents: there are individuals who portray themselves as legitimate football agents without holding the football agent license. 'Fake agent' as a term refers to these individuals who are generally in football to exploit players, particularly minors. By taking the above steps to verify the authorization of individuals and entities who should not have any problem with your verification requests you can avoid dealing with fake agents.

ii) Signing a representation contract with a football agent

- **Your age is very important consideration for the representation**

Note that age restrictions might be imposed by FIFA or national associations which effectively determine at what age a player could be represented by an agent.

As a player, you must ensure **that you are at the right** age to be represented by an agent prior to signing a representation contract.

- **You need a representation contract signed and in place in order to be represented by an agent**

Prior to signing the contract

- Are you free to enter into a representation contract?

As a player, **you should not have an existing representation contract with another agent.**

If you already have an existing representation contract with an agent, then **you must not enter into another representation contract with another agent.**

- Inducement must not be accepted to sign a representation contract: either you as a player or your parent(s)/legal guardian(s) must not accept any inducements, i.e., incentives such as money or any other financial benefits, to sign a representation contract with an agent.
- Consent of your parent(s)/legal guardian(s): if you are a minor, your parent(s)/legal guardian(s)'s consent is needed before you can enter into the representation contract with an agent.
- Understanding the representation contract: examine the contract in detail. If you are under 18, you should review it with your parents or legal guardians, paying special attention to the sections dealing with your rights and obligations, compensation, exclusivity/non-exclusivity, termination, and dispute resolution.
- Legal advice: Prior to signing any contract, you have the right to and are strongly encouraged to consult legal professionals.

Compatibility of your representation contract with regulations

As a player, you also need to ensure that the representation contract that you sign fully complies with the regulatory requirements of FIFA and the national associations.

- Maximum duration of a representation contract: Maximum duration of the representation contract cannot exceed 2 years.
- Overlapping representation contracts: As a player, you are only allowed to sign one representation contract at a time. Do not sign overlapping representation contracts prior to the expiry of the existing representation contract.

- Counter signatures on a representation contract: Counter signatures by your parent(s)/ legal guardian(s) alongside your player signature are needed when executing the contract if you are under the age of 18.

After the execution of the representation contract

- Player's copy of representation contract: Ensure that you are provided with your copy of the signed representation contract.

iii) Remuneration to football agents (How can you pay your agent?)

Agents remunerations

Football Agents receive remuneration based on commissions.

Commissions are calculated based on a percentage of a player's gross annual salary under the employment contract that is negotiated by an agent. This commission percentage needs to be agreed between the player and the agent and clearly stated under the representation contract.

The method of commissions payments, whether in installments or a lump sum, also needs to be agreed between the player and the agent and clearly stated under the representation contract.

Restrictions on remunerations to agents by minor players

It is worth noting that an agent may be unable to be paid for the services provided to minor players under the football agents regulations of FIFA and national associations. Therefore, if you are a minor, as a player, always check whether you can pay your agent any remuneration by considering relevant regulatory provisions concerning the agent remuneration by minors.

If you can pay your agent, then ensure that all the details of remuneration are provided to you, such as the total amount due to your agent and commission payment schedule, i.e., how and when payments would be made.

4. Human Rights of Migrant Athletes

a. Human rights as a concept

Human rights are defined as the basic rights and freedoms that belong to every person in the world, from birth until death. These rights apply regardless of where you are from, what you believe or how you choose to live your life. Human rights are universal and inalienable.

Although these rights can sometimes be restricted under certain circumstances such as when a person breaks the law or in the interests of national security, they can never be taken away

Human rights are defined and protected by law. **The Universal Declaration of Human Rights (UDHR)**¹⁰ is an international agreement that sets out universally accepted basic principles of human rights. **The European Convention on Human Rights (ECHR)**¹¹ protects the human rights of people in countries that belong to the Council of Europe¹². **The United Nation Convention on the Rights of a Child (CRC)**¹³ is another international instrument that sets out children's rights and it is the most widely ratified international human rights treaty in history.

b. Your human rights as a migrant athlete

As a migrant athlete, whether you are an adult (over the age of 18) or a minor (under the age of 18), you have and are entitled to your human rights regardless of who you are and where you are in the world.

States are under obligation to protect your human rights whilst football governing bodies and stakeholders are required to respect your human rights. These human rights require that they do not directly infringe your rights, address any violation of your rights, and offer you remediation in case of actual infringement of your rights.

As an athlete, therefore, it is important for you to know your human rights but also recognize how your rights can be protected and any violation can be remedied.

c. Your participation in football and children's rights

The children's rights framework under the CRC comprises four cross-cutting 'general principles' alongside the categorization of rights under three broad pillars; provision, participation, and protection rights.

The CRC's four '**general principles**' are the principle of non-discrimination (Article 2), the best interests of the child (Article 3); the right to life, survival, and development (Article 6); and the right to be heard recognizing the child's right to express their views, and for these views to be given due weight (Article 12). By serving a dual purpose, these provisions are rights but also the principles that underpin the interpretation and implementation of the other rights.

10 Available here: <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

11 Available here: https://www.echr.coe.int/Documents/Convention_ENG.pdf

12 Formed in 1949, the Council of Europe is completely separate from the EU and much larger but comprises all member states of the EU. Therefore, ECHR is adopted and recognized within the EU.

13 Available here: https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf

In essence, the other rights concern the child's basic needs as **provision rights**, protection from violence, abuse, neglect, and exploitation as **protection rights**, and participation in their families and communities as **participation rights**.

- **The provision rights** aim to optimize the development of a child by recognizing supporting basic needs such as rights to family (Article 9 and 10); health (Article 24); education (Article 28); and leisure and play (Article 31).
- **The participation rights** care about a child's voice being heard in all matters concerning them. Article 12 acts as a main provision supplemented by the right to freedom of expression and association (Article 13 & 15) and the right to access appropriate information (Article 17).
- **The protection rights** are about protecting children from violence, abuse, and neglect (Article 19); child labour/economic exploitation (Article 32); drug abuse (Article 33); sexual abuse (Article 24); abduction, sale, and trafficking (Article 35); and other forms of exploitation (Article 36).



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SiNAFE

Social Inclusion of African Athletes in Europe

Social Inclusion of African Athletes in Europe Toolkit

Recommendations for Key Stakeholders

SINAFE RECOMMENDATIONS TO KEY STAKEHOLDERS IN SUPPORT OF THE SOCIAL INCLUSION OF MIGRANT FOOTBALLERS IN EUROPE

01

Recommendations for policymakers (at a national level)

Rights and legal safeguards

- a) Establish faster procedures for migrant athletes of African origin to secure asylum and work permits.
- b) Develop a policy for “children on the move”, that includes a Special Protocol for the Protection of Children from Violence during Sports Activities and Recreation, taking into consideration the realities of migrant and refugee children in national territories who participate in sports.
- c) Government agencies should ensure that information on the legal and regulatory rights of athletes is digitally and physically accessible.
- d) Clear instructions for newly arrived athletes on general health insurance that explains what it is, who is eligible, how it works, and how to access it.
- e) Implement a faster repatriation program for migrant athletes with irregular status; avoiding lengthy illegal permanence proceedings, while respecting human dignity and their subsistence.
- f) Issue a mandate that migrant athletes be assigned to language classes to master the national language of the country, thus enabling them to better understand administrative work and integrate successfully into their new society.

Inter-organizational links

- g) Establish a working relationship between the various sectors linked to sport and the State, such as Football Federations, the Ministries of Foreign Affairs, Education and Sport, and security. This would aim to seek joint solutions in managing the process of entry and residence in the national territories, and controlling situations constituting trafficking in and through football.
- h) Establish a special “Office for athletes of African origin” to provide support and advisory services to professional and amateur athletes who arrive in the national territories to play sports.

- i) Host countries should liaise with supplier countries to have a database of their athletes' migration through the established office in both countries.

Training and media initiatives

- j) Incentivize migrant athletes to complete compulsory media training and/or education, through the use of actions and awards programs provided by the Football Clubs.
- k) Create awareness in the media by publicizing successful cases of African athletes in the world of sports, that support the concept and importance of the inclusion of migrant athletes of African origin in society.
- l) Encourage the sports media to do more investigative work on migration issues in football, especially focusing on the exploitation and trafficking of players, and how this is achieved through illegal immigration. The media should assume their role as "watchdogs" by providing information and education about this reality.

02

Recommendations for non-sport transnational organizations i.e., the European Union, United Nations Agencies, IOM etc.

- a) Using social media awareness campaigns to sensitize and engage communities about the challenges faced by African migrant athletes.
- b) Involve trusted African community leaders when designing and implementing awareness-raising and advocacy projects, or campaigns targeting African athletes.
- c) Enrich the NGO sector with projects and programs that support migrant athletes of African origin and "children on the move" who practice sports by:
 - i. providing workshops and opportunities for members of the community to interact with migrant African athletes with the aim to promote and facilitate social inclusion.
 - ii. providing funds to help migrant athletes of African descent purchase quality sports equipment.

03

Recommendations for Sport Governing bodies and organizations

- a) Develop working relationships and collaborations between national and European associations and African football associations, clubs and academies to raise the level of tactics and pace of players on the continent of Africa.
- b) Approach the topic of football careers from a gender perspective, with equal consideration given to the growth of Women's Football.
- c) Create a platform for migrant athletes to register complaints and incidents. This platform should respect and protect the identity of the whistle-blower and allow for cases of undue exploitation to be brought to the attention of the authorities.
- d) Encourage former migrant athletes who have faced similar challenges to serve as mentors to new migrant athletes. Both clubs and federations should lead this process.
- e) Sports federations and clubs, whether national or international, should have easily accessible operational policies on the recruitment and signing of migrant athletes. This should include the following information:
 - i. FIFA regulations translated into different international languages
 - ii. Clear and concise guidelines on national federation and club websites that provide information on how to travel to Europe to play football legitimately
 - iii. And/or refer players to a website (such as www.migrantathlete.com) where they can find information on regular migration to the national territory.
 - iv. Refer athletes to a 'special office' created for them as they plan to migrate abroad.
- f) Establish sub-entities within leagues, unions, or associations to monitor issues relating to migration, and to ensure routine referrals to state agencies are avoided.
- g) Take disciplinary and criminal action against sports agents, businessmen or women, corporations, club managers or players, who contribute to human trafficking and aid illegal migration in football.
- h) Provide funding through a quota system set by the leagues and maintained by the clubs to deal with situations involving athletes who are believed to be at risk of exploitation.
- i) Develop training programs for athletes to prepare them for a career and life after football.

- j) Reward and incentivize amateur or professional clubs for good practices in their player orientation and integration processes, and develop programs that foster dual careers and entrepreneurship within sports activities.
- k) Conduct or support comprehensive scientific research in the respective countries on the numbers, needs and level of integration of African migrant athletes at the sports club level.

04 **Actions to be taken by the home countries of migrant African athletes**

- a) Establish cooperation between consular representatives and sports organizations in the athletes' home countries to reduce irregularities in the procedures used to recruit athletes.
- b) Introduce public awareness/social media campaigns that provide basic information on athletes' rights, the role of an agent, employment contracts, sports regulations, integrity and ethics in sports, etc. This can be achieved through commercials, flyers, lectures, and media coverage.
- c) While campaigns will focus on the country of origin, these should be run in the destination or National Territories as part of a broader education program.
- d) An independent entity or a unit affiliated with Football Federations can be established for migrants who want to play professional football. Serving to guide these players, this would provide the information they need to play professionally outside their national territory.
- e) Conversely, to encourage, provide or facilitate training in the English language for players in football academies before they emigrate.
- f) Important documents from sports regulatory bodies and organizations, such as the Ministry of Youth and Sports and Football Federation should be translated into the languages that are understood by the majority of migrant groups in the National Territory.
- g) Through a phased program, prepare athletes for the migration process to a new country and social reality in the following way:
 - i. Encourage players to attend language courses where they can learn the language of their destination country.
 - ii. In collaboration with relevant organizations, organize tournaments in communities to raise awareness amongst the youth about irregular migration practices and human trafficking.



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Social Inclusion of African Athletes in Europe

Social Inclusion of African Athletes in Europe Toolkit

Glossary of Terms

Glossary of Terms

Academy: an independent organization or legal entity, whether or not it belongs to clubs, which has as its objective the training of footballers, providing for those purposes facilities, training infrastructures and human resources. Football training centers, football training centers and football schools may be considered academies.

District and Regional Football Associations: the entities recognized by the FPF to organize the competitions - at the district and regional levels. For the entire national territory, there are 22 associations, and the associations in which each amateur player is registered should be consulted. Through the FPF website, it is possible to consult each one of the associations.

Permanent Residence Authorization: authorization that allows a foreign citizen, who is a third-country national (a country that is not a member of the European Union or the European Economic Area) to reside in Portugal for an undetermined period. This authorization is given to those who have had a legal and uninterrupted residence in the national territory during the previous five years. This authorization has no limit of validity, but the title must be renewed every 5 years.

Temporary Residence Permit: residence permit that allows a foreign citizen, who is a national of a third country (a country that is not a member of the European Union or the European Economic Area) to reside in Portugal for some time. This permit is valid for one year, as of the date of its issue and is renewable for successive periods of two years.

Residence Permit: document, issued in the form of a residence permit, that allows foreign citizens to reside in Portugal for a certain period or an undetermined period. It is valid as a civil identification throughout the European Union and as a fiscal identification, Social Security identification, and proof of address in the national territory.

License Card: document, issued by a District or Regional Football Association or by the Portuguese Professional Football League, that proves a player's registration by a certain Club for a certain season.

International Transfer Certificate: document issued in connection with an international transfer, by the national association in which the player was registered, to enable the association of another country to register that player and allow him or her to participate in competitions organized by it.

Training Compensation: financial compensation that takes place when a player signs a first sports employment contract with a club other than the club, or clubs, that provided the training. The new club thus owes a training compensation to the club, or clubs, that provided the training.

Glossary of Terms

Training Contract: contract celebrated between a certified training entity and a trainee, between the ages of 14 and 18, through which that entity provides the young player with adequate training for the development of his or her technical capacity and the acquisition of knowledge necessary for the practice of football, with the player being obliged to carry out the tasks inherent to that training.

Employment Contract: contract whereby a football player undertakes, for a fee, to provide his or her sporting activity to a club that promotes or participates in sporting activities, under the direction and authority of that club.

Social Security Contributions: amounts determined by the application of the percentages established by law on the remuneration or similar (bases of incidence), which are due by the beneficiary and, in the case of employees, also by the respective employer to contribute to the financing of the Social Security Systems.

Sports Season: a period, never longer than 12 months, during which the sporting activity takes place. To be fixed by the Portuguese Football Federation.

B Team: a secondary team of each club/SAD/SDUQ, created within the club, being competitively subordinated to the main team, and must necessarily compete at a lower level. A B team is also understood to be the senior team of a club which has created a SAD or SDUQ. The B team can only field players up to the age of under-23, with three places in each game for players over the age of 23.

Main Team: the club's team competing in the highest level of competitions.

U-23 Team: there are no teams exclusively for under-23-year-olds. There are, however, for the revelation league, teams that cannot have players older than 23 years old.

Schengen Area: area resulting from an agreement signed by 26 European countries (22 belong to the 27 countries of the European Union and the remaining 4 do not belong to the European Union) that allows the free movement of persons, goods, services and values between the signatory countries. The Schengen countries have decided to eliminate border controls between themselves and maintain common controls at the external borders, so in migration terms, the Schengen area functions as a single country by maintaining a common visa policy.

Long-term Resident Status (European Statute): a status that allows a foreign national, who is a national of a third country (a country that is not a member of the European Union or the European Economic Area), to reside in Portugal for an indefinite period. This authorization is given to those who have had a legal and uninterrupted residence in the national territory during the previous five years. This authorization has no limit of validity, but the title must be renewed every 5 years. Beneficiaries of this status may move to live, work or study in another EU country for more than three months if they meet certain conditions. They may be accompanied by their family members.

Glossary of Terms

Personal Income Tax (IRS): Personal Income Tax (IRS) applies to the income of citizens resident in Portuguese territory and of non-residents who obtain income in Portugal. The tax is determined according to the income obtained, applying the corresponding rate, according to the tax bracket to which it belongs, and considering the deductions foreseen by law (e.g. education or health expenses). The IRS is calculated individually, but couples or unmarried couples may choose to file the IRS jointly. In this case, the tax is levied on the sum of the incomes of the persons that compose the family unit.

Intermediary (sports agent): an individual or company, recognized by the FPF, who, free of charge or for a fee, represents the player or the club in negotiations, intending to sign a sports employment contract or a transfer contract.

Transfer Window: that period of the year when teams can sign and roster players. FIFA allows associations to create two distinct transfer periods: a) the first transfer window must start after the end of one season and before the start of the next; b) the second window usually occurs in the middle of the season. In the case of the European transfer window, concerning the major leagues, the first window is called the “summer market”, while the second is the “winter market”. In Portugal, the window for international transfers operates from 1 July to 31 August and from 4 January to 2 February.

Parish Council: on the continent, the local authorities are the parishes, the municipalities and the administrative regions (Article 236, no. 1). “The parishes are the local authorities which, within the municipal territory, aim to pursue the interests of the population residing in each parish constituency” (Freitas do Amaral, Curso de Direito Administrativo, vol.). The representative bodies of the parish are the parish assembly (deliberative body) and the parish council (executive body).

Tax Identification Number: the Tax Identification Number (NIF) is a sequential number intended exclusively for processing tax and customs information. The request of attribution of a Fiscal Identification Number (NIF) is a service that allows the registration of a citizen, resident or not in a national territory, in the Tax Administration database.

Social Security Number: the Social Security Identification Number (NISS) is the number that allows a unique, accurate and precise identification before Social Security, at a national level.

Sports Passport: document, issued by the FPF or similar federation, containing all the relevant elements relative to the player and indicating all the clubs for which the player was registered, at least since the age of 12.

Registration with International Transfer: registration of an amateur or professional player who was registered by a Club of a similar Federation.

Registration with National Transfer: registration of a player who was registered by another FPF affiliated Club.

Glossary of Terms

Criminal Record: the Criminal Record Certificate (CRC) certifies the absence of a criminal record for the purpose for which the document is intended, or contains the relevant criminal record for that purpose.

Registration of the Contract: act, performed by the FPF, consisting of the acceptance and insertion in its database of the elements of a sports training or sporting work contract signed between a player and the club for which he or she is registered.

Provisional Registration: authorization for registration of a player, given to a club by a regional or district association or by the LPFP, subject to approval by the FPF.

Registration: Authorization given by the FPF to a player's registration by a Club.

Sports Insurance: sports insurance covers the personal accident risks inherent to the respective sports activity, namely those arising from training, sporting competitions and respective travel, both within and outside Portuguese territory (the cover of the risks inherent to travel only covers sports agents). For sports practitioners in the high-performance regime, the system of the existence of two complementary insurances is maintained - the sports insurance complemented by the health and personal accident insurance, as in the case of professional practitioners, and the sports insurance complemented by the work accident insurance.

Bridge Transfers: FIFA, international football's governing body, has published significant changes to its main regulations governing the registration and transfer of players, known as the RSTP. Among them is the definition of the prohibited practice of bridge transfers. Thus, it will be considered a bridge transfer when the same player is transferred 2 (two) times during an uninterrupted period of 16 (sixteen) weeks. In addition to the transfers carried out only for distribution of financial participation (economic rights or sell-on fee), the acquisition of South American and African players by big European clubs is also affected and forbidden when followed by immediate loans to smaller clubs, something merely carried out for market reserve.

European Union: the European Union is not a state, but a unique partnership between European countries, known as the Member States. Together, they cover most of the European continent. Citizens of EU member states are also citizens of the European Union. The EU currently consists of 27 countries. In June 2016, the UK voted to leave the EU, and left in 2020.

Visa: an addition made by a consular official to a passport or identity card that indicates that the holder of the visa falls within the category of aliens who are admissible under the State's internal rules. A visa defines the criteria for admission to a State.



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Social Inclusion of African Athletes in Europe

Appendix

National Legal

Guidelines

LEGAL GUIDES IN
FRANCE

Table of Contents

1. Introduction

2. Football regulations

- a. Player registration and licensing
- b. Attending football trials outside your national territory
- c. Joining a football club or academy outside your national territory
- d. Agreement with agents or clubs
- e. Player transfer at the national level
- f. Related resources

3. Legal framework

3.1. Migration to France and entry requirements

- a. General information
- b. Work permit
- c. Residence permit
- d. Compulsory insurance

3.2. Labor law

- a. General information
- b. Player contract
- c. Related resources

4. The human rights of migrant athletes after migration to France

- a. The rights of migrant athletes at the national level
- b. The rights of female and underage migrant athletes

5. Mapping of networks



1) INTRODUCTION

France is the most visited country in the world. With its strong economy and popular, vibrant cities, it is also a popular destination to which people relocate or migrate. As an EU country that is part of the Schengen Area, France has a two-tier immigration system:

- EU/EFTA citizens can travel passport-free with the same rights to look for work and study as French nationals.
- Non-EU/EFTA nationals usually need a visa.

Just over 13% of the French population is classified as immigrants, according to 2020 figures. Around one-third of these have taken French citizenship. The largest migrant communities are from Africa, with nearly 42% from Algeria, Morocco, Senegal, Cameroon and Ivory Coast.

In 2020, the French government announced plans to introduce quotas on non-EU economic migrants as part of its measures aimed at addressing concerns about immigration, asylum and integration. In other words, it will get tougher in the coming years for migrant football players to come to France illegally and be able to stay, work and live.

When it comes to the migration of African footballers to France, getting a visa, especially for an African to play in France has never been easy. Firstly, French embassies are extremely cautious of awarding visa's to footballers who are African and are going to France on the grounds of getting better football opportunities. Stats show that 25% of African footballers who fail their trial at the French club refuse to return home.

As mentioned below, France has a reputation for being less tolerant or less friendly to Africans coming from home and has a strict immigration policy. African football players therefore have to meet certain criteria to successfully apply for a visa. For this, they need to reach out to the French Office for Immigration and Integration (L'office Français de l'immigration et de l'intégration – OFII), the government agency in charge of immigration in France.

This guide will give you an overview of the requirements for an African migrant footballer to relocate to France in terms of a visa, work permit, residence permit and diverse legal information as well as recommendations pertaining to your social and legal integration into French society. Firstly, we'll look into the migration process and entry requirements for African footballers then we'll move on to the Labor law requirements relating to your contract and transfer. Finally, we'll consider the human rights of migrants including those for women and minors.

2) FOOTBALL REGULATIONS

a) Player registration and licensing

To recruit new talent, football clubs regularly organize detections. These may be free or not, it depends on the club that is recruiting. It's a great start because it allows football players to show how talented they are and it's also an opportunity for them to measure up against other players.

- **How do they register?**

The trials are organized according to age so prospective players have to register in their category to qualify to play with footballers from the same age group. This registration can be done in two ways. Either they can go to the club during trials or training (depending on the club policy) or they need to send their registration form to the football club they wish to join (an example of a registration form appears below in the related link section).

- **How does a player get a License? What do they need to provide to obtain it?**

1. If players are under 18 years old, they need to provide a License form signed by their legal tutor or their parents, proof of ID (passport or ID card) as well as their parents' or legal tutor's ID, proof of residence (phone bill, electricity bill), birth certificate, medical certificate signed by a doctor, an ID photo and an upfront payment (between 100 and 300 euros) depending on the club.
2. If players are over 18 years old, they need to provide all of the documentation mentioned above except the parents' or legal tutor's ID and they can sign their own license form.

b) Attending football trials outside your national territory

An academy football trial allows young players to get a taste of the academy environment. Players can experience a potential club before committing to them or being offered a period of registration. The trial also allows the club to get a good look at the player and all aspects of his/her game over a specified period.

Once you have been selected for a football academy trial in France, or anywhere else in Europe, the recruiter will invite you to attend by approaching you directly if you are over 18 years old, or your parents or your legal tutor if you're a minor. The trial period may rely on the club policy and it could take one day or more than 3 weeks to confirm the enrollment, during which time the player will attend training and play in matches. During this period, the coaches will assess the player on the four main areas of football development (technical, tactical, physical and social aspects of his/her game and personality.) If the player is successful during this period, the club could either offer you an annual registration or extend the trial period.

c) Joining a football club or academy outside your national territory

There are three ways to get into a football club or academy outside your national territory:

- Getting scouted while you play football: this starts with you joining any football team regardless of the level. If you are talented, with abilities that overshadow the other players, and you perform correctly in the field, there will always be a chance of someone

seeing you and wanting to sign you. After being scouted you will normally be invited to attend football trials. During trials, you can be noticed by football scouts actively looking for players or simply someone who is watching your game by coincidence and is impressed by your abilities. The person interested will attempt to contact you if you are over 18 years old, or your parents if you are a minor or most commonly, will make contact through your football coach. After this initial contact, there is usually a football trial but you may even be signed straight away. Another way this may happen is through your football coach. He may know people or have valuable contacts, so if you impress and clearly show that you are too good for the current level, your coach will identify this and help you progress.

- Signing with a football agent: the job of an agent is to actively search for football talent and find them a football team. These are people with contacts so when you impress an agent, they can be helpful as they can arrange trials or football scouts who will watch you play.
- Contacting clubs directly: you can contact clubs by yourself by either emailing them, getting the details of someone who works in the club or through an agent or a person who knows people in the club. You can also show up at their door but this is a highly risky approach that is not recommended.

d) Agreement with agents or clubs

Footballer contracts are complex and have many aspects. The footballer's agent is responsible for negotiating contracts as they will look to secure the best deal for the player financially whilst maximizing the freedom and power of the player. One of the ways that agents earn their money is through agent fees which are included in player contracts. This is usually a percentage of the players income, so it is in the interests of the agent to negotiate the highest possible wage for their player (to read more about this, see the model of an agent agreement in the related resource section).

e) Player transfer at the national level

It's important to distinguish national transfer rules from the international transfer rules.

The transfer of players between clubs belonging to the same association (national transfer) is governed by specific regulations issued by the national association concerned.

The transfers of players between clubs belonging to different national associations are laid down by international associations such as FIFA. Such international transfer rules are important to set universal competition parameters. These contribute to the organization of worldwide competition and to promote international sporting exchanges. Transfer rules influence regulation on the protection of minors and promotion of youth development, the competitive balance and fairness through rules on contractual stability, solidarity and redistribution mechanisms. Some public rules are inconsistent with FIFA Regulations on the Status and Transfers of Players, notably in relation to the length of players' contracts. In practice, such public rules are not that significant as players sign exclusively fixed-term contracts lasting between one to five years, in compliance with FIFA regulations.

There is a predominance of Public law as the source of the regulations imposed on the non-EU players. As a result, when they are recruiting non-EU nationals, sport stakeholders must comply with laws and regulations relating to immigration policies. Nevertheless, sports bodies implement specific criteria for non-EU players in order to ensure they are eligible to pursue sporting careers (for more information, check out the related resources below).

f) Related resources

<https://www.expatica.com/fr/working/employment-law/french-labor-laws-104533/>

<https://www.welcometofrance.com/en>

http://www.hlsz.hu/uploads/szbalyzatok/hungarian_standard_players_contract___english_version.pdf

<https://sico.nu/media/Player-agreement.pdf>

<https://ec.europa.eu/assets/eac/sport/library/documents/cons-study-transfers-final-rpt.pdf>

3) LEGAL FRAMEWORK

3.1. Migration to France and entry requirements

a) General information

You do not need to apply for a French visa if you are an EU/EFTA citizen.

You no longer have to apply for a residence permit or register at your local town hall if you are an EU/EFTA citizen. However, you can apply for a residence card if you wish. Spouses and dependent relatives of EU/EFTA nationals have the same entry rights. However, they must apply for a residence permit within three months of arriving in France.

As far as non-EU/EFTA nationals are concerned, some nationalities need a visa to enter France, even if it is only to stay for a short period of time. For more information about this, go to the related link

section and check the website for the requirements of your own country and situation.

All non-EU/EFTA nationals must apply for a long-term French visa and residence permit if they want to stay in France longer than 90 days.

Now, let's look at the African migrant footballer's situation more closely. What do they need in terms of paperwork to come to France to live, work and play football in clubs or an academy, and what are the entry requirements?

b) Work permit

If you are from the EU/EEA or Switzerland, you are free to work in France without a work permit. If you're coming to France with a family member who has a permit for certain types of highly skilled work, you also may be able to work without a work permit.

Most other people need permission to work in France and they will need this authorization before they will be granted a visa. The prospective employer organizes this process on your behalf.

As you need an employer to organize the authorization for you to work, first of all you need to find a job. Here are the different work permits available in France (see the link to access more information about these permits in the related link section).

- Working for less than 90 days: if you are working in France for less than 90 days, your employer must get you a temporary work permit. The employer will get this from the French Ministry of Labor, the DIRECCTE (Direction régionale des entreprises, de la concurrence et de la consommation, du travail et de l'emploi).
- Working for more than 90 days: if you are working in France for more than 90 days, you must apply for a long stay work visa. This is also your residence permit. To arrange this, your employer will draw up a work contract and send it to the local division of the French Ministry of Labor. If the DIRECCTE approves the contract, it is sent to the Office Français de l'Immigration et de l'Intégration (OFII). Once OFII approves the contract,

it will go directly to the French embassy in your home country. You will then receive an invitation to visit the embassy in person to apply for a long stay visa. When you go to the embassy to finalize this ensure you take your passport, an application form and any other documentation necessary. On arrival in France, you will still have to register with the OFII.

c) Residence permit

There are many different types of residence permits to work in France, each one with its own requirements.

Some permits provide exemptions from other general requirements for migrants coming to live in France; for example, the requirement for migrants to sign the Contrat d'Accueil et d'Intégration (CAI). This contract aims to help migrants integrate into French society. By signing it, the French government agrees to offer training courses and the migrant agrees to take part in them. The three types of French visas are:

- Short stay visa, which is for visits to France lasting three months or less
- Temporary long stay visa, which is for stays of up to a year and are non-renewable
- Long stay visa, which is for stays in France of over one year

For more information about these three visa types, see the links in the related link section.

d) Compulsory insurance

Public healthcare in France is accessible to all residents through French health insurance contributions. As of 2016, a new healthcare system for foreigners, the Protection Universelle Maladie (PUMA), provides access to state healthcare after three months of residence.

If your application for legal residence has not been finalized, you may be eligible for State Medical Assistance (Aide Médicale d'Etat or AME). For more detailed information on this, check out the related link section.

3.2. Labor Law

The French Labor Code details the rights and responsibilities of individuals, trade unions, and companies. As a whole, employee protections in France are robust. For example, it is more difficult for employers to terminate employees in France than in many other countries. It is however important that you read through any French employment contract before starting a job.

As is the case in most of the European Union, your right to work in France will depend on your citizenship. The two-tier system means you can work in France with minimal issues if you are an EU citizen. However, you will need a work permit if you are not an EU citizen and your best option is to find an employer who is willing to sponsor you. Your employer will then handle all the residence permit paperwork. While there are other ways to obtain a work permit, this is the most straightforward way.

a) General information

If you are not a citizen of an EU/EEA country, you may only have access to certain types of employment contracts:

- Fixed-term contract
- Permanent employment contract

In terms of wages and salaries in France, the country has a minimum wage which is set at €10.25 per hour. This equates to €1,554.58 per month based on a 35-hour work week. It's likely that youths or apprentices could earn less. For more information about this, there are links in the related resource section.

Regarding football associations and organizations, check out the useful contacts in the related resources section for a better understanding of each organization's role.

b) Player contract

A football contract is an agreement between a player and a club that sets out the terms of the player's employment. The contract must specify the length of the contract, the player's salary, and any bonuses or benefits that they are entitled to. It is important to note that players can only sign contracts with the clubs to which they are registered.

Footballer contracts essentially mean that the club is in control of the player for the duration of the contract. This means the player cannot leave the club to play for another club, unless a transfer offer is submitted by another club (see the process that is outlined below in the related resource section regarding "model of a player contract"). The player contract consists of general terms and conditions to ensure the player's best interest and cover him/her legally. Also, there are personal conditions which are included in each contract that are unique to each club and these would include remuneration, terms of contract....

IF THE PLAYER IS A MINOR, THE AGREEMENT MUST BE SIGNED BY THE PLAYER'S PARENT(S) OR LEGAL GUARDIAN(S).

1. The obligations of both parties (the player and the club) include:

For the employee (the player):

- to take part in team or individual trainings, preparations, training camps, matches organized by the employer (the club) and assigned for him, as well as to participate in other events, programs determined by the employer
- to subject himself to training and other occupations, individual or group physical fitness programs defined by the professional staff of the employer
- to execute the instructions of the professional management relating to his sports activities with the condition that ordering of individual training is only allowed in cases and to the extent that are justified from a sports professional and/or a medical perspective

- not to perform any sports activities or related activities at training, matches or other events performed or organized by a third party without the prior written consent of the employer.

For the employer (the club):

- to ensure all professional and objective conditions required by the employee to the fulfillment of this agreement
- to meet payment obligations in time and without delay
- to respect and observe the human rights of the employee, in particular his right to freedom of expression and the prohibition of unjustifiable discrimination
- in line with his health and safety policy, to ensure the accident insurance of the employee to the extent demanded by the rules of the sports federation
- to ensure regular medical and dental examinations of the employee by qualified experts in connection with the sports activities of the employee.

2. The terms of employment:

- The employment relationship is established by the Parties for a specific period of time defined in the Personal Conditions
- The commencement date of the employee's work is the day agreed to in the Personal Conditions.

3. The remuneration of work:

- The employer is paying a wage to the employee. The employer will pay the employee's personal base wage until the date of the month following the given month defined in the Personal Conditions – with the latest day being the 20th day of the month – by bank transfer, the size of which wage is also outlined in the Personal Conditions section of the Employment Contract
- The Parties agree that if the sports club drops out of the division in which it participated at the time of the conclusion of the contract, the personal basic salary of the employee can be reduced by the employer with the percentage determined in the Personal Conditions but to a maximum of 50 %. This is with the condition that if the basic salary reduction exceeds 30% of the original basic salary, the employee has the right to request the immediate termination of the contract.

4. Termination of the contract:

- Each party has the right to immediately terminate the agreement if the other party is in breach of essential obligations under this agreement.
- The employee is also entitled to terminate the agreement with immediate effect if the employer goes into liquidation, requests or is declared bankrupt, commences composition or reorganization proceedings or is otherwise deemed insolvent.

- If grounds for termination exist pursuant to the paragraphs above, the employee has the right to claim damages equivalent to the full financial damages. The employer is entitled to full remuneration from the employee if the employee a) is found guilty of doping b) is suspended or c) is fired by the employer due to disciplinary reasons.

5. Disputes and applicable law:

Any disputes arising from this agreement shall primarily be resolved through negotiations between the parties. If this does not resolve the dispute, adjudication is to be made by a court of the national territory, based on French laws.

c) Related resources and reliable websites

<https://www.schengenvisainfo.com/schengen-visa-application-requirements/>

<https://france-visas.gouv.fr/en/web/france-visas/>

<https://www.diplomatie.gouv.fr/fr/>

https://asmffootball.sportsregions.fr/media/uploaded/sites/10803/document/5f59d66991d8b_Renouvellement20202021.pdf

<https://lmffc.fr/wp-content/uploads/2021/05/LMF-DEMANDE-DE-LICENCE-JOUEUR-DIRIGEANT-VOLONTAIRE-2021-2022.pdf>

<https://www.expatica.com/fr/moving/visas/france-work-visas-101098/>

<https://www.service-public.fr/particuliers/vosdroits/F2728>

<https://www.ofii.fr>

<https://www.service-public.fr/particuliers/vosdroits/F17048>

<https://www.expatica.com/fr/moving/visas/french-visas-101096/#immigration>

<https://www.ameli.fr/assure/droits-demarches/situations-particulieres/situation-irreguliere-ame>

<https://www.service-public.fr/particuliers/vosdroits/F10027>

4) THE HUMAN RIGHTS OF MIGRANT ATHLETES AFTER MIGRATION TO THE HOST COUNTRY

African athletes have migrated throughout history, and they have migrated for different reasons such as seeking better economic opportunities, escaping human rights abuses, including conflict, persecution, and torture. In France, migrants and migrant athletes are generally entitled to the same human rights protections as all individuals, although France may limit migrants' rights in some ways, such as voting and political participation. Many human rights treaties prohibit discrimination on the basis of national origin and require countries to ensure that migrants' human rights are equally protected.

a) The rights of migrant athletes at the national level

According to International Human Rights norms, which are based upon the inherent dignity of every person, migrants enjoy the fundamental rights afforded to all persons regardless of their legal status in a country. The rights listed below apply to all migrants, whether they are athletes or not.

- Civil and political rights
- Access to justice
- Economic and social rights (access to health system, insurance)
- Access to accommodation and emergency shelter
- Access to the work market
- Right to open a bank account
- Freedom of movement
- Right to primary education

For more information, visit these links: https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/736160170_ddd_rapport_droits_etrangers.pdf

<https://ijrcenter.org/thematic-research-guides/immigration-migrants-rights/>

b) The rights of female and underage migrant athletes

- The rights of underage migrant athletes

Unaccompanied migrants who are underage (under the age of 18 years) must be informed about their rights as well as the different ways of recourse available for them. The decisions made for them must be written in language that they will understand and that is applicable to their level of maturity. In the worst-case scenario, a translator or an interpreter should be available to them at every stage of the recruitment process.

Numerous international laws ensure minors are legally assisted by a representative able to defend their interests. Additionally, the judiciary distinguishes the “unaccompanied minor” status (MNA), that enables girls and boys to benefit from the Child Welfare Aid’s (ASE) protection.

These are the rights they are entitled to, in addition to the ones mentioned above.

- Right of being assisted and looked after according to their needs: minors can be placed in host families, training centers, hotels or associations. They can reach out for help to associations for assistance with their paperwork, admin work
- Right to be covered by the health protection system
- Access to the job market and professional training
- Right to Education

Unaccompanied foreign minors (“mineurs non accompagnés” or “MNA”) also benefit from child protection measures. They are classified as unaccompanied foreign minors if they are less than 18 years old and they have no legal representative in France. France then has the obligation to protect them until they reach adulthood (18 years old), even if they have not made an asylum application. As an unaccompanied minor, they have the right to make an asylum request. However, unaccompanied minors are usually requested to start the asylum request process by contacting child protection via the ASE (Aide sociale à l’enfance) of the department where they live. The ASE will take care of their housing, health insurance, and education.

Once a minor has asked for protection, their department's ASE (child social assistance service) will carry out an assessment interview to determine their age (they must be less than 18 years old) and isolation (that they are genuinely unaccompanied in France). Minors will be expected to:

- describe their journey from their country of origin
- provide their ID papers if they have any
- may be required to take a medical examination in order to determine how old they are.

In many instances, they may be sent to the prefecture which will take their fingerprints as well as a photo and collect all personal information to compare it to the information on foreigners in their files. Minors can decline going to the prefecture, but this may reinforce the ASE and prefecture's suspicions that they are not minors.

- The rights of women migrant athletes

Migration has long been portrayed as a men's issue. Nowadays however, women account for 51.8% of the people who arrived in France in 2018. This trend is repeated throughout Europe and is the result of a growing individualization of women, many of whom arrive in France alone. It is also due to the increasing levels of poverty and violence to which women are exposed in their countries of origin.

While some progress has been made in the last few years, French reception and integration policies remain to some extent genderblind. The fact is that women are entitled to the same rights as male migrants, whether they are athletes or not.

The origin of female migrants varies depending on the type of migration. Many unaccompanied minors are Nigerian, and 35% of refugees are African.

For more information on women migration, visit:

<https://rm.coe.int/migrant-women-in-france-note-coe-eng-june-2020-1-/16809f1557>

1) THE MAPPING OF NETWORKS

a) Institutions

1. CAF (caisse d'allocation familiales): www.caf.fr
2. Information desk : <https://www.education.gouv.fr/cid160/les-lieux-d-information-de-l-orientation.html>
3. Pôle emploi : www.pole-emploi.fr
4. OFII: <https://www.ofii.fr>
5. Ameli: <https://www.ameli.fr/assure>

b) The associations

1. Réfugiés bienvenue: www.refugiesbienvenue.com
2. France terre d'asile : www.france-terre-asile.org
3. La Cimade: www.lacimade.org
4. Action Emploi Réfugiés : www.actionemploirefugies.com
5. Agence nationale pour la formation professionnelle des adultes : www.afpa.fr
6. Comprendre pour Apprendre (CPA) : www.cpafrance.fr



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SiNAFE

Social Inclusion of African Athletes in Europe

Appendix

National Legal

Guidelines

LEGAL GUIDES IN
LISBON

Table of Contents

1. Glossary

2. Introduction

3. Football Regulations

- a. The legal rights of a foreign player in Portugal
- b. First registration of a foreign player in Portuguese football
- c. Registration of football players in Portugal
- d. The status of football players in Portugal
- e. Player transfers
- f. The Role of the Agent, Manager, Entrepreneur, or Intermediary
- g. Underage foreign players (under 18)
- h. Formalities for underage players
- i. Competitive structure of Portuguese football

4. Legal Framework

4.1. Labor law

- a. The employment contract of a professional football player
- b. End of employment contract
- c. Underage player contracts

4.2. Migration to Portugal and entry requirements

- a. General information
- b. Work permit
- c. Resident permit
- d. Healthcare system for non-citizens

5. The rights of migrant athletes after migration to Portugal

- a. Football player's rights
- b. Specific issues for female players

6. Mapping of contacts and support networks



Legal Guide for Migrant Footballers

Glossary of Terms

Academy: an independent organization or legal entity, whether or not it belongs to a club, which has the objective of training footballers and provides the facilities, training infrastructure and human resources to facilitate this. Football training centers and football schools may be considered academies.

District and Regional Football Associations are the entities recognized by the FPF to organize competitions at district and regional levels. For the entire national territory, there are 22 associations, and the associations to which each amateur player is registered should be consulted. Through the FPF website, it is possible to consult each one of the associations.

Permanent Residence Authorization: authorization that allows a foreign citizen, who is a third-country national (a country that is not a member of the European Union or the European Economic Area) to reside in Portugal for an undetermined period. This authorization is given to those individuals who have had a legal and uninterrupted residence in the national territory for five years or more. This authorization has no limit of validity, but must be renewed every five years.

Temporary Residence Permit: residence permit which allows a foreign citizen, who is a national of a third country (a country that is not a member of the European Union or the European Economic Area) to reside in Portugal for some time. This permit is valid for one year, as of the date of its issue and is renewable for successive periods of two years.

Residence Permit: a document, issued in the form of a residence permit, that allows foreign citizens to reside in Portugal for a certain period or an undetermined period. It is valid as a civil identification document throughout the EU and the EEA and as a fiscal identification, Social Security identification, and proof of address in the national territory.

License Card: the document issued by a District or Regional Football Association or by the Portuguese Professional Football League that proves a player's registration to a certain Club for a certain season.

International Transfer Certificate: a document issued confirming an international transfer by the national association to which the player was registered, that enables the association of another country to register that player and allow him/her to participate in competitions organized by the latter association.

Training compensation: financial compensation that takes place when a player signs a first sports employment contract with a club other than the club, or clubs, that provided the training. The new club thus owes a training compensation to the club, or clubs, which provided the training.

Glossary of Terms

Training contract: contract between a certified training entity and a trainee, between the ages of 14 and 18, through which that entity provides the young player with adequate training for the development of his/her technical capacity and the acquisition of knowledge necessary for the practice of football, with the player being obliged to carry out the tasks inherent to that training.

Employment contract: a contract whereby a football player undertakes, for a fee, to provide his sporting ability to a club that promotes or participates in sporting activities, under the direction and authority of that club.

Social Security Contributions: amounts determined by the application of the percentages established by law upon the remuneration or similar (bases of incidence), which are due by the beneficiary and, in the case of employees, also by the respective employer to contribute to the financing of the Social Security Systems.

Sports season: a period, never longer than 12 months, during which the sporting activity takes place, to be determined and fixed by the Portuguese Football Federation

B team: a secondary team in each club/SAD/SDUQ, created within the club, that is competitively subordinate to the main team and that competes at a lower level. A B team is also understood to be the senior team of a club which has created a SAD or SDUQ. The B team can only field players up to the age of under-23, with three places in each game for players over the age of 23.

Main Team: the club's team competing at the highest level of the sport.

U-23 team: there are no teams exclusively for under-23-year-olds. For the revelation league there are teams that cannot have players older than 23 years of age.

Schengen Area: an area resulting from an agreement signed by 26 European countries (22 belong to the 28 countries of the EU while the remaining 4 do not belong to the European Union) which allows the free movement of persons, goods, services and values between the signatory countries. The Schengen countries have eliminated border controls between each country and maintain common controls at the external borders. In terms of migration, the Schengen area functions as a single country as there is a common visa policy.

Long-term resident status (European Statute): a status that allows a foreign national, who is a national of a third country (a country that is not a member of the EU or the EEA), to reside in Portugal for an indefinite period. This authorization is given to those who have had a legal and uninterrupted residence in the national territory for five years or longer. This authorisation has no limit of validity, but must be renewed every five years. Beneficiaries of this status may move to live, work or study in another EU country for more than three months if they meet certain conditions. They may be accompanied by their family members.

Glossary of Terms

Personal Income Tax (IRS): Personal Income Tax (IRS) applies to the income of citizens resident in Portuguese territory and of non-residents who earn an income in Portugal. The amount of tax due is determined according to the income received, applying the corresponding rate according to the tax bracket to which it belongs, and considering the deductions foreseen by law (e.g. education or health expenses). The IRS is calculated individually, but couples or unmarried couples may choose to file the IRS jointly. In this case, the tax is levied on the sum of the incomes of the people that compose the family unit.

Intermediary (sports agent): is an individual or company recognized by the FPF who, free of charge or for a fee, represents the player or the club in negotiations that are intended to result in a sports employment contract or a transfer contract.

Transfer window: briefly, a transfer window is that period of the year when teams can sign and roster players. FIFA allows associations to create two distinct transfer periods: a) the first transfer window must start after the end of one season and before the start of the next; b) the second window usually occurs in the middle of the season. In the case of the European transfer window (for the major leagues), the first window is called the “summer market”, while the second is the “winter market”. In Portugal, the window for international transfers operates from 1 July to 31 August and from 4 January to 2 February.

Parish Council: on the continent, the local authorities are the parishes, the municipalities and the administrative regions (Article 236, no. 1), although the latter has not yet been specifically instituted (Articles 255 and 256). “The parishes are the local authorities which, within the municipal territory, aim to pursue the interests of the population residing in each parish constituency” (Freitas do Amaral, Curso de Direito Administrativo, vol.) The representative bodies of the parish are the parish assembly (deliberative body) and the parish council (executive body).

Tax Identification Number: the tax identification number, abbreviated as NIF, is a sequential number intended exclusively for processing tax and customs information. The request of attribution of a Fiscal Identification Number (NIF) is a service that allows the registration of a citizen - resident or not in the national territory - on the Tax Administration database.

Social Security Number: the Social Security Identification Number (NISS) is the number that allows a unique, accurate and precise identification for Social Security, at a national level.

Sports Passport: a document issued by the FPF or similar federation containing all the relevant elements relative to the player and indicating all the clubs to which the player has been registered since the age of 12.

Registration with international transfer: Registration of an amateur or professional player who was registered by a club of a similar Federation.

Glossary of Terms

Registration with national transfer: Registration of a player who was registered by another FPF affiliated club.

Criminal Record: the Criminal Record Certificate (CRC) certifies the absence of a criminal record or contains the relevant criminal record.

Registration of the contract: an act performed by the FPF consisting of the acceptance and insertion on its database of the elements of a sports training or sporting work contract signed between a player and the club for which he/she is registered.

Provisional registration: authorization for registration of a player, given to a club by a regional or district association or by the LPFP, subject to approval by the FPF.

Registration: authorization given by the FPF for a player's registration to a club.

Sports insurance: the sports insurance covers the personal accident risks inherent to the respective sports activity, namely those arising from training, sporting competitions and respective travel, both within and outside Portuguese territory (the cover of the risks inherent to travel only covers sports agents). For athletes at the highest level, a system with two complementary insurances is maintained - sports insurance complemented by health and personal accident insurance, or in the case of professional practitioners - sports insurance complemented by work accident insurance.

Bridge Transfers: FIFA, the international football governing body, has published significant changes to its main regulations governing the registration and transfer of players, known as the RSTP. This has included a change to the definition of the prohibited practice of bridge transfers. This practice will be considered a bridge transfer when the same player is transferred 2 (two) times during an uninterrupted period of 16 (sixteen) weeks. In addition to the transfers carried out only for distribution of financial participation (economic rights or sell-on fee), the acquisition of South American and African players by big European clubs is also affected and forbidden when followed by immediate loans to smaller clubs, a practice that is carried out for market reserve.

European Union: the European Union (EU) is not a state but a unique partnership between European countries known as the Member States. Together, they cover most of the European continent. Citizens of EU member states are also citizens of the European Union. The EU currently consists of 27 countries. In June 2016, the UK voted to leave the EU and this was enacted in 2020.

Visa: an addition made by a consular official to a passport or identity card which indicates that the official considered, at the time of issue, that the holder of the visa falls within the category of aliens who are admissible under the State's internal rules. A visa defines the criteria for admission to a State.

2. Introduction:

As Portugal dominates the world in football culture, it is often found that its past and current sporting talent attracts many prospective athletes wishing to move to Europe in the pursuit of an athletic dream.

As part of the EU and the Schengen Area agreement, Portugal offers a two-tier immigration system. EU/EFTA citizens can travel passport-free (with the same rights) to look for work and/or study as Portuguese nationals, whereas Non-EU/EFTA nationals require a visa.

Foreign citizens now account for 5.4% of the total population living in Portugal, an exponential increase since a census taken in 2011, when the figure was only 3.7%. With obvious ties to Brazil, Mozambique, Cape Verde, and Angola, many migrants arrive from former Portuguese colonies with the advantage of a similar culture and language.

Increasingly, football associations worldwide are hiring foreign players as additional talent to already strong teams and leagues. Research shows that during the 2010/2011 season, Portugal ranked third in the world for hiring the most foreign players, with a total of 182 in the country's roster. Over the past decade, these numbers have increased annually, and Portuguese teams are not only focused on former colonies, but many other nations in Africa too. According to Foot Solidaire, an activist group campaigning for young footballers, 15,000 African minors take their chances in Europe each year, with a failure rate of 70% or higher. Roughly 1,500 footballers arrive as illegal migrants according to Portuguese border police, and a number of legal and illegal migrants are susceptible to unscrupulous agents offering falsified deals, often forcing prospective athletes into human trafficking schemes.

This guide will give you an overview of what an African migrant footballer needs in terms of a visa, work permit, residency rights, and diverse legal information to both relocate and legally integrate into Portuguese society. The first section will look into migratory processes and entry requirements for African footballers, and the second section will explore Portugal's labor laws and detail contract and transfer agreements. Finally, the last section will explore the human rights of migrants, incorporating women's migration and minors' rights.

3. Football Regulations

a. The legal situation of a foreign player in Portugal

To play in Portugal, a football player, like any other foreign citizen, must **comply with the conditions for entry into the country determined by the Portuguese State.**

Only with the **situation regularized with the Portuguese authorities**, the Portuguese Football Federation accepts the inscription of a player

If the foreign player is a citizen of an EU country including Iceland, Liechtenstein, Norway, the Principality of Andorra or Switzerland, it is sufficient to present the **Certificate of Registration as an European Union citizen**. This Certificate of Registration gives the athlete the right of residence in Portugal and should be requested if the player stays in the country for a period exceeding three months. Until then, they only need to have a valid Identity Card or passport.

If the player is a citizen of a country outside the EU, he/she must present one of the following documents:

Temporary stay visa (type D). To have this visa the player needs a document from the FPF confirming the type of sporting activity, and a term of responsibility signed by the sports association or club, relating to accommodation and payment of any healthcare as well as expenses for the return to the country of origin. If the club or association does not assume this responsibility, the player must have the minimum means of subsistence. This visa has a duration of one year. With this visa, the player can be registered with **amateur status**.

Residence visa (obtained outside of Portugal), allows the player to enter the country and apply for a residence permit. On occasion, the player can be exempted from the residence permit visa and is granted a temporary residence permit.

Residence authorization, which at first is **temporary**, is valid for one year and subsequently renewable for periods of two years. At the end of five years this may be converted into a **permanent** residence authorization with **European residence status** or even into **Portuguese nationality**.

In the international transfer of a foreign player, the FPF accepts the transfer of that player with the understanding that the player does not yet have in his/her possession a temporary stay visa or a residence visa (because he/she is not yet in the country). It therefore gives the host club 60 days to demonstrate the legality of the entry of the player in Portugal. Thus, the request for international transfer may have its start before the arrival of the player.

Faced with the complexity of the legislation, the player and his/her **intermediary** should familiarize themselves with the necessary and correct information and documentation so that the beginning of the sporting activity in Portugal takes place legally.

b. First registration of a foreign player in Portuguese football

The first registration of a player with the FPF, regardless of whether they are amateur or professional, is dependent on prior consultation with the player's home federation. If no reply is given within 30 days, the player's registration is admitted.

c. Registration of football players in Portugal

Players, regardless of the category in which they compete, who participate in official competitions at either amateur or professional level, must be **registered with the FPF**. Through this registration, the players are integrated into the worldwide football structure, and are obliged to comply with and respect the Statutes and Regulations of FIFA, UEFA and FPF.

The player's registration with the FPF must be done according to the **membership that the player holds with a club**. In a sporting season, a player can only be registered with **three clubs**, cannot be used in official matches by more than **two clubs**, nor be registered simultaneously with more than **one club**.

The **registration of an amateur player** is only accepted if it has been entered into the FPF computer registration system. In amateur competitions, there is a single registration period determined by the federation. The registration of an amateur player is valid for one season.

The **registration of a professional player** (article 17) must be requested by the interested club and is done in periods that are specifically fixed to two time frames (the first starting after the end of the season and ending at the beginning of the new season, and the second approximately in the middle of the season). Only unemployed players may be registered outside of these periods. The registration of a professional player is valid for the duration of the contract and is annually subject to the presentation of the obligatory work accident insurance.

d. The status of football players in Portugal

The status of a football player is determined by the existence of an **employment contract**. A **sports employment contract** is defined as the agreement by which a footballer undertakes to train and play for a club, accepting its authority and direction, and being remunerated for it.

The FPF determines that a player who has a work contract with a club and receives payment for his/her activity is a **professional player**. A player is also considered professional when, even though they are registered as an amateur, they regularly receive remuneration that exceeds the value of the expenses they make to represent the club.

An amateur player has no work contract and only receives sufficient money to cover the expenses resulting from his/her football activity.

e. Player transfers

By law, the process to transfer football players in Portugal is determined by the Regulations of the FPF **Status, category, registration and transfer of players**.

When the transfer of a player occurs between two Portuguese clubs, the new club is obliged to declare the referred agreement and send it along with the new contract for FPF registration. If the transfer is international, it must occur under FIFA rules, and for the registration of the player in FPF, the home federation must also send the International Transfer Certificate. The FPF must first authorize the registration before the district and regional associations and LPFP can authorize the player's (who is coming from a foreign club) participation in official competitions.

Employment contract clauses that condition or limit the **sporting player's freedom to work** after the end of the contractual relationship will not be considered valid. However, the new club may be obligated to pay to the previous club a **fair compensation by way of promotion or upgrading of** a young player. This amount may not be disproportionate to affect the possibility of signing that player. Such compensation can be paid by the player. No compensation is due if the contract is terminated with just cause. This obligation to pay compensation must be established by a **collective bargaining agreement**.

During the sporting employment contract, if there is an agreement between the parties, the player may be **ceded to another club**. In this temporary cession of the player by the employer club to another club, the initial contractual link is maintained. In this case, the player is subject to the management power of the new club. Both clubs are responsible for the payment of the player's wages. In case of non-payment of wages, the player must communicate the fact to the party not in default, within 45 days, under penalty of release from responsibility. In the cession contract remuneration conditions different to those agreed upon in the employment contract may be established, as long as they do not involve a reduction in the foreseen remuneration.

The FPF does not allow **bridge transfers**. These are two consecutive and related transfers (national or international) of the same player. The first club to which the player transfers acts as an intermediary to avoid the application of regulations by another club. It is assumed that two transfers of the same player within 16 weeks means that the parties involved are participating in a bridge transfer. If this is the case, sanctions will be imposed according to the FIFA Disciplinary Code.

Each player must have a **sports passport**. Therefore, when transferring a player, the FPF provides the new club with a sports passport containing the relevant data for the player, namely the clubs for which the player has been registered since the season in which he/she turned 12. If the player (national or foreign) in question was previously registered with another similar association, the FPF must obtain the sports passport of that player from the country from which he/she originates. If a passport is not available from the country of origin, the FPF must organize the player's information to produce the missing passport.

f. The Role of the Agent, Manager, Entrepreneur or Intermediary

The **agent, manager, sports businessman** or **intermediary** is the person or company that, being **duly accredited**, exercises the activity of representation or intermediation, occasionally or regularly, in the signing of sports contracts.

Football-related intermediaries may only operate if they are duly recognized and authorized by the FPF. In this case, the registered intermediary may use, in the exercise of its activity, the designation of **intermediary registered with the FPF**. The FPF has an organized and up-to-date register of all agents in Portugal.¹

The FPF draws attention to the fact that in the process of hiring an intermediary, the player should act with **due care, and** before the start of the provision of services, make sure that the intermediary is registered with the FPF, and sign a contract of representation as provided in the regulations.

The intermediary may only act in the name and on behalf of one of the parties of the contractual relationship and may only be remunerated by that party. That is, the intermediary cannot simultaneously represent the player and the club in question.

The representation contract between the intermediary and the player must be concluded before the commencement of any representation activity. This contract must be lodged with the FPF before any transaction registrations. The player's responsibility to disclose full information to the FPF pertaining to all remunerations or payments agreed, made or to be made in favor of an intermediary.

The amount paid to an intermediary representing a player is calculated based on the player's gross income for the duration of the contract. The total amount of this remuneration may not exceed 5% of the player's gross income for the duration of the employment contract.

g. Underage foreign players (under 18)

To protect young players, Portuguese law proclaims that players **under 18 years of age** who are nationals of third countries, except for tourists or youth exchange trips, **are refused entry into Portugal** if they are not accompanied by someone who exercises paternal power, or when there is no one in the Portuguese territory who, duly authorized as the legal representative, is responsible for their stay. Consequently, when the player is under 18 years of age, he must be accompanied by someone who exercises parental power to enter the national territory.

The FPF, to further protect underage players, does not register players aged between 10 and 18 years old who have been registered with another federation or who, having no previous registration, do not have Portuguese nationality. However, according to FIFA's Regulations on the Status and Transfer of Players, the FPA accepts the registration, exceptionally, in the following situations:

- a) The player's parents immigrated to Portugal for reasons not related to football;
- b) The player is between 16 and 18 years old and transferred to Portugal from a club within the European Union. In this case, the FPF will:

¹ The number of intermediaries registered by the FPF is updated to 373. Consult the list updated on 12 January 2022 [file:///C:/Users/User/Downloads/Intermediaries%20registered%20epoca%2021_22%20-%2012_01_2022.pdf].

- i. provide the player with adequate sports education and training of the highest national standards set by the FPF;
 - ii. guarantee the player school or vocational training, enabling him/her to pursue a different career once he/she is not longer playing football;
 - iii. ensure that the player has excellent living conditions with a host family or at club facilities and is also assigned a mentor.
- c) The player lives within 50 km of the Portuguese border and the Portuguese club he wishes to join is also within 50 km of that border, and the maximum distance between the player's home address and the club's headquarters does not exceed 100 km;
 - d) The player has been living in Portugal for more than 5 years;
 - e) The player left his country of origin for humanitarian reasons, specifically related to a threat to his life or freedom, for reasons of race, religion, nationality, membership of a particular social group or political opinion, without parental control, and is therefore, even temporarily, allowed to reside on Portuguese territory;
 - f) The player is a student who has moved temporarily to Portugal for academic reasons, without being accompanied by his parents, to take part in an exchange programme. In this case, the duration of the player's registration cannot exceed one year in an amateur club.

h. Formalities for underage players

Minors are also obliged to complete certain formalities and follow specific steps (outlined below) to ensure their registration is valid, namely:

- a) Application for approval of first registration: documented on a club letterhead (...);
- b) Copy of the employment contract signed by the player's parents: submit a copy of the employment contract; submit a copy of the work permit in Portugal (in most cases the Residence Certificate states on the back "Allows the exercise of professional activity");
- c) Proof of the player's date of birth: copy of birth certificate.
- d) Proof of identity and nationality of the player: presentation of an original identification document or passport;
- e) Proof of identity and nationality of the player's parents: copy of the identification documents of the player's parents, e.g. residence permit or passport;
- f) Proof of residence of the player's parents: residence certificate issued by the parish council stating that the player lives with his/her parents;
- g) Proof of residence of the player: residence certificate issued by the Junta de Freguesia certifying that the player resides in Portugal without interruption since the day/month/year.

i. Competitive structure of Portuguese football

Senior football in Portugal is played in a competitive league and cup structure.

Primeira Liga is the most important competition in Portugal and consists of 18 clubs. It determines the national champion, and grants access to the Champions League; the UEFA Europa League and the Conference Europe League, depending on the classification of each team. Additionally, all participants enter the Taça de Portugal and the Taça da Liga. The bottom two finishers drop down to the Segunda Liga, and the second-bottom team plays a playoff against the third-placed team in the Segunda Liga. The Primeira Liga is organized by the LPFP and is fully professional.

Segunda Liga, the second most important football competition in Portugal, consists of 18 clubs. The two top-ranked teams move up to the Primeira Liga (excluding B teams) and the two worst ranked teams drop down to the Third League. All Segunda Liga teams (except B teams) participate in the Portuguese Cup and the League Cup. This competition is also organized by the LPFP and is professional.

Terceira Liga is the third tier of national football, consisting of 24 teams in two series, which at the end of the season promotes teams to the second league and relegates them to the Campeonato de Portugal. All teams in this competition participate in the Taça de Portugal. This competition is organized by the FPF.

Campeonato de Portugal is equivalent to the fourth level of Portuguese football and is played by 63 teams in six series. This competition promotes the best-classified teams to the third league and relegates the worst classified to the district championships. This competition is organized by the FPF.

District Championships are the competitions that take place in each of the districts or autonomous regions. Some districts have more than one division and those classified first are promoted to the Portuguese Championship. These competitions are organized by the Football District Associations.

Taça de Portugal is the most extensive competition in Portuguese football, in which all the clubs from the I, II, III Leagues, Portuguese Championship and the two top classified teams from the district championships, participate in a knockout system. This competition allows the winner to enter the Europa League. This competition is organized by the FPF.

j. Football's organizational structure

Football is organized by a governing body called the **International** Federation of Association Football (**FIFA**), which regulates and organizes the sport worldwide. For each continental area, FIFA recognizes Confederations, namely: Union of **European** Football Associations (**UEFA**); **African** Football Confederation (**CAF**); **Asian** Football Confederation (**AFC**); **South American** Football Confederation (**CONMEBOL**); Confederation of **North, Central America and the Caribbean** (**CONCACAF**); and **Oceania** Football Confederation (OFC).

In Portugal, the Portuguese Football Federation (**FPF**) is responsible for organizing national football, recognizing, applying and accepting the regulations issued by FIFA and UEFA, and also following legal determinations imposed by the Portuguese State.

The FPF is responsible for the organization of all amateur competitions as well as the national football teams. Under its authority, the organization of professional football is relegated to an autonomous body within the FPF, the Liga Portuguesa de Futebol Profissional (LPFP). The FPF also oversees the District and Regional Associations, which organize competitions at a regional level. All clubs and players are part of this structure.

4. Legal Framework

4.1. Labor law

a. The employment contract of a professional football player

A player can only enter into a sporting employment contract if:

- a) he/she is not linked to another club;
- b) there is only 6 months remaining before the player's current contract expires.

If these conditions are not met, the FPF will refuse to register the player.

The FPF will only register an employment contract that has the name and signature of the registered intermediaries that represent the interests of the parties (player and club), or that makes reference to the fact that the contract concluded had no intermediary.

The duration of the e contract is regulated by the FPF. The employment contract cannot have a duration of less than one season, nor more than five, and can only be extended or renewed in the last six months of the date of the initial contract.

b. End of employment contract

The end of the employment contract and consequential release of a professional player from the club for which he/she is registered can happen in any of the following situations:

- a) Termination: the contract ends at a fixed term, and there is no right to compensation;
- b) Both parties, player and clubs agree to end the contract early;
- c) Dismissal for just cause, promoted by the employer. A serious and culpable breach of contract, which renders the sports employment relationship impracticable, constitutes just cause. The party who causes the termination or who has wrongfully promoted such termination must compensate the other party for the value of the remuneration that would be owed to the player if the contract had terminated when due;
- d) Termination with just cause by the initiative of the player;
- e) Termination by either party during the trial period;
- f) Collective dismissal;
- g) Termination initiated by the player when it is contractually agreed to pay the employer a fixed indemnity for that purpose. In these cases, it is presumed that a new employing club intervened, directly or indirectly resulting in the termination of the contract, so that the new employer is jointly and severally liable for the payment of the compensation.

By collective agreement, it is the right of the player to terminate the contract in case of non-participation in official competitions throughout the sports season.

c. Underage player contracts

Underage players may only sign sports employment contracts if they have **reached the age of 16** and meet the requirements of the general employment law, in which case the contract must also be signed by their legal representative. The contract is only valid if it is in writing and signed by both parties.

Players **aged between 14 and 18** may sign **training contracts**. These contracts are between a training entity certified by the FPF and a trainee player, in which the entity commits itself to provide adequate training to the player, to contribute to the development of his technical capacity and acquisition of knowledge necessary for the practice of football. The young player is obliged to carry out the tasks inherent to the training. In these circumstances, the player is registered with an amateur sporting club, for a minimum of one season and a maximum of three.

The training contract expires at the end of the season in which the player turns 18 years of age and may be extended for one more season by agreement of the parties.

No remuneration may be paid, without prejudice, except for the payment of expenses inherent to the activity.

This contract must be signed in person by the player and his representative, and will become effective when it is registered with the FPF.

If the player terminates or rescinds the contract without just cause, the player is subject to the payment of the compensations contractually foreseen.

An amateur player, under the age of 18, who has not signed a sports training contract may only transfer from one club to another if, during the same sports season, their respective guardian changes residence to a location that is more than 20 km from his/her former residence. This is provided that the new residence is at a greater distance from the registered office of the club to which the player is linked.

An underage amateur player who has not signed a sports training contract, may terminate his sporting relationship with a club as long as two situations are met:

- a) the club has not registered you;
- b) the player has communicated this intention to the district association and the club with which the commitment was made.

FPF determines that **underage players, registered in academies**, must also be registered with the FPF. The FPA must keep a register of the minors that have been registered and this includes all national or foreign minors that have been communicated to them. In this way, the players are obliged to play football according to the FIFA Statutes and to respect and promote the ethical principles that are inherent to it. The presence of players in the academies must be communicated by the respective clubs.

Players under the age of 18 may not be represented by sports agents.

4.2. Migration to Portugal and entry requirements

a. General information

If you are a non-EEA traveler wishing to visit Portugal you will need to present the following documentation when you arrive at a Portuguese port of entry:

- A valid passport or travel document. Valid for at least three more months beyond your planned date of exit from Schengen, and issued within the last 10 years.
- A visa – if you are subject to the Portuguese visa regime. (Most non EU citizens require a Schengen Visa. The list of documentation required for a Schengen Visa can be find here: <https://www.schengenvisainfo.com/portugal-visa/>)

Please note that if you are a minor or if you have already signed an employment contract, you may have to submit different or additional documents in order to support your visa application. The list of the documents are included in the link featured above.

Aside from these documents, the Portuguese border officer may ask you a few questions about your trip to Portugal. You may be asked for documents to support your answers, such as an invitation letter by a Portuguese host, proof of lodging or a round-trip ticket. For more information in this regard, contact the local consular services of Portugal in your home country.

Keep in mind that the border police have the final decision to permit you entry into Portugal.

Please make sure that the Portuguese border officer stamps your passport when you enter Portugal. Without a stamp, you could be fined or detained.

b. Work permit

Non-EU nationals who want to work in Portugal will have to apply for a Portuguese Work Visa. To be eligible for this visa:

- you must have a job offer from an employer in Portugal. The job opening must have been posted for at least one month, so the relevant authorities can ensure that a Portuguese or EU citizen could not have filled the position instead.
- Once your employer offers you the job, they have to apply for a Work Permit (Autorização de Trabalho) through the Portuguese Labor Authorities or the Portuguese Immigration and Borders Service (Serviço de Estrangeiros e Fronteiras – SEF) on your behalf. It can take up to 60 days for the SEF to process the Work Permit application and two to three months for the Embassy to issue an entry visa. Please note that if you are not an EU/EEA or Swiss citizen, you need to apply for a visa to be allowed to work in Portugal.
- When you apply for a work visa, you will receive a residence permit which allows you to live and work in Portugal for one to two years. Take note of the time frame as you must renew the permit at the SEF before it expires, and you do need to still have a job with the same employer.

For more information: <https://visaguide.world/europe/portugal-visa/work-visa/>

c. Residence Permit

A Portuguese residence permit is an official authorization that lets third-country nationals work and live in Portugal. Generally, Portugal issues two different permits:

Residency Visas

Residence Permits

These visas are always short-term, usually only 3 to 4 months. They are issued by a Portuguese Embassy for the sole purpose of granting the applicant entry into Portugal before registering as a resident. Once a foreigner enters Portugal with their residency visa they have four months to register at the Immigration and Borders Service (SEF) to apply for their residence permit.

Residence Permits

These permits are temporary, usually valid for a year, and can be renewed annually depending on how long the applicant needs to stay in Portugal. Players who hold a temporary permit can switch to a permanent residence permit when they have lived in Portugal for at least five years.

Permanent permits are available to those who wish to continue living indefinitely in Portugal. Those who do not plan to live indefinitely in the country can continue extending their temporary permit.

After you have lived in Portugal for five years using a temporary residence permit, you can apply for a permanent residence permit. Once you become a permanent resident, you will be free to enter the job market and you will no longer need a work permit.

Permanent residence permits also have a longer duration, are more easily renewed, and you will enjoy similar benefits to a Portuguese citizen.

If you have lived in Portugal as a permanent or temporary resident for at least six years, you can apply for Portuguese citizenship. You must be proficient in the Portuguese language and have links to the Portuguese community.

For a list of the required documents and application process, please visit: <https://visaguide.world/europe/portugal-visa/residence-permit/>

d. Healthcare system for non-citizens

Portugal's healthcare system is available to non-citizens – all you need to do to access this is register as a resident in the country, and you're good to go!

To get started registering for the SNS healthcare system, you'll need to contact the Portuguese Social Security Department (Seguranca Social) to arrange to get your social security number. If you're moving to Portugal for work, your employer should do this for you. Self-employed people will need to arrange this themselves.

Once your social security arrangements are in place, you can register at your local Portuguese health center. Just remember to take along the following items:

- Social security card
- Passport or national ID card
- Portuguese residence permit

Once you've registered for public healthcare in Portugal, you will receive your 'cartao do utente' (healthcare card), which proves you are eligible to access Portuguese healthcare services.

5) The rights of migrant athletes after migration to Portugal

a) Football players' rights

In the Collective Labor Contract² between the Portuguese Professional Football League and the Union of Professional Football Players, your rights as a professional player are:

- a) The player should be treated and respected as a collaborator of the club;
- b) The player must receive the agreed remuneration in due time;
- c) The player shall be provided with good working conditions, ensuring the technical and human resources necessary for the proper performance of his/her functions;
- d) It must be made easier for them to exercise their trade union rights;
- e) The player shall be compensated for losses resulting from accidents at work and occupational diseases following the legislation in force;
- f) All obligations arising from the sports employment contract and the rules that govern it, as well as the rules of discipline and sporting ethics, must be fulfilled by the player.

Likewise, your club has to respect the following rules:

- a) The player may not be prevented from exercising his rights, or terminating the contract, and may not be sanctioned for such reasons;
- b) The player may not be pressured to act in such a way as to unfavorably influence his or his teammates' working conditions;
- c) The player's remuneration may not be reduced, except in cases provided for in labor law or the agreement;
- d) The player's working conditions may not be affected, namely by preventing him/her from being included in the normal working group, except in special situations of a medical or technical nature;
- e) The player cannot be asked to perform services that are not included in the contract;
- f) The player may not be prejudiced in his right to work after the termination of his contract;
- g) The player cannot be prevented from taking part in national teamwork.

As a player you also have duties:

- a) Respect, treat with courtesy and loyalty the employer, superiors, coaches, co-workers and other people related to their activity;
- b) Arrive punctually for training sessions, matches, trips, exams and medical treatment, and submit to the training regime established by the trainer and to all the treatments recommended by the clinical services;

² <https://tinyurl.com/2p87F3sw>

- c) To obey the employer in all matters relating to the execution and discipline of the sporting activity, except in situations where orders are contrary to the player's rights and guarantees;
- d) Take care to keep themselves in the best physical condition necessary for sport;
- e) Comply with the obligations arising from the sports work contract, the rules that govern it, as well as the rules of discipline and sports ethics.

b) Specific issues for female players

The regulations and rules governing football are identical for men and women. However, because the sports employment contract of a female player needs to accommodate the fact that she is pregnant, will become pregnant, is on maternity leave or is exercising any maternity rights, specific aspects applicable to female players need to be taken into account.

If a club unilaterally terminates the employment contract with a player because she is pregnant, will become pregnant, is on maternity leave or is exercising other maternity rights, it is considered without just cause. Even if a unilateral termination is made during pregnancy or maternity leave, it is presumed that the termination resulted from that condition, and it is therefore not considered to have just cause.

In case of termination without just cause of the sports employment contract, the player is entitled to monetary compensation, which is calculated according to whether the player has a new sports employment contract or not. In addition to the disciplinary sanctions applicable for the practice of a disciplinary infraction, the club in question will be barred from signing up new national or foreign players for two consecutive registration periods.

A pregnant player has several rights that must be attended to:

- a) the right to continue training and playing after medical confirmation of fitness to do so, with the club must respecting the player's decision;
- b) the right to provide other services to the club if medical opinion considers that the safety conditions are not guaranteed for the player to continue to provide the sporting services as per the work contract. The club must respect the player's decision and draw up a plan for her to be able to perform these services, and be paid in full;
- d) the right to return to sporting activity at the end of her maternity leave, following medical confirmation of her fitness to play sport, with the club respecting the player's decision to be reinstated and to provide her with appropriate medical assistance.

During breastfeeding, a player has the right to breastfeed her child, or express breast milk, during sporting service. The club must provide adequate facilities for this.

A player on maternity leave, in addition to the provisions of general legislation, is entitled to two-thirds of the remuneration determined by the sports employment contract.

6) Map of contacts and support networks

Serviço de Estrangeiros e Fronteiras (SEF) is a security service and criminal police body, responsible for controlling border movement, controlling and **supervising** the entry and stay of foreigners in Portuguese territory, issuing visas and residence permits, issuing documents and implementing migration policies. On the SEF website, you can consult various situations and circumstances of the regularization of the situation of a foreign citizen in Portugal.

There are several regional offices, so it is best to consult the website to choose the most convenient contact.

<https://www.sef.pt/pt/Pages/homepage.aspx>

Email: gricrp.cc@sef.pt

Phone: (+351) 217 115 000; (+351) 965 903 700

To contact or make an appointment with the **Foreigners and Borders Service**:

<https://agd.sef.pt/CheckAppointment.aspx>

To contact or make an appointment to renew your **Residence Permit** in Portugal:

<https://www.sef.pt/pt/Pages/pre-marcacao-online.aspx>

Status of Foreigners in Portugal

It can be checked here: https://www.parlamento.pt/Legislacao/Paginas/Leis_area_Imigracao.aspx

Portuguese Football Federation - the highest body that oversees all dimensions and categories of national football. This organization regulates the various aspects of football activity and the respective associations.

<https://www.fpf.pt/pt/>

Email: info@fpf.pt;

Avenida das Seleções, 1495-433 Cruz Quebrada - Dafundo

Telephone: (+351) 213 252 700

District and Regional Football Associations are the entities recognized by the FPF to organize the competitions at district and regional level. For the entire national territory, there are 22 associations, and the associations in which each amateur player is registered should be consulted. You can consult each of the associations through the FPF website at:

<https://www.fpf.pt/pt/Institucional/Associa%C3%A7%C3%B5es>

Liga Portuguesa or **Liga Portuguesa de Futebol Profissional** is the entity that organizes and regulates professional competitions in Portugal and is responsible for the organization, direction and discipline.

<https://www.ligaportugal.pt/pt/homepage/>

Email: geral@ligaportugal.pt

Rua da Constituição, n° 2555, 4250-173 Porto

Telephone: (+351) 22 834 87 40

Sindicato dos Jogadores Profissionais de Futebol is the trade union representing footballers and paid workers who are working under a sports work or training contract. It has a democratic and solidarity orientation and has total independence from the employers, i.e. the clubs. The SJPF plays an important role in defending and promoting football players

<https://sjogadores.pt/>

Email: sjogadores@sjogadores.pt

Rua Nova do Almada - n°11 - 3°ESQ - 1200-288 LISBOA

Phone: (+351) 21 321 95 90 / (+351) 21 601 02 81

SJPF Legal Office is a legal office that answers the players' doubts regarding their professional situation, labor contract or training contract issues, following up on the processes of temporary transfers and advising player's regarding the legal compliance of established contractual relationships. The office is available to all members.

Email: gabinete.juridico@sjogadores.pt

Telephone: (+351) 213 219 591

For those who wish to arrange **extra-sports training:**

<http://estagio.sjogadores.pt/>

In case of protection you can contact **The Players' Union** and register to become a member:

<http://estagio.sjogadores.pt/candidatura>

<https://sjogadores.pt/?pt=contactos>.

For help with a working contract between club and professional player:

<https://www.fpf.pt/Portals/0/Documentos/Centro%20Documentacao/ComunicadosBoletins/ModeloA.pdf>

https://sjogadores.pt/?pt=news&op=OP_SHOW_DETAIL&id=6972

If you want to **change agents** or if you are without a contract, which is the case for most of the interviewees, you can contact:

<http://portaldojogador.sjogadores.pt/?pt=intermediarios>

Portuguese Association for Victim Support (APAV) is a private entity of social solidarity that aims to promote and contribute to information, protection and support victims of crime in an individualized, qualified and humanized manner. In this support process, APAV collaborates with the entities of the administration of justice, police, social security, health, local authorities and other entities.

APAV has a network of offices in various locations around the country and to find and make contact with the office closest to you, please consult the website:

https://apav.pt/apav_v3/index.php/pt/

Email: apav.sede@apav.pt

Rua José Estevão, 135 A, Pisos ½, 1150 - 201 Lisboa

Telephone: (+351) 21 358 79 00

Local Centers for the Support of Migrant Integration (CLAIM) is a network of centers with the mission to inform and support immigrants throughout the process of reception and integration. This is realized by working with other local entities and the promotion of local interculturality. The CLAIMs provide general support and information in various areas such as regularization, nationality, family reunification, housing, voluntary return, work, health, and education, among other daily issues. Currently, there are 143 CLAIMs, resulting from partnerships established with local entities.

The CLAIM network of contacts can be found at:

<https://plim.acm.gov.pt/plim/contactos/contactos-rede-claim>

Assistance with finding somewhere to live (Residence) prior to starting training:

<https://www.scml.pt/acao-social/populacao-em-risco/>

For help with the Portuguese language

<https://cpr.pt/ensino-de-portugues-estrangeira/>

<https://www.acm.gov.pt/pt/-/como-posso-frequentar-um-curso-de-lingua-portuguesa-para-estrangeiros->

Immigrant associations providing support and advice:

Mundo Feliz is an association for immigrants of all nationalities, providing support in regularization, social security, employment, banking, training, insurance, housing, health, and travel.

<https://www.mundofeliz.pt/>

Email: geral@mundofeliz.pt

Telephone: (+351) 214 103 917

Lisboa Acolhe is a web portal that provides information about public and private services, and also about the rights and duties of people in Portugal, in particular immigrants.

<https://lisboaacolhe.pt/>

Email: secretaria@casadobrasildelisboa.pt

Phone: (+351) 213 400 000; (+351) 935 141 813

The Embassies of the Athletes' home countries

Angola

<http://www.embaixadadeangola.pt/>

Email: geral@embangolapt.org

Av. da República, 68, 1069 - 213 Lisbon

Phone numbers: (+351) 21 796 70 41; (+351) 21 040 51 70; (+351) 96 590 21 80

Cape Verde

<https://embaixadadecaboverde.pt/>

Email: pt.info@m nec.gov.cv

Av. do Restelo, 33 1449-025 Lisbon

Phone numbers: (+351) 213 041 440 (+351) 213 041 443

Guinea-Bissau

<http://embaixadaguinebissau.pt/>

Email: embaixadaguinebissau.pt@gmail.com

Rua de Alcolena, N° 17A, 1400-004 Lisboa

Phone numbers: (+351) 933 151 497

Mozambique

Email: embamoc.portugal@minec.gov.mz; geral@embamoc.pt

Rua Filipe Folque, n°10 J -3° esq e dt, 1050-110 Lisboa

Telephone: (+351) 217 971 994; (+351) 217 961 672

Sao Tome and Principe

<https://pt-br.facebook.com/embaixada.stpportugal/>

Email: embaixada@emb-saotomeprincipe.pt

Rua Laura Alves, n°12, 3° andar, Lisboa

Telephone: (+351) 218 461 917; (+351) 218 461 906

Nigeria

<https://mail.nigeriaemblisbon.org/home.html>

Email: admin@nigeriaemblisbon.org

Av. Dom Vasco da Gama, 3, Restelo, 1400-127 Lisbon, Portugal .

Telephone (+351)213 031 290; (+351)963 543 377



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SiNAFE

Social Inclusion of African Athletes in Europe

Appendix

National Legal

Guidelines

LEGAL GUIDES IN
SERBIA

Table of Contents

- 1. Introduction**
- 2. Football Regulations**
 - 1.1. Football players of African origin: professional football players foreign citizens
 - 1.2. Football players of African origin: migrants, asylum seekers
- 3. Football regulation**
 - 3.1. Registration, Status and Transfer of Players
 - 3.2. Minor Players
 - 3.3. Professional Player Contract
- 4. Legal Framework**
 - 4.1. Migration to the host country and Entry Requirements
 - 4.2. Access to Health Services
 - 4.3. Migrant accommodation
- 5. Athletes' rights in Serbia**
 - 5.1. Migrant Children in Serbia
 - 5.2. Migrant Women in Serbia
- 6. Relevant organizations and institutions in the Republic of Serbia**
 - 6.1. Mapping of networks and contact list of the stakeholders
 - 6.2. Contact list of legal advising services for migrants and for migrant athletes
- 7. References**
- 8. Appendices**



1. Introduction

Population migrations are in general, a very important social phenomenon, and the directions, ways of migration and mass migration processes have changed in accordance with socio-historical circumstances. With the process of globalization, migratory movements become more frequent, more pronounced and more substantial, and the phenomenon itself becomes more complex.

In the last decades of the 20th century and at the beginning of the 21st century, the strengthening of the overall spatial mobility of the population in local, national, regional, and global dimensions is evident. Today, almost all countries in the world face the challenges of spatial mobility of the population, whether as countries of origin of migrants, countries of destination or countries of transit. Indeed, today migration represents one of the greatest challenges of the modern world.¹

The main goal of the SINAFE project is to increase the inclusion of migrant athletes of African origin in European societies. Like many European countries, the Republic of Serbia has recently experienced an influx of professional athletes of African origin, especially football players who come to Serbia to play football professionally. In addition to professional football players of African origin, there have been cases of migrant athletes of African origin waiting for asylum and a work permit in the Republic of Serbia. The goal of the SINAFE project is also to point out the problems in everyday life that athletes of African origin face, regardless of whether they are asylum seekers or professional football players.

This document will explain the relevant governmental and non-governmental organizations and institutions in the Republic of Serbia, provide a contact list of legal advisory services for migrants and migrant athletes, and explain the main elements of the legal framework for football regulation in the Republic of Serbia.

1.1. Football players of African origin: professional football players foreign citizens

The **Football Association of Serbia** (FAS)² is the relevant institution in the country that is responsible for organizing and conducting regular amateur and professional football competitions (leagues and cups). Domestic and foreign athletes participate in these competitions. **Foreign athletes who are professional athletes can participate in the competitions organized and conducted by the FAS.**

In order for foreigners (foreign citizens) to become registered professional football players, it is necessary for them to meet all the requirements of the FIFA regulations as well as the regulations set out by the Republic of Serbia. **These apply exclusively to foreign citizens who already have legal residence in the Republic of Serbia and who also have work permits.**

1 http://www.eupropisi.com/dokumenti/strategija45_RS21_20.pdf
http://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20ekonomske%20migracije%202021-2027-30_10%20%28002%29.pdf

2 <https://fss.rs/en/>

https://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20

1.2. Football players of African origin: migrants, asylum seekers

The key issues faced by African migrant athletes in the Republic of Serbia as outlined in a recent National Report (see reference link in the footnote) are:

1. Relatively long waiting period to obtain asylum status and work permits;
2. They find it impossible to register with a football club;
3. Lack of permits (required for passports) for exiting Serbia and returning to the country too (in cases where training and competitions take place outside the Republic of Serbia).

2. Regulatory Mapping

Given that negotiations for the acceptance of the Republic of Serbia into the European Union are the priority for the state, in the past several years, the Government had drafted laws to further align the country's national legislation with the European Union acquis: Law on Migration Management, Official Gazette of RS", no. 107/12), Law on Foreigners ("Official Gazette of RS", nos. 24/18 and 31/19), Law on Border Control ("Official Gazette of RS", no. 24/18) and Law on Asylum and Temporary Protection ("Official Gazette of RS", no. 24/18).

The law pertaining to migration is also regulated under the Law on Employment of Foreigners ("Official Gazette of RS", nos. 128/14, 113/17, 50/18 and 31/19). One of the key laws in this area is the **Law on Migration Management** ("Official Gazette of RS", no. 107/12) defining different forms of migration and competences and procedures for their regulation. Adoption of this law established a coordinated migration management system, defined the principles, same as the governmental authority for migration management and created a unified system for the collection and exchange of data in this area. Additionally, the law is proposing and undertaking measures for the migration policy implementation. Migration management is intended to contribute to the balanced and planned economic development of the Republic of Serbia, taking into consideration strategies and policies of economic development and international economic relations, active labor market policy measures, population policies, and policies in the area of science and education, including strengthening links with the diaspora, and reintegration of returnees under the Readmission Agreements.³

Law on Foreigners ("Official Gazette of RS", nos. 24/18 and 31/19) sets forth the conditions for entry, movement, stay and return of foreigners, same as competence and tasks of public administration authorities of the Republic of Serbia regarding the entry, movement, stay of foreigners in the territory of the Republic of Serbia and their return from the Republic of Serbia. Moreover, the law lays down the conditions for the issuing of temporary residence permits to foreign nationals in the Republic of Serbia intending to stay in the country for longer than 90 days, inter alia, based on employment, studies, professional specialization, training and practice, scientific and research work or other scientific and educational activity, family reunification, etc.⁴

Law on Border Control ("Official Gazette of RS", no. 24/18) regulates border control, police powers in exercising border control, and cooperation among public administration authorities in charge of integrated border management. In accordance with this law, irregular migration is defined as any movement of people from one state to another, contrary to the legislation in force, same as residence contrary to applicable legislation. Moreover, crossing of the state border is defined as any movement of people across the state border. The state border will be crossed at the border crossing with a valid travel document or other document prescribed for the state border crossing, during the working hours of the border crossing and in line with 14 international treaties.⁵

Law on Employment of Foreigners ("Official Gazette of RS", nos. 128/14, 113/17, 50/18 and 31/19) regulates conditions and procedures for the employment of foreigners in the Republic of Serbia and other issues of relevance for employment and work of foreigners

³ https://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20ekonomske%20migracije%202021-2027-30_10%20%28002%29.pdf

⁴ https://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20ekonomske%20migracije%202021-2027-30_10%20%28002%29.pdf

⁵ https://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20ekonomske%20migracije%202021-2027-30_10%20%28002%29.pdf

in the Republic of Serbia. A foreigner will be employed in the Republic of Serbia if all conditions laid down in the law or international treaty are met. A foreigner employed in the Republic of Serbia in accordance with this law, shall enjoy equal rights and responsibilities in respect to labor, employment and self-employment as its own nationals, provided that the conditions have been met in accordance with the law. The right of free access to the labor market, namely the right to employment, self-employment and exercising the right in the case of unemployment, unless stipulated otherwise in an international treaty binding for the Republic of Serbia, shall be granted to the citizens of the European Union and family members of the citizens of the European Union who are not nationals of the European Union but have a temporary residence permit for the members of their family or permanent residence in such states, proving their right of free access to the labor market. Employment of foreigners is permitted provided they hold a visa for a longer stay based on employment, a temporary residence or permanent residence permit and work permit, unless defined otherwise in accordance with this law.⁶

Labor **Law** ("Official Gazette of RS", nos. 24/05, 61/05, 54/09, 32/13, 75/14, 13/07 – UCC, 113/17 and 95/18 – authentic interpretation) contains general provisions sanctioning employment contrary to legal provisions. On the other hand, the Law on Employment of Foreigners encapsulates the misdemeanor liability of employers, but not criminal, in the case of employment of migrants who have illegally entered the Republic of Serbia.⁷

As stated in the ***Economic Migration Strategy of the Republic of Serbia for the period 2021–2027***, the Republic of Serbia adopted multiple international conventions addressing this domain of migration. International cooperation in the area of labor migration is aimed at promoting legal migration flows, based on the comprehensive information and ensuring social protection of migrant workers, which is one of the underlying factors for deciding on emigration from the place of origin.⁸

The ***Migration Management Strategy*** ("Official Gazette of RS", no. 59/09) and Action Plan (from 2011) are the umbrella documents preceding the drafting of the **Law on Migration Management**. Migration management implies a regulated system consisting of a clear migration policy and planned and organized management of migration flows, with a corresponding contribution to migration regulation at regional and global levels. Planned and organized migration management implies monitoring internal and external migration flows and the implementation of activities leading to stimulating regular and combating irregular migration. Fundamental elements of the migration management system are the visa policy, integrated border management, regulated stay of foreigners, mechanisms for integration of migrants in the society, overall protection of nationals working or residing abroad, and active labor market policy.⁹

6 https://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20ekonomske%20migracije%202021-2027-30_10%20%28002%29.pdf
7 https://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20ekonomske%20migracije%202021-2027-30_10%20%28002%29.pdf
8 https://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20ekonomske%20migracije%202021-2027-30_10%20%28002%29.pdf
9 https://www.minrzs.gov.rs/sites/default/files/2021-02/ENG_%20Strategija%20ekonomske%20migracije%202021-2027-30_10%20%28002%29.pdf

3. Football Regulations

As stated in a description of the **Football Association of Serbia (FAS)**¹⁰, the complete activities of the sport of football in the territory governed by the FAS include a total of:

- 2,482 registered football clubs
- 4,368 various age category teams within the clubs
- 365 leagues with competitions
- 146,845 registered players
- 4,901 football coaches with diplomas
- 4,032 referees
- 1,146 medical personnel who work in the clubs.

There also are more than 1,000 different teams in the children's, school football and futsal, which are not registered with the Ministry for Education and Sports. These activities are played, and managed through different competition levels:

- Municipal football associations: 102
- District football associations: 17
- County football associations: 8
- City football associations: 5
- Regional football associations: 2
- Provincial football associations: 2

The work of the associations at these different levels is consolidated by the Football Association, which is responsible for implementing an established policy for football development.¹¹

3.1. Registration, Status and Transfer of Players

The ***Rulebook On Registration, Status And Transfer Of Players Of The Football Association Of Serbia***¹² is the reference document for ***the registration and transfer of players*** and the protection of underage players.

A player must be registered with a registration association to play for a club, either as a professional player or as an amateur. Only players who are registered electronically and who can be identified via their FIFA ID have the right to play in organized football. By registering, the player agrees to comply with the statutes and regulations of FIFA, UEFA and FAS.

The registration of players coming from another country such as Africa or going abroad is done according to the procedures governed and managed by the International Football

¹⁰ <https://fss.rs/en/fa-of-serbia/>

¹¹ <https://fss.rs/en/fa-of-serbia/>

¹² <https://fss.rs/wp-content/uploads/2019/07/Pravilnik-o-registraciji-statusu-i-transferu-igraca-FSS.pdf>

Organization (FIFA) and the relevant regulations of the FAS. The registration of players coming from abroad must be completed by the association, with the prior written approval of the FAS. The FAS determines whether the conditions for registration of players has been met, according to the regulations of FIFA and FAS, and informs the registration authority, which can then register the request with the club. For this to occur, a foreign national player must have been granted temporary or permanent residence in Serbia, in accordance with legal regulations. A player cannot register for a club if they are already a member of another national association, or if he/she has not previously received an international registration certificate of transfer, issued by the FAS. The FAS may request an international transfer registration certificate from another national federation for a player who wants to register for a club from the territory of the Republic of Serbia, based on the club's request and the player's written consent, which must be submitted during the registration period.

Clubs wishing to register a male / female footballer must request the transfer of this player through the FIFA TMS system, as an electronic international certificate is required for player transfers. Upon receipt of the international registration certificate, a license will be issued to the club for player registration.

3.2. Minor Players

The Rulebook mentioned in the previous point deals with the topic related to the PROTECTION OF MINORS in the section entitled: Protection of minor players during international transfers (Article 46):

International player transfers are only permitted if the player is over 18 years old. The following three exceptions will apply to this rule:

1) The parents of the players move to the country where the new club is located for reasons unrelated to football;

2) The transfer takes place in the territory of the European Union (EU) or the European Economic Area (EEA), and the player is between 16 and 18 years old. In this case, the minimum obligations that the new club must fulfill are as follows:

- the player must be provided with appropriate football education and / or training in accordance with the highest national standards;
- the player must be guaranteed academic and / or school and / or vocational education and / or training, in addition to football education and / or coaching, which will enable the player to continue his career outside of football if he/she stops playing football professionally;
- the club must organize everything necessary to enable the care of the player in the best possible way (optimal living conditions with the family with whom he/she resides or club accommodation, appointment of a mentor in the club, etc.);
- upon registration of such a player, the club must provide the federation concerned with evidence that it is fulfilling the above obligations.

3) The place where the player lives is less than 50 km from the state border, and the club for which the player wishes to register in a neighboring federation is also less than 50 km from that border. Or the maximum distance between the player's place of residence and

the club premises is 100 km. In such cases, the player must continue to live in the same place, and the two associations concerned must give their consent. The conditions of this consent will also apply to any player who has not previously been registered for any club and who is not a citizen of the country in which he wishes to register for the first time.

Any international transfer made in accordance with paragraph 2, and each first registration made in accordance with paragraph 3 shall require the consent of the FIFA Subcommittee appointed for that purpose by the FIFA Player Status Commission. The application for consent is submitted by the federation that wants to register the player exclusively through the TMS system (FIFA transfer pairing system). The former association will have the opportunity to submit its opinion. The consent of the subcommittee must be obtained before the federation applies for the ITC (International Transfer Certificate created in the TMS system is mandatory for all international transfers of male/female football players who are playing football) and/or before the first registration. Violation of this provision will be punished by the Disciplinary Commission in accordance with the FIFA Disciplinary Code. In addition to the fines imposed on the federation that failed to seek the subcommittee's consent, fines can also be imposed on the former federation for issuing ITCs without the subcommittee's consent, as well as on the clubs that concluded a contract to transfer a minor player.

Article 47 and Article 48 of this Rulebook regulate the Protection of minor players during domestic transfers:

Domestic transfers of players under the age of 15 are not permitted. Notwithstanding the provisions of paragraph 1 of this Article, transfers of players under the age of 15 may be made:

- between clubs belonging to the same regional association;
- in the case of the relocation of the parent-guardian to another territorial union. When this occurs, the following documents must be submitted:
 - photocopy of the certificate of change of residence (for parent-guardian and child),
 - photocopy of the employment contract (for parent-guardian),
 - photocopy of the employee's application for employment (for the parent-guardian),
 - confirmation that the child is enrolled in school,
 - statement of both parents or guardian on the reasons for relocation.

A club that registers a player pursuant to the provisions of paragraph 2, indent 2, must submit evidence of completion of the above conditions to the registration association. Under Article 48, The Commission for the status and registration of players must keep records of transfers of minor players, in both the country in which they are registered as well as their previous country (from which they have relocated).

3.3. Professional Player Contract

A professional football player is a player who has made football his/her profession and who has signed a contract to play professionally for a club, and will earn a salary and/or other contractually determined fees. A professional player is deemed to be an employee and must be insured by the club in case of an accident during sports activities which are *inter alia* a consequence of playing matches, training, as well as injuries that occur on trips to matches and training and from matches and training (Article 53).

The Registration of professional players: players who enter into, conclude or terminate contracts for playing professionally are entered in a special record-register kept by the registration authority and the FAS Status and Registration Commission, i.e. the authorities responsible for the Super League and the First League of Serbia. The registration authority keeps special records – the Register of Players of Foreign Citizens in Serbia and submits it to the Commission for the status and registration of FAS players (Article 61).¹³

FAS is responsible for storing all relevant contracts and documents related to the registration of football players¹⁴ An example of the FAS *Professional Player Contract (Employment Contract)* can be found in the appendices.

There are two important documents that relate to the regulations of the Football Association of Serbia: the ***Rulebook on Fair Play of the Football Association of Serbia***¹⁵ and the ***Code of Ethics of the Football Association of Serbia***¹⁶.

According to these documents, fair play means behaving in accordance with moral principles, especially those that are contrary to the concept of sporting success at all costs. Fair play encourages behavior that promotes integrity and equal opportunities for all participants and emphasizes the personality and values of everyone involved in the sporting event. By applying the principles of fair play to practices and events, FAS aims to effectively strengthen ethical and moral behavior in football, to comply with the Rules of the Game, Code of Ethics and standards of conduct of FAS members, competition propositions, opponents, club management, referees, fan groups and media representatives, creating an atmosphere in domestic competitions that is based on mutual trust and respect. Examples of negative behavior (the list is not final) prohibited by this Rulebook are insulting opponents, provoking mass conflict, as well as racism and other forms of discrimination.¹⁷

The basic principles of the Code Of Ethics of the FAS are:

1. Integrity and ethical behavior at any place and at any time;
2. Prohibition of manipulation, negotiation of outcomes, as well as any kind of unethical influence on the results of football matches;
3. Zero tolerance towards corruption;
4. Respect and dignity towards FAS members and other persons;
5. Respect for privacy rights and personal rights and freedoms;

¹³ <https://fss.rs/wp-content/uploads/2019/07/Pravilnik-o-registraciji-statusu-i-transferu-igraca-FSS.pdf>

¹⁴ <https://fss.rs/dokumentacija/ugovori-i-dokumenta-vezana-za-registraciju/>

¹⁵ https://fss.rs/wp-content/uploads/2019/07/pravilnik_o_fer_pleju.pdf

¹⁶ https://fss.rs/wp-content/uploads/2019/07/eticki_kodeksi17072017.pdf

¹⁷ https://fss.rs/wp-content/uploads/2019/07/pravilnik_o_fer_pleju.pdf

6. Zero tolerance towards discrimination and harassment;
7. Fair play;
8. Respect for the legislation of the Republic of Serbia, the FAS Statute and all acts adopted by the bodies of the FAS, as well as ethical and other acts adopted by FIFA and UEFA.¹⁸

We can conclude that these documents clearly state that **all forms of unethical behavior, discrimination and racism will not be sanctioned.**

¹⁸ https://fss.rs/wp-content/uploads/2019/07/eticki_kodeksi17072017.pdf

4. Legal Framework

4.1. Migration to the host country and Entry Requirements¹⁹

A foreign national is any person who does not hold citizenship of the Republic of Serbia.

Law on Foreign Nationals «Official Gazette of the Republic of Serbia», No. 24 of 26 March 2018, 31 of 29 April 2019 (Word, PDF):

The law governs the conditions for entry, movement, temporary residence and return of foreign nationals, as well as the competence and affairs of state administrative bodies of the Republic of Serbia with regards to entry, movement and temporary residence of foreign nationals in the territory.

A foreign national in the Republic of Serbia may hold a:

- Short-term residence;
- Residence based on a long-stay visa;
- Temporary residence (up to one year also called 'definite leave to remain');
- Permanent residence ('indefinite leave to remain').²⁰

Short-term residence means residing in Serbia without a visa. This may last for up to 90 days in any 180-day period counted from the day of first entry, unless otherwise agreed in an international agreement, as well as a residence based on an issued short-term residence visa.

A long-stay visa means approval for both entry and residence in the territory of the Republic of Serbia for a period between 90 and 180 days. This is issued to a foreign national who requires a visa in accordance with the visa requirements for entry into the Republic of Serbia and who intends to apply for a temporary residence in the country.

Temporary residence may be granted to a foreign national who intends to reside in the Republic of Serbia for a period longer than 90 days, unless otherwise prescribed by law. The **Application for temporary residence permit** is either submitted in person to the Police Directorate for the City of Belgrade-Directorate for Foreign Nationals or to the regional police directorates or via the e-Government portal, depending on either the foreign national's residence address, i.e. to organizational units that are responsible for the activities regarding the movement and temporary residence of foreign nationals in the Republic of Serbia.²¹

Permanent residence ('settling or an indefinite leave to remain') is the approval of the long-term residence to a foreign national in the Republic of Serbia. Foreign nationals applying for permanent residence must submit the prescribed application form to the authorities in the territory where they have been granted temporary residence. **The application for approval of permanent residence** must be submitted to the Police Directorate for the City of Belgrade-Department for Foreign Nationals and to the regional police directorates, depending on the foreign national's residential address of a foreign

¹⁹ <http://www.mup.gov.rs/wps/portal/en/information>

²⁰ <http://www.mup.gov.rs/wps/portal/en/information>

²¹ <http://www.mup.gov.rs/wps/portal/en/information/temporary+residence/temporary+residence>

national, i.e. to organizational units that are responsible for the activities regarding the movement and temporary residence of foreign nationals in the Republic of Serbia.²²

The Commissariat for Refugees and Migration will provide material reception conditions to the Applicants in accordance with this Law. The Commissariat may provide temporary accommodation to persons who have been granted asylum in accordance with the regulations governing migration management. It implements the voluntary return of a foreigner whose application for temporary or permanent residence in Serbia was refused or rejected by the authority, or if the asylum procedure has been discontinued; a foreigner who has been granted temporary protection; a foreigner who has been issued a decision pursuant to Article 75, paragraphs 3 and 4, or a decision pursuant to Articles 83 and 84 of this Law; and a foreigner whose asylum status has ceased, as well as programs of integration of persons who have been granted asylum in accordance with the regulation governing migration management.²³

The Ministry of Health of the Republic of Serbia performs tasks on behalf of the state related to the health care system and the compulsory health insurance system (i.e. other forms of health insurance and health insurance contributions, closer regulation of health insurance rights and participation in the preparation and implementation of international agreements on compulsory social insurance). The Ministry also takes care of the content of health care, preservation and improvement of citizens' health and monitoring of health status and health needs of the population, organization of health care, health inspection, organization of supervision over professional work of health service, provision of health care from public revenues, health care of foreigners, records in the field of health as well as other activities determined by law.²⁴

4.2. Access to Health Services

“EU Support in Migration Management in Serbia - Access to Health Services”²⁵

The project funded by the European Union and implemented by the Ministry of Health “EU Support in Migration Management in Serbia - Access to Health Services I” covers all health services provided to the migrant population in the territory of the Republic of Serbia. The project was implemented in the period from December 12, 2019 to July 12, 2021.

The overall goal of the project was to respond to the health needs of migrants, refugees and asylum seekers in Serbia, through the support of national health care authorities. The specific goal referred to the provision of adequate and affordable health services in all centers and in all health institutions at the level of primary, secondary and tertiary health care and their efficient response to the needs of migrants, refugees and asylum seekers in Serbia.

²² <http://www.mup.gov.rs/wps/portal/en/information/permanent+residence+%28settling+or+an+indefinite+leave+to+remain%29/permanent+residence+%28settling+or+an+indefinite+leave+to+remain%29>

²³ <https://kirs.gov.rs/eng/asylum/about-asylum>

²⁴ <https://www.zdravlje.gov.rs/>

²⁵ <https://www.zdravlje.gov.rs/tekst/en/639/eu-support-in-migration-management-in-serbia-access-to-health-services.php>

The overall impact of the project not only enabled the migrant population to have the necessary services and thus contributed to their resilience, but also supported the government system through various mechanisms to build and improve migration management systems in line with European integration requirements, providing significantly sustainable results in the long run.

The refugee and migration crisis along the Western Balkan route has put great pressure on Serbia, and one of the main challenges of the Serbian migration management system has been to provide adequate health care for all migrants and refugees in Serbia.

This project has contributed to:

- a significant professional workforce that could be recruited as needed;
- a better adapted migration-sensitive/oriented system for the provision of health services with a special focus on vulnerable groups and increasing their resilience;
- systems/mechanisms of coordination and exchange of information at national and local level.

The target groups covered by the project are:

1. Migrants, asylum seekers and refugees residing in transit reception centers and asylum centers in the Republic of Serbia;
2. Migrants, asylum seekers and refugees accommodated in poor living conditions, including people with serious medical conditions;
3. Children of migrants and refugees in need of formal and non-formal education/preschool activities;
4. Irregular migrants, including migrants accommodated in reception centers and those wishing to return voluntarily to their country of origin;
5. Persons with approved refugee status or those who have temporary residence on humanitarian grounds (protected status), or who decide to return home while awaiting return assistance;
6. Victims of human trafficking;
7. Unaccompanied and otherwise vulnerable migrant children (violence, gender-based violence, neglect and abuse);
8. Migrants and refugees staying in reception/asylum centers in Serbia, who need psycho-social counseling.

Healthcare for migrants, asylum seekers and refugees

The migrant population in health care institutions is continuously provided with all health services at all three health care levels (primary, secondary and tertiary level), in the same manner as the citizens of the Republic of Serbia.

Health services are provided in 61 health institutions at the following levels:

Primary level health care: Health Centre Bela Palanka, Health Centre Bosilegrad,

Health Centre Bujanovac, Health Centre Voždovac, Health Centre Vranje, Health Centre Dimitrovgrad, Health Centre Kanjiža, Health Centre Kikinda, Health Centre Lajkovac, Health Centre Loznica, Health Centre Niš, Health Centre Novi Pazar, Health Centre Novi Sad, Health Centre Obrenovac, Health Centre Palilula, Health Centre Čukarica, Health Centre Pirot, Health Centre Tutin, Health Centre Sjenica, Health Centre Sombor, Health Centre Subotica, Health Centre Užice, Health Centre Sid and Health Centre Preševo.

Secondary level health care: General Hospital Vranje/Health Centre Vranje, General Hospital Kikinda, General Hospital Loznica, General Hospital Novi Pazar, General Hospital Pirot, General Hospital Sombor, General Hospital Sremska Mitrovica, General Hospital Subotica, Special Hospital for Neurological and Posttraumatic Conditions Dr Borivoje Gnjatić Stari Slankamen, Special Hospital for Psychiatric Diseases Gornja Toponica Niš, Special Hospital for Psychiatric Diseases Kovin, Special Hospital for Rehabilitation Banja Koviljača, Special Hospital for Pulmonary Diseases Ozren, Special Hospital for Pulmonary Diseases Surdulica, Clinic for Psychiatric Diseases Dr Laza Lazarević, Clinic for Rehabilitation Zotović, City Institute for Urgent Medical Aid – Belgrade and City Institute for Urgent Medical Aid – Novi Sad.

Tertiary level health care: Clinical Centre of Serbia, Clinical Centre of Vojvodina, Clinical Centre of Nis, Clinical Hospital Centre Zemun, Clinical Hospital Centre Zvezdara, Clinical Hospital Centre Bežanijska Kosa, Clinical Hospital Centre Dragiša Misović, City Institute for Skin and Venereal Diseases, Obstetrics and Gynaecology Clinic Narodni Front, University Children's Clinic, Military Medical Academy, City Institute for Pulmonary Diseases and Tuberculosis Belgrade, City Institute for Pulmonary Diseases Vojvodina, Institute for Mother and Child Dr Vukan Čupić, Institute of Public Health "Batut", Institute for Orthopaedic Surgery Banjica, Institute for Health Care of Children and Youth of Vojvodina, Institute of Oncology Belgrade and Faculty of Dental Medicine.

Project-supported services:

- Providing preventive and curative examinations;
- Providing emergency medical care and medical transportation in case of life-threatening illness / injury;
- Provision of medicines, medical devices, medical aids and supplies necessary for the health treatment of migrants;
- Providing health care in the form of necessary specialist diagnostic examinations (general surgery, neurology, psychiatry, gynecology, otorhinolaryngology, ophthalmology, orthopedics, dermatology and radiology, laboratory diagnostics);
- Providing in-patient health care that includes diagnosis, treatment, medical rehabilitation and nutrition of patients in hospitals;
- Implementation of vaccination programs for migrants and asylum seekers, especially for children;
- Conducting systematic examinations of migrant children for enrolment in the school system;

- Implementation of special programs for the psychological support, counseling and treatment of migrants whose mental health is challenged by depression and anxiety.

In addition to health services, in order to maintain a favorable epidemiological situation in transit reception centers and asylum centers, regional public health institutes regularly conduct hygienic epidemiological surveillance and perform DDD services, more precisely disinfection, disinsection, deratization and depedication services.²⁶

4.3. Migrant accommodation

The Commissariat for Refugees and Migration of the Republic of Serbia (KIMS), in accordance with the provisions of the **Law on Asylum** (“Official Gazette of the Republic of Serbia”, No. 109/07), performs tasks related to providing accommodation and basic living conditions for asylum seekers and the integration of persons with approved asylum (asylum centers) and in accordance with the **Law on Migration Management** (“Official Gazette of the Republic of Serbia”, No. 107/12) represents a central place in migration management policy and establishes a unique system for collecting data and information on migrant movements.

KIMS runs 19 centers for the accommodation of migrants with an optimal accommodation capacity of 6,000 places.

1. ASYLUM CENTERS
Banja Koviljača
Bogovađa
Sjenica
Tutin
Krnjača

In addition to regular asylum centers, to urgently address the issue of the increased influx of migrants and asylum seekers, the Government of Serbia has made a decision to establish and make available **additional reception facilities / transit facilities** that provide minimum basic living conditions (accommodation, food, hygiene, and other emergency services) and these are:

²⁶ <https://www.zdravlje.gov.rs/tekst/en/639/eu-support-in-migration-management-in-serbia-access-to-health-services.php>

2. TRANSIT-RECEPTION CENTERS

Preševo

Adaševci, Municipality of Šid

Principovac, Municipality of Šid

Bujanovac

Bosilegrad

Sombor

Dimitrovgrad

Subotica

Kikinda

Divljana, Bela Palanka

Pirot

Vranje

Obrenovac

Stanica Šid

It is difficult to predict the number of migrants who will be staying in Serbia next year because the decisions made in one country along the route can have a direct impact on the borders of each of the countries from which refugees come, and on the number of people stuck along the route. Recent experience also indicates seasonal fluctuations, with the number of migrants decreasing in spring and summer, but increasing in autumn and winter when travel is most difficult.²⁷

5. Athletes' rights in Serbia

There are no separate national laws or specific international regulations that directly relate to the rights of migrant athletes (outside of visa and residence permit stipulations, and labor law exceptions). The same general laws apply within the borders of Serbia. The only difference is that migrant athletes may have certain conditions tied to their visas, residence permits or work permit.

However, as a Member of the COE, Serbia has ratified the European Convention on Human Rights and is subject to the jurisdiction of the European Court of Human Rights. Serbia has ratified the Revised European Social Charter, but has not authorized the European Committee of Social Rights to decide collective complaints against it. The country's human rights policies and practices are also monitored by the COE Commissioner for Human Rights. Therefore, all laws regarding migrants can benefit migrant athletes who live in Serbia.

²⁷ <https://www.zdravlje.gov.rs/tekst/en/639/eu-support-in-migration-management-in-serbia-access-to-health-services.php>

5.1. Migrant Children in Serbia

The Convention on the Rights of the Child (CRC) was ratified on 12 March 2001 by Serbia. The Constitution of the Republic of Serbia in accordance with Article 16 stipulates that generally accepted rules of international law and international agreements are an integral part of the legal order and both of these are directly applicable to migrant children in Serbia.

The Convention on the Rights of the Child guarantees the entire spectrum of children's rights; the right to life, identity, development, education, freedom of expression, the right to privacy, etc. More specifically, some CRC articles are more applicable to the status and rights of underage migrants or refugees such as; prohibition of discrimination, protection from harmful work, prevention of sale and trafficking and exploitation. Finally, Article 22 deals directly with the case of migration and emphasis on "receiving appropriate protection and humanitarian assistance in the enjoyment of applicable rights outlined in the present convention and in other international human rights or humanitarian instruments to which the said States are Parties."²⁸

The Republic of Serbia has established the Ministry of Family Welfare and Demography, a special ministry within the Government which takes care of the family, as well as the dedicated sectors of state administration, which takes care of the protection of the most underprivileged families through *inter alia* social assistance, food assistance through soup-kitchens, and temporary accommodation. The Republic of Serbia established a system of social protection based on securing appropriate assistance to parents in exercising responsibility for raising a child (financial benefits, monthly social benefits as "child allowance" to cover necessities, as well as a special sector to ensure the protection of children's rights. Additionally, there are school psychologists, pedagogues and specialized clinics for free children's health care.²⁹

As stated in a previous section (page 13), the migrant population in health care institutions is continuously provided with all health services at all three health care levels (primary, secondary and tertiary level), in the same manner as the citizens of the Republic of Serbia. As the Ministry of Family Welfare and Demography is a state institution that must be compatible with the health system of the Republic of Serbia, it can be concluded that migrant underage athletes can enjoy these facilities. The website of the Ministry of Family Welfare and Demography³⁰ lists numerous documents and strategies, such as the Migration Management Strategy³¹ and the General Protocol for the Protection of Children from Violence³². In the General Protocol for the Protection of Children from Violence, the concept of 'children on the move' is mentioned, which includes: refugee children, internally displaced children due to natural disasters or armed conflicts, asylum-seeking children, migrant children in search of better living conditions, irregular migrants, children victims of human trafficking, children who are involved in living and working on the street, and children returning from the readmission process. The General Protocol for the Protection

28 UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <https://www.refworld.org/docid/3ae6b38f0.html> [accessed 20 August 2022].

29 <https://www.ejtn.eu/PageFiles/19765/TH202102%20PAPER%20RS.pdf>

30 <http://minbpd.gov.rs/>

31 <http://minbpd.gov.rs/wp-content/uploads/2021/12/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D1%83%D0%BF%D1%80%D0%B0%D0%B2%D1%99%D0%B0%D1%9A%D0%B5-%D0%BC%D0%B8%D0%B3%D1%80%D0%B0%D1%86%D0%B8%D1%98%D0%B0%D0%BC%D0%B0.pdf>

32 <http://minbpd.gov.rs/wp-content/uploads/2022/02/Opsti-protokol-za-zastitu-dece-od-nasilja.pdf>

of Children from Violence also includes ‘the children on the move’ in accordance with the Constitution of the Republic of Serbia and the Convention on the Rights of the Child (CRC).

5.2. Migrant women in Serbia

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified on 12 March 2001 by Serbia. The state’s obligation toward international law was highlighted in the previous section.

The CEDAW contains a range of provisions relevant to the protection of women migrant workers. Under article 2, state parties must adhere to all aspects of their legal obligations under the convention to respect, protect and fulfill women’s rights to nondiscrimination and the enjoyment of equality. Article 2(e) is relevant to women migrant workers as it obliges states parties to eliminate discrimination against women by any person, organization or enterprise” and imposes a due diligence obligation on States parties to prevent discrimination by private actors.³³

Other relevant substantive provisions include Article 11, which comprehensively addresses the obligation of state parties to eliminate discrimination against women in employment and occupations. Article 12 emphasizes access to health care. The CEDAW also contains specific articles to address exploitation for the purpose of prostitution and trafficking (Article 6); access to economic and social benefits are also reflected in Article 13.³⁴

Moreover, the following human rights conventions that have been ratified by Serbia can directly and indirectly impact the rights of migrant women³⁵;

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of Persons with Disabilities (CRPD)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

33 UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <https://www.refworld.org/docid/3ae6b3970.html> [accessed 21 August 2022].

<https://www.ohchr.org/sites/default/files/Documents/HRBodies/CMW/SideEvent2016/PramilaPatten.pdf>

34 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CMW/SideEvent2016/PramilaPatten.pdf>

35 <https://ijrcenter.org/wp-content/uploads/2020/02/Serbia-Factsheet.pdf>

6. Relevant (governmental and non-governmental) organizations and institutions in the Republic of Serbia

Regarding the relevant governmental and non-governmental organizations and institutions and official procedures that relate to migrant footballers, first of all, we mention **The Ministry of Internal Affairs of the Republic of Serbia** (Serbian: *Ministarstvo unutrašnjih poslova*; abbr. MUP) or **the Ministry of Interior**³⁶, **The Commissariat for Refugees and Migration of the Republic of Serbia (KIMS)**³⁷ and the **Law on Asylum and Temporary Protection**.

The Law on Asylum and Temporary Protection (Official Gazette of RS, no. 24/2018) prescribes the status, rights and obligations of asylum seekers and persons who have been granted the right to asylum or temporary protection, the principles, conditions, and procedures for the approval and cessation of the right to asylum or temporary protection, as well as other issues relevant for asylum or temporary protection.

- **The Ministry of Internal Affairs of the Republic of Serbia** is responsible for local and national [Police](#) services with [municipal](#) and district branches throughout the country. Its core responsibilities include: crime prevention, criminal apprehension, investigations, customs and border control, counter-terrorism, anti-corruption, anti-narcotics and disaster relief. The ministry is also responsible for issuing [passports](#) and [personal identification](#) to citizens.³⁸

The Sector for International Cooperation, European Affairs and Planning is responsible for planning and organizing the European integration process, setting directions and goals in the priority areas of work of the Ministry of the Interior as a whole and European integration affairs. This includes work on planning and managing projects financed by European Union funds and other international sources. The sector also implements various projects in cooperation with other countries (bilateral projects), EU (IPA projects), international organizations (OSCE Mission to the Republic of Serbia, UN, European Commission, International Organization for Migration, etc.).³⁹

6.1. Mapping of networks and contact list of stakeholders

- **NGO Atina – Citizens Association for Combating Trafficking In Human Beings And All Forms of Gender Based Violence**

NGO Atina is fully dedicated to the respect of victims' human rights, cooperation and participation of victims throughout the process of influencing root causes of trafficking, such as: relations in the primary and secondary family, poverty, previous experiences of marginalization and discrimination, deprivation from basic rights, unemployment and educational deprivation.

The above listed objectives are being fulfilled through rendering different types of assistance (until the full inclusion is achieved). This assistance includes:

³⁶ <http://www.mup.gov.rs/wps/portal/sr/>

³⁷ <https://kirs.gov.rs/eng>

³⁸ <http://www.mup.gov.rs/wps/portal/sr/>

³⁹ http://www.mup.gov.rs/wps/portal/en/!ut/p/z1/dYzBCoJAFEW_xu28l8Kk7QYSI4topb1NaEYjNM2TcUro6xNaBXV353LuBYlayDXP3jShZ9fYmU8kz4dsLxcFxmUh8xjVcZmtyzxN0glCBQ00K_gnCmELZCy3nzfl2iQIQF5ftddePPxcdyEM4yrCCkdpEobZWCOuf1_w16TJMUD9bcJwc6-drtQbzhuh4Q!!/dz/d5/L0JJSkovd0RNQURJQUVnQSEhLzRObEhVeEhL1o2X085TTYxRzAySzhHSUUwQTY3R0pHR04YT00zL2Vu/

1. Help in meeting basic needs (including accommodation);
2. Mediation in exercising the corresponding rights (including help in obtaining personal documents, cooperation with relevant institutions, school enrolment, help with employment);
3. Providing psychosocial, legal and medical assistance;
4. Family mediation and consultation service;
5. Engagement in all relevant fields for the full recovery and integration of victims.

Beneficiaries of NGO Atina's program are young people, men, women and children, citizens of Serbia and foreigners - victims of human trafficking, sexual and labor exploitation, as well as their families and those from their close networks, as indirectly affected by the status of the victims.⁴⁰

- **APC – Asylum Protection Center**

Asylum Protection Center (APC/CZA) is an independent, non-profit, but professional and skilled organization that provides legal, psychosocial and other support and protection to asylum seekers, refugees, displaced persons and any other persons who are in trouble of migrating.

The APC/CZA is active in improving the concept of asylum and the asylum system in Serbia, suppressions of prejudice and xenophobia, approaching the issues and problems of asylum seekers and the wider public in Serbia. In order to improve the Institute of asylum and the asylum and refugee law in Serbia, the APC/CZA aims to improve the moral and legal aspects of Serbian society. The work of the organization is based on a frequent presence in the field, weekly activities in centers for asylum seekers in Bogovadja and Banja Koviljaca and the Department for Children and Youth, Department for the immigration in Padinska skela, in Subotica and other places where asylum seekers and irregular migrants are in Serbia. The APC/CZA also continuously mediates communication between asylum seekers, citizens and representatives of local communities in which asylum seekers and other migrants are living.

The APC/CZA is a member of ECRE (European Council on Refugees and Exiles), a pan-European alliance of non-governmental organizations that provide assistance to refugees and asylum seekers. The importance of the APC/CZA as the authority in the legal protection of asylum seekers and functioning asylum system and the provision of legal and other protection to asylum seekers in Serbia is clearly recognized in the Strategy of the Government of the Republic of Serbia for the migration since 2009. (Official Gazette no. 25/2009).

Since the beginning of asylum system in Serbia (2008) to the present, the APC / CZA has advised more than 80 percent of all asylum seekers and has provided representation for all asylum seekers who have received any protection in the Republic of Serbia, forming the whole practice of asylum administrative and judicial procedures and systems in Serbia since 2012.⁴¹

⁴⁰ <http://www.atina.org.rs/en/about-us>

⁴¹ <https://www.apc-cza.org/en/o-nama.html>

6.2. Contact list of legal advising services for migrants and for migrant athletes

- **The Commissariat for Refugees and Migration of the Republic of Serbia (KIMS)**

Website: <https://kirs.gov.rs/eng>

Address: Narodnih heroja 4, 11070 Belgrade, Serbia

Phone: +381(0)11 311 72 72

Fax: + 381(0)11 312 95 85

- **NGO Atina – Citizens Association for Combating Trafficking In Human Beings And All Forms of Gender Based Violence**

Website: <http://www.atina.org.rs/en>

Hotline: +381 61 63 84 071

E-mail: office@atina.org.rs

Web: www.atina.org.rs

Facebook: NGOAtina

Twitter: @atinango

Skype: ngo.atina

YouTube: ATINA NGO

- **APC – Asylum Protection Center**

Website: <https://www.apc-cza.org/en/>

Headquarters: Sime Igumanova Street no. 14
11118 Belgrade, Serbia

Office:

Misarska no. 16

Serbia

11000 Belgrade

E-mail: sediste@apc-cza.org

Phone: +381 11 323 30 70; +381 11 407 94 65

Fax: +381 11 323 30 70

<http://www.apc-cza.org>

Information: Rados Djurovic

+381 63 704-7080

rados.djurovic@apc-cza.org

The office is open from 9am to 6pm every day.

7. References:

1. APC – Asylum Protection Center

<https://www.apc-cza.org/en/>

2. Atina – Udruženje građana za borbu protiv trgovine ljudima i svih oblika rodno zasnovanog nasilja (Citizens Association for Combating Trafficking In Human Beings And All Forms of Gender Based Violence)

<http://www.atina.org.rs/en>

3. Etički kodeks Fudbalskog saveza Srbije (*Code of Ethics of the Football Association of Serbia*)

https://fss.rs/wp-content/uploads/2019/07/eticki_kodeks17072017.pdf

4. Fudbalski savez Srbije (*Football Association of Serbia*)

<https://fss.rs/en/>

<https://fss.rs/en/fa-of-serbia/>

<https://fss.rs/dokumentacija/ugovori-i-dokumenta-vezana-za-registraciju/>

5. Komesarijat za izbeglice i migracije Republike Srbije (*Commissariat for Refugees and Migration of the Republic of Serbia*)

<https://kirs.gov.rs/eng;>

<https://kirs.gov.rs/eng/asylum/about-asylum.>

6. Ministarstvo unutrašnjih poslova Republike Srbije (*Ministry of Interior of the Republic of Serbia*)

[http://www.mup.gov.rs/wps/portal/sr/;](http://www.mup.gov.rs/wps/portal/sr/)

http://www.mup.gov.rs/wps/portal/en!/ut/p/zl/dYzBCoJAFEW_



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Social Inclusion of African Athletes in Europe

Appendix

National Legal Guidelines

LEGAL GUIDES IN
SWEDEN ~ COTE D'IVOIRE

Table of Contents

1. INTRODUCTION

2. FOOTBALL REGULATIONS

- 2.1 Player registration or player's license
- 2.2 Migrating players joining a football club in Sweden
- 2.3 Using an agent
- 2.5 The legal status of underage players
- 2.6 Player transfer at the national level

3. LEGAL FRAMEWORK

- 3.1 Entry Requirements
- 3.2 Labour law
 - 3.2.1 Minimum wage requirements
 - 3.2.2 Player contract (or player employment agreement)

4. THE HUMAN RIGHTS OF MIGRANT ATHLETES

- 4.1 Player rights at the national level
 - 4.1.1 The rights of female migrant athletes
 - 4.1.2 The rights of underage migrant athletes

5. GOVERNING ENTITIES



1. INTRODUCTION

As concluded in our field study, illegal migration of athletes is not considered to be a serious problem in Sweden and neither is it seen as an issue that migrant athletes come to Sweden as refugees. The system and the regulations seem to work as intended but there is of course always room for improvements, both regarding information to the athletes during all phases of the transfer and integration process as well as education for the responsible parties at the clubs.

This guide will provide an overview of the requirements for an African migrant footballer to relocate to Sweden in terms of a visa, work permit, residence permit and diverse legal information as well as recommendations pertaining to their social and legal integration into Swedish society. Firstly, we'll look into the migration process and entry requirements for African footballers then we'll move on to the Labour law requirements relating to their contract and transfer. Finally, we'll consider the human rights of migrants including those for women and minors.

2. FOOTBALL REGULATIONS

2.1 Player registration or player's license

International transfers to Swedish football clubs follow FIFA's regulations.

Players registered at one association in one country may only be registered at a new association after the player has received an International Transfer Certificate from their former association. The application for a player's license is made by the Swedish club. The player needs to have a valid ID and if the player is a minor, they will also require a letter of approval from a legally recognised guardian.

The Swedish Migration Agency is responsible for all migration to Sweden and this organization also has specific information about athletes. This is available on their website in 26 different languages at <https://www.migrationsverket.se/>

2.2 Migrating players joining a football club in Sweden

With regards to professional players, in order to secure a work permit, the player must have a signed contract with a club.

(A professional is a player who has a written contract with a club and is paid more for his footballing activity than the expenses he effectively incurs. All other players are considered to be amateurs.) In Sweden, the contract is standardized and can be downloaded at the website of the Svenska fotbollsförbundet (Swedish Football Federation) at <https://aktiva.svenskfotboll.se/forening/spelarovergangar/spelaravtal/>

Riksidrottsförbundet (The Swedish Sports Confederation) is an overarching umbrella organization for all regulated sports in Sweden. It is a public authority and part of its duties is to allocate all state funding for sports in the country. The Swedish Sports Confederation manages all the special sports federations (72) which are in turn responsible for the regional special sports federations as well as all clubs. There are 22 630 sports clubs in Sweden and from the total population of 10 350 000 people, these clubs have 5 985 000 active members with some duplication as individuals may be active in more than one club. Football is clearly the biggest sport in the country.

2.3 Using an agent

Players and clubs may hire an agent:

- a. when negotiating an employment contract or player transfer agreement, and
- b. to introduce the player or association to a third party for the purpose of initiating a player transfer or otherwise working to create conditions for a player transfer.

Players and associations may only be represented by, and pay compensation to, an agent who is registered with the Swedish Football Federation (SvFF) and who has entered into a written mediation agreement with the player and / or the club. A minor player has the right to be assisted by a guardian regarding the conclusion or renegotiation of an employment contract with a SvFF-affiliated club. This guardian is not required to be registered as an agent with the SvFF. Lawyers can also undertake assignments as intermediaries without being registered by the SvFF.

Agents are not permitted to enter into brokerage agreements or perform brokerage assignments with or for a player who is younger than the age of 15. Only those individuals who are certified as agents by the SvFF may enter into a brokerage agreement with a player who has not yet turned 18 years.

In order for an intermediary agreement with a minor player to be valid, the agreement and where applicable the supplementary agreement, must be signed by the player's guardian.

2.4 Rules for football agents in Sweden

An agent is a natural or legal person who, with or without financial compensation, assists players or associations in the negotiation of employment contracts; or assists associations in the negotiation of player transfers.

Agents can either work independently or be affiliated to a larger organization.

In April 2015, FIFA changed its rules for football agents' activities and removed the previously mandatory licensing. This made it possible for anyone to represent football players.

The goal was to open up the industry and increase competition, and this has been the outcome. It has however also attracted criminal elements who have wrongfully encouraged and signed very young players.

To prevent this practice, in March 2018 the Swedish Football Association (SvFF) introduced new national rulings in the country.

The most important rules are:

- All agents must be registered by the SvFF, which publishes a list of all approved agents
- All registered agents must pay the SvFF an annual fee of SEK 15,000 (App. 1,500 EUR)
- All agents are subject to a background check which includes whether they have a criminal record
- The SvFF's standard template must be used for all player agreements
- All remuneration to agents must be reported to the SvFF, which publishes an annual report on its website that shows all of these transactions
- It is illegal to compensate agents for hiring players who are under 18 years old

In order for an agent to be able to represent a player between 15 and 18 of age, the agent must take a course and be licensed by the SvFF. A list of all these licensed agents is also published on the SvFF website

In September 2021, FIFA introduced new rules for agents similar to the Swedish rules. As a result, agents must now declare all commission received to FIFA. In addition, all club representatives are prohibited from owning shares in player agencies. Family members may not act as agents unless they are licensed. These new rules also prohibit triple representation which is when an agent represents the player, the buyer and the seller. Double representation is also prohibited which means that the agent cannot represent both the player and the buying club.

There is a compensation ceiling of three percent based on a player's salary when the agent represents the player or buyer; and six percent when the agent represents both the player and the buyer.

<https://aktiva.svenskfotboll.se/4966c8/globalassets/svff/dokumentdokumentblock/tavling/spelarovergangar/the-swedish-football-associations-svff-regulations-on-working-with-intermediaries.pdf>

2.5 The legal status of underage players

In 2009, FIFA banned the international transfer of players under the age of 18, with three exceptions (as laid down in Article 19 of FIFA's International Transfer Regulations):

- that the child's parents change countries for reasons unrelated to football;
- that the transfer takes place between countries of the EU or the European Economic Area, the player being between 16 and 18 years of age;
- or that the player and the destination club belong to countries no more than 50 kilometers from the border

However, it is common for European professional clubs to make agreements with African clubs and academies on training agreements where players are allowed to train and test with the club for certain time periods, and where the European club then has priority to sign a player contract when the player turns 18.

2.6 Player transfer at the national level

It's important to distinguish national transfer rules from international transfer rules. The transfer of players between clubs belonging to the same association (national transfer) is governed by specific regulations issued by the national association concerned. The transfer of players between clubs belonging to different national associations are laid down by FIFA. Such international transfer rules are important to set universal competition parameters. These contribute to the organization of worldwide competition and to promote international sporting exchanges. Transfer rules influence regulation on the protection of minors and promotion of youth development, the competitive balance and fairness through rules on contractual stability, solidarity and redistribution mechanisms. Some public rules are inconsistent with FIFA Regulations on the Status and Transfers of Players, notably in relation to the length of players' contracts. In practice, such public rules are not that significant as players sign fixed-term contracts lasting between one to five years, in compliance with FIFA regulations.

There is a predominance of Public law as the source of the regulations imposed on non-EU players. As a result, when they are recruiting non-EU nationals, sport stakeholders must comply with laws and regulations relating to immigration policies. Nevertheless, sports bodies implement specific criteria for non-EU players in order to ensure they are eligible to pursue sporting careers.

3. LEGAL FRAMEWORK

3.1. Entry Requirements

3.1.1. Requirement for NON EU Citizens for obtaining a work permit as a football player in Sweden according to the Swedish Migration Board

- You must have a valid passport (if your passport is about to expire, you should extend it because you can not get a permit for longer than your passport is valid)
- You must play in at least Division 1 for men or in the Damallsvenskan or Elitettan for women if you are a football player. The same requirements apply to you if you are going to work as a football coach
- You must have a written contract with a club or association in Sweden that is affiliated with the Swedish Sports Confederation
- You must be offered a salary of at least SEK 14,300 / month before tax
- You must have a health and accident insurance that corresponds to cover that is customary for your sport and the level at which you play
- The Swedish Sports Confederation must certify that your employment is significant for the positive development of the sport

a. After you have submitted your application

If you are granted a permit for more than three months, you will be given a residence permit card. The card is proof that you have permission to be in Sweden and contains among other things, your fingerprints and photograph.

If you need a visa to travel to Sweden, you must go to the Swedish embassy or consulate-general to have your photograph and fingerprints taken as soon as possible. You must contact the embassy or consulate-general before you go and make an appointment to have this done.

b. After a decision has been made

The decision will be sent to the embassy or consulate-general stated in your application. You must take your passport with you when you go to get your decision. You will get a permit for the same period as your contract or for a maximum of two years at a time, but never for longer than your passport is valid. The permit only allows you to work for the club that has offered you a job and within the sport specified in the contract. If you are going to continue to work in Sweden or change your club, you must apply to extend your permit.

Once the residence permit card is ready, the embassy or consulate-general will issue or send it to you. Please note that after you have received your decision, it may take up to four weeks to produce and deliver the card to the embassy or consulate-general. When you enter Sweden, you must present the residence permit card along with a valid passport.

If you have had a permit for less than three months, you must present the decision together with your passport when you travel to Sweden.

If you can travel to Sweden without a visa, you must be able to present a copy of the decision when you enter the country. You must book an appointment to have your fingerprints and photograph taken as soon as possible after coming to Sweden. Once your residence permit card is ready, it will be sent to your address in Sweden.

If you can travel to Sweden without a visa, you must be able to present a copy of the decision when you enter the country. You must book an appointment to have your fingerprints and photograph taken as soon as possible after coming to Sweden. Once your residence permit card is ready, it will be sent to your address in Sweden.

c. If the Swedish Migration Agency rejects your application

If the Swedish Migration Agency rejects your application, it means you have not been granted a residence permit for Sweden. You may lodge an appeal against the decision within three weeks of the date when you received notification of the decision. Information on how to lodge an appeal can be found in your decision. If you have given someone a power of attorney document that authorizes him/her to represent you, this person can lodge an appeal on your behalf.

3.1.2. Important information about insurance

There are two kind of insurance in Sweden: healthcare insurance from the social authority and the specific insurance included in a player license.

a. General healthcare insurance

If you need medical care in Sweden, you may need to pay for the care yourself if you are not registered in Sweden on the Population Register, and/or you do not have a Swedish Personal Identity Number. If you are registered on the Swedish Population Register, you can also be registered with the Swedish Social Insurance Agency, and covered by the country's social insurance.

To be registered on the Swedish Population Register and receive a Swedish Personal Identity Number, you need to have been granted at least a one-year residence permit in Sweden, and you need to be planning to live in the country for one year or longer. Therefore, you should register for the Population Register as soon as possible after moving to Sweden.

b. Specific insurance included in a player license

All players in clubs that belong to the Allsvenskan and Superettan are covered by the association's healthcare cost insurance. The club chooses the scope of the care cost insurance, either Basic or Basic + Extra.

Players are insured through their registration with their football club in accordance with specially issued insurance regulations.

3.2. Labor law

The requirement to present an employment contract when applying for a work permit will apply to most workers, but some exceptions exist. The following document holders and occupations are exempt, but should continue to present the same documents as before:

EU Blue Card

ICT permits

Researchers

Professional athletes

Seasonal workers

Au pairs

Trainees

Volunteers under the European Solidarity Corps

Summer jobs for young people (so-called Working Holiday visa)

As a professional sportsperson or sports official, you can participate in international competitions for a maximum of three months over a period of 12 months without a work permit. However, citizens in some countries need a visa to enter Sweden.

If you are granted a permit for more than three months, you will be given a residence permit card. The card is proof that you have permission to be in Sweden and contains among other things, your fingerprints and photograph.

If you need a visa to travel to Sweden, you must go to the Swedish embassy or consulate-general to have your photograph and fingerprints taken as soon as possible. You must contact the embassy or consulate-general before you go and make an appointment to have this done.

3.2.1 Minimum wage requirements

This is information for people who are citizens of a non-EU country and who have a contract with a club or association that is affiliated with the Swedish Sports Confederation.

- You must have a valid passport (if your passport is about to expire, you should extend it as you can not get a permit for longer than your passport is valid)
- You must play in at least Division 1 for men or in the Damallsvenskan or Elitettan for women if you are a football player. The same requirements apply if you are going to work as a football coach
- You must have a written contract with a club or association in Sweden that is affiliated with the Swedish Sports Confederation
- You must be offered a salary of at least SEK 14,300 / month before tax
- You must have health and accident insurance that corresponds to cover that is customary for your sport and the level at which you play
- The Swedish Sports Confederation must certify that your employment is significant for the positive development of the sport.

3.2.2. Player contract (or player employment agreement)

A football employment contract is an agreement between a player and a club that sets out the terms of the player's employment. The contract must specify the length of the contract, salary, and any bonuses or other benefits. It is important to note that players can only sign contracts with the clubs to which they are registered. Footballer contracts essentially mean that the club is in control of the player for the duration of the contract.

In Sweden there are two ways to register a professional player contract:

It can be registered online with the Swedish Football Federation (SvFF) or through the purchase of a physical player agreement from the district association or SvFF (this agreement must be sent to / submitted to SvFF). The price of registration is SEK 300, regardless of which procedure is followed.

Registration of a professional agreement can only take place under one of the planned professional transfer windows. Exceptions to this exist if the player / players were registered amateurs in the association before the last professional transfer window ended. For more information on this, see SvFF's Representation Regulations, Chapter 3, Section 4.

<https://aktiva.svenskfotboll.se/forening/spelarovergangar/spelaravtal/>

4. THE HUMAN RIGHTS OF MIGRANT ATHLETES

According to International Human Rights norms, which are based upon the inherent dignity of every person, migrants enjoy the fundamental rights afforded to all persons regardless of their legal status in a country. The rights listed below apply to all migrants, whether they are athletes or not.

- Civil and political rights
- Access to justice
- Economic and social rights (access to health system, insurance)
- Access to accommodation and emergency shelter
- Access to the work market
- Right to open a bank account
- Freedom of movement
- Right to primary education

For more information, visit: <https://ijrcenter.org/thematic-research-guides/immigration-migrants-rights/>

Decisions for residence permits are handled by the Swedish Migration Board. Your club has to apply to the Swedish Migration Board for your work permit. The club must also report your employment to the Swedish Tax Agency.

You can apply for visas and residence permits for Sweden at various embassies and consulates general around the world. To find the location of the Swedish embassy in your country, please visit the Ministry for Foreign Affairs' website: <https://www.swedenabroad.se/en/about-sweden-non-swedish-citizens/>

The decision regarding your visa and residence permit will be sent to the embassy or consulate-general stated in your application. You must take your passport with you when you go to get your decision. You can get a permit for the same period as your contract or for a maximum of two years at a time but never for longer than your passport is valid. The permit applies only for work for the club that has offered you a job and within the sport specified in the contract. If you are going to continue to work in Sweden or change your club, you must apply to extend your permit.

Professional athletes can work in Sweden for up to 3 months without a work permit.

Once the residence permit card is ready, the embassy or consulate-general will issue or send it to you. Please note that it may take up to four weeks to manufacture and deliver the card to the embassy or consulate-general after you have received your decision. When you enter Sweden, you must present the residence permit card along with a valid passport.

If you have a permit for less than three months, you must present the decision together with your passport when you travel to Sweden.

If you can travel to Sweden without a visa, you should be able to present a copy of the decision when you enter the country. You must book an appointment to have your fingerprints and photograph taken as soon as possible after coming to Sweden. Once your residence permit card is ready, it will be sent to your address in Sweden.

If you can travel to Sweden without a visa, you should be able to present a copy of the decision when you enter the country. You must book an appointment to have your fingerprints and photograph taken as soon as possible after coming to Sweden. Once your residence permit card is ready, it will be sent to your address in Sweden.

4.1 Player rights at the national level

For many years, the Swedish Football Association, special district associations and the football associations have enjoyed a very strong collaboration with the upper secondary schools that offer special sports football. The national sports schools have provided an opportunity to further develop the cooperation between the parties involved.

The goal of this education is to ensure that footballing youth should be able to combine high school studies with elite football education. The student / player must clearly be elite at the sport, and the ambition for a NIU upper secondary school is that it, together with the associations to which the student / player belongs, should create an educational environment that develops the youth as much as possible. The overall goal of football education is that during high school, the player develops the skills and knowledge in the sport that will provide the conditions to enable them to achieve the national elite level.

The schools that the Swedish Football Association has certified as organizers of national sports education (NIU football) undertake to offer highly trained instructors, appropriate facilities and the best possible training environment throughout the school year. The school must also offer a range of programs, study assistance, teacher understanding and a sports-friendly schedule.

In order for you as a player to one day reach the goal of playing football at an elite level, it is very important that you, together with your coaches, regularly plan, carry out and evaluate your football training so that it can be conducted at the highest possible quality. But it is also important that the amount of training and matches you play provide space for school work and recovery.

You will also be able to complete the course “Swedish Football Association’s Coach Training C” which provides the basics for being able to work as a leader / coach in children’s and youth football.

This study plan should be an aid and a quality assurance in your football education at a NIU high school. Correctly applied, this will help to plan your training and education content and provide good support in the evaluation work.

4.1.1 The rights of female migrant athletes

The rules and legal conditions for female players are mostly the same as those for men, but there are differences within FIFA regarding compensation between clubs etc.

4.1.2 The rights of underage migrant athletes

The legal rights of minors have been dealt with under each item separately.

5. GOVERNING ENTITIES

Swedish Migration Agency

The Swedish Migration Agency is responsible for all migration to Sweden and also offers specific information about athletes. This information is available on their website in 26 different languages at <https://www.migrationsverket.se/>

· **Riksidrottsförbundet (The Swedish Sports Confederation)**

The Swedish Sports Confederation is an overarching umbrella organization for all regulated sports in Sweden and has the authority of a public authority. The Swedish Sports Confederation includes all special sports federations (72) and under them are regional special sports federations and all clubs. There are 22 630 sports clubs in Sweden and from the total population of 10 350 000 they have 5 985 000 active members but then we have to consider that some persons may be active in more than one club. Football is clearly the biggest sport. The Swedish Sports Confederation is responsible for all state.

· **Swedish Football Association's competition rules**

The requirement for a player to be considered home-educated is that they have been registered as a player for a Swedish club for at least three years from the calendar year the player turned 12 years old up to and including the calendar year the player turned 21 years old.

According to the Swedish Football Association's competition rules, at a match in Allsvenskan - Ettan and OBOS Damallsvenskan and Elitettan (the two first leagues for female players and the three first leagues for male players) as well as qualifiers for the Allsvenskan and Superettan, at least half of the number of players listed on the player list must be home-educated.

If an uneven number of players is noted on the player list, the number of home-educated players must be in the majority. If there are too few home-grown players the association will be recognised as having participated in the match with unauthorized / unauthorized players.



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SiNAFE

Social Inclusion of African Athletes in Europe

Appendix

National Legal

Guidelines

LEGAL GUIDES IN
SWITZERLAND

Table of Contents

1. Introduction

2. Athletes' rights

2.1. Migrants' rights in the EU

- 2.1.1. Legal and civil regulations specific to migrant athletes at the European level
- 2.1.2. Athletes' rights at international level

2.2. Legal and civil regulations specific to migrant athlete's rights at the national level - Switzerland)

- 2.2.1. Migrant children in Switzerland
- 2.2.2. Migrant women in Switzerland

3. Legal Framework

3.1. Swiss Labor law

- 3.1.1. Wage

3.2. Migration to Switzerland and Entry Requirements

- 3.2.1. Work permit
- 3.2.2. Residence permit
- 3.2.3. Freedom of movement of Athletes

3.3. Compulsory insurance in Switzerland

- 3.3.1. Health insurance
- 3.3.2. Other Insurance

4. Football Regulations

4.1. Agreement with Football Agent/Manager

4.2. Football Agent Licensing

4.3. Player Employment Agreements

4.4. Player Licensing

4.5. The dispute resolution system and access to courts in Switzerland

5. Contact list of legal advisory services for migrant athletes



1. INTRODUCTION

The SINAFE Project aims to preserve the simple but crucial notion that sport is a human right. With this perspective, sport is seen as a perfect tool for social mobility and the stories from sport, particularly football, are a dream for many young athletes particularly those from economically disadvantaged countries. This dream however often does not live up to their expectations as athletes often suffer from social exclusion in the country to which they migrate.

In recent years, there has been an increasing number of athletes migrating to Europe, including Switzerland, making this issue important in the European context. Athletes that migrate to Europe in pursuit of a professional career in sport can face many challenges. These range from issues relating to athletes' rights, transfers, contracts, and licences to representation, and health insurances.

In the accompanying legal guide, we provide information on these points for athletes, as well as links to applicable documents (such as a sample contract). Rules and regulations affecting sport typically operate independently from labor law and national law under the 'sporting exception' (International Labour Organization 2019).

Generally in Europe, sports law operates through special institutions. National sports governing bodies have their own structures for internal regulation and enforcement. Cases that fall outside their remit are addressed through the national court system. Athletes have increasingly challenged the 'sporting exception' rule in Europe, and the European Court of Justice and the European Court of Human Rights have ruled in favour of using European law to resolve some of these issues as sport is considered to be an economic activity (International Labour Organization 2019).

The lack of access to dispute resolution and remedy remains the greatest obstacle to the protection of athletes' rights. 'A number of sports contracts contain "forced arbitration" clauses that prevent access to a full choice of legal remedies and channel grievances to specific arbitral bodies' (International Labour Organization 2019, 2). At the international level, the Court of Arbitration for Sports (Lausanne, Switzerland) adjudicates sports disputes. 'The Swiss Federal Tribunal provides "quality assurance" for CAS procedures and oversees any challenges made to CAS awards under Swiss law' (International Labour Organization 2019, 2).

2. ATHLETES' RIGHTS

2.1. Migrants' rights in the EU

Each individual entering the European Union (EU) has the same fundamental rights as every other person, including migrants on the continent. These rights are guaranteed by international, European, and national laws. At the EU level, the EU Charter on Fundamental Rights is the primary regional human rights legal framework (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>). These laws are applicable to both citizens and residents.

The Charter contains a list of human rights motivated by the rights enshrined in EU Member State constitutions, the European Convention on Human Rights (ECHR)¹, the ESC and international human rights treaties, such as the United Nations (UN) Convention on the Rights of the Child (CRC). The Charter refers to seven areas of fundamental rights: (i) dignity; (ii) freedoms; (iii) equality; (iv) solidarity; (v) citizens' rights; (vi) justice; and (vii) general provisions.

Other Charter provisions on the protection granted to individuals are relevant in the context of migration. Article 47 of the Charter provides for an autonomous right to an effective remedy and lays down fair trial principles. The principle of judicial review enshrined in Article 47 requires a review by a tribunal. This provides broader protection than Article 13 of the ECHR, which guarantees the right to an effective remedy before a national authority that is not necessarily a court. Article 52 of the Charter stipulates that the minimum protection afforded by the Charter provisions is that provided by the ECHR².

There are 25 different categories of foreign nationals, each with different rights that vary according to the links they have with EU Member States or that result from their need for special protection (European Agency for Fundamental Rights and Council of Europe, 2020). EU law provides a comprehensive set of rules for special categories of migrants (such as asylum seekers).

The EU has adopted common rules on their admission for other categories of migrants, such as highly skilled workers, seasonal workers, researchers, or students. In general, foreign nationals who are allowed to settle in the EU are granted more comprehensive rights than those who stay only temporarily (ibid.).

The following information has been extracted from the *Handbook on European Law Relating to Asylum, Borders, and Immigration* (2020):

1 The European Convention on Human Rights is legally binding on all Member States of the EU and the Council of Europe (https://www.echr.coe.int/documents/convention_eng.pdf).

2 Other Charter provisions on the protection granted to individuals are relevant in the context of migration. Article 47 of the Charter provides for an autonomous right to an effective remedy and lays down fair trial principles. The principle of judicial review enshrined in Article 47 requires a review by a tribunal. This provides broader protection than Article 13 of the ECHR, which guarantees the right to an effective remedy before a national authority that is not necessarily a court. Article 52 of the Charter stipulates that the minimum protection afforded by the Charter provisions is that provided by the ECHR.

Migration into and within Europe is regulated by a combination of national law, EU law, the ECHR, the ESC and other international obligations entered into by European states. Complaints against acts or omissions by a public authority violating the ECHR brought against any of the 47 member states of the Council of Europe. The ECHR protects all individuals within the jurisdiction of any of its 47 states, regardless of their citizenship or residence status.

right and whether or not such interference is justified (European Agency for Fundamental Rights and Council of Europe, 2020).

A lack of status or documentation as evidence of status leads to various problems, such as being denied access to public or private services, or to the labour market. EU law includes detailed mandatory provisions relating to both status and documentation, and failure to comply with those provisions violates EU law. The European Court of Human Rights (EctHR) may consider whether or not the absence of status or documentation infringes on an ECHR

2.1.1. Legal and civil regulations specific to migrant athletes at the European level

In terms of migrants entering Europe to play sport, their rights (Athlete's rights) are important and relate not only to working conditions and labor rights, but to their participation in sporting events (*inter alia* marketing rights, freedom of expression, legal protection, non-discrimination). These rights may vary slightly from country to country. Please refer to the section on labor law, and the player employment agreement for more information.

2.1.2. Athletes' rights at international level

Athletes' rights in the EU and Switzerland can be examined at national, European, and international levels. The rights of the athlete based on FIFA regulations - that can impact athletes worldwide - will be covered in a different section. Besides FIFA's regulations, we can mention conventions that were ratified to protect the rights of this group at international level, including the Universal Declaration of Player Rights, Guidelines on Integrity in Sport - Kazan Action Plan (KAP) and United Nations Guiding Principles on Business and Human Rights.

Universal Declaration of Players' Rights

The Universal Declaration of Players' Rights was unveiled by the world's leading player associations to advocate human rights of players and prevent systematic human rights violations in sport. According to these regulations, sports organisations are obligated to respect the fundamental rights of athletes and players. This declaration is directly linked to international human rights law and core ILO standards, raising the actors' actual obligations³.

The fundamental rights that are protected within the declaration can be divided into different categories including personal rights, legal rights, labor rights and access to sports.

- Article 1 mentions that every player has the right to a sporting environment that is well-governed, free of corruption, manipulation, and cheating.

³ 'Universal Declaration of Players Rights' (Centre for sport and human rights, 14 Dec 2017) <<https://www.sporhumanrights.org/library/universal-declaration-of-players-rights>> accessed 9 February 2022.

- Article 2 goes further and announces that every player has the right to access and pursue sports as a career and profession - based solely on merit.
- Other human rights include the right to work in a fair and just working condition, equality of opportunity, the right to organize and collectively bargain, the right to share in economic activities and wealth, the right to education, the right to privacy, freedom of opinion and expression, equality before the law, the right to due process, the right to an effective remedy, promotion of physical health, mental health and social wellbeing rights of children. These have been emphasised in this convention.⁴

Universal Declaration of Player Rights

Rights to a well-governed sport environment

Right to pursue sport as a career

Socio-economic rights

The UN Guiding Principles on Business and Human Rights

Another important international human rights convention is the UN Guiding Principles on Business and Human Rights. “It establishes a global responsibility for business enterprises of all kinds, including sport’s governing bodies.”⁵

According to this convention, states should not only protect fundamental rights, they have a legal responsibility to stop human rights violations by third parties including business enterprises - that can include sport’s governing bodies - through effective legislation and adjudications. We need to clarify that “The Principles are not binding international law. Nevertheless, they are the most authoritative international statement to date regarding the responsibilities of business concerning human rights.”⁶



4 'World Players Association launches Universal Declaration of Player Rights'(IHRB, 14 December 2017) <<https://www.uniglobalunion.org/news/world-players-association-launches-universal-declaration-player-rights>> accessed 9 February 2022.

'Guidelines on Integrity in Sport - Kazan Action Plan (KAP): online database' (CEO) <<https://www.coe.int/en/web/sport/kazan-action-plan-online-directory>> accessed 10 February 2022.

5 'World Players Association launches Universal Declaration of Player Rights'(IHRB, 14 December 2017) <<https://www.uniglobalunion.org/news/world-players-association-launches-universal-declaration-player-rights>> accessed 9 February 2022.

6 UN Human Rights Council, Protect, respect and remedy: a framework for business and human rights : report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie, 7 April 2008, A/HRC/B/5, available at: <https://www.refworld.org/docid/484d2d5f2.html> (accessed 27 February 2022).

The Kazan Action Plan

The next non-binding instrument is The Kazan Action Plan, which was adopted on 15 July 2017 by UNESCO's Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, MINEPS VI.

While the guideline cannot be considered as a mandatory regulation, it can impact the rights of athletes in different areas such as "safety and security of athletes, preventing and addressing harassment and abuse in sports, fostering good governance of sports organisations and similar concepts."⁷

2.2. Legal and civil regulations specific to migrant athletes at the national level – Switzerland

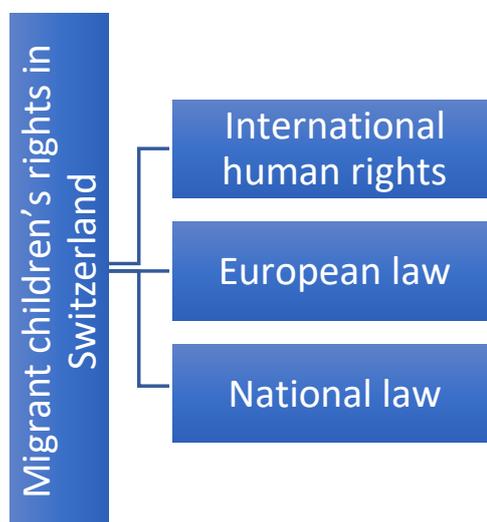
In general, there are no separate Swiss legal or civil regulations for migrant athletes (outside of visa and residence permit stipulations, and labor law exceptions). The same general laws apply to all those within the borders of the state. The only difference is that migrant athletes may have certain conditions tied to their visas or residence permits (in terms of length of stay allowed or whether they can be formally employed, etc.).

2.2.1. Migrant children in Switzerland

Government obligation toward international human rights law was explained previously. In this section, we emphasized the impact of the Convention on the Rights of the Child (CRC) that was ratified on 24 February 1997 by Switzerland.

Migrant children's rights in Switzerland and international human rights law

According to Switzerland's report to the UN, the CRC and other relevant ratified international instruments constitute a core part of domestic law. More importantly, CRC is "directly applicable" in the courts. Therefore, the state is obligated to respect the protected rights in those treaties. In the case of breach of rights by public or private sectors, individuals can take the case to the court.



⁷ 'MINEPS VI - Kazan 2017' (UNESCO, 15 July 2017) <<https://en.unesco.org/mineps6/kazan-action-plan>> accessed 13 February 2022.

According to the CRC, a child is “a person under the age of 18”. This convention focuses on different aspects of children’s rights as well. Such as

- Prohibition of discrimination (Article 2): “This article indicates that States must treat all children equally besides of their citizenship status, gender and nationality.
- Protection from harmful work (Article 32): Children have the right to be protected from working in an unsafe environment and doing work that can negatively impact their education, health, or development. Secondly, if children work, “they should have the right to be safe and paid fairly.”⁸
- Prevention of sale and trafficking and exploitation (Article 35 and 36): Governments must take measures to protect children taken overseas or to other countries where they can be exploited (taken advantage of).
- Access to fundamental needs including high-quality education, food, clothing, healthcare services and a safe home (Article 3, 27, 28 and 29).
- Rights of children who break a law Article 37, indicates that “the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate time.”
- Finally, Article 22 deals directly with the case of migration “whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights outlined in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”⁹

More information: <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>

Migrant children’s rights in Switzerland and European Law

All CoE member states - including Switzerland - are obligated to respect migrant children’s rights. Particularly, the European Convention on Human Rights (ECHR) contains specific references to children.

- Article 5 (1) (d) provides for the lawful detention of a child for the purpose of educational supervision.
- Article 6 (1) restricts the right to a fair and public hearing, which is in the interest of juveniles.
- Article 2 of Protocol No. 1 provides the right to education and requires states to respect parents’ religions

Moreover, ECHR applies equally to all individuals. It means children can enjoy the same protection as adults (Article 24).

8 UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <https://www.refworld.org/docid/3ae6b38f0.html> [(24 February 2022).

9 Nathalie Larminat, ‘HUMAN RIGHTS OF UNACCOMPANIED MIGRANT CHILDREN: FOCUS ON DETENTION’ (2021) UPEACE 1,2.

On the other hand, there are some restricting laws. Under CoE law, “Article 8 of the ECHR does not allow migrant parents and their children an absolute right to choose where they want to live. National authorities can legitimately deport or refuse entry to family members provided there are no insurmountable obstacles to establishing family life elsewhere. However, once a child obtains access to a Member State under EU free movement law, he/she is likely to be able to remain there, even if the EU migrant parent moved with no qualifications for ongoing residence or decides to leave.”

Source: ‘Handbook on European law relating to the rights of the child’ (2015) COE 1, 23 & 163.

The rights of migrant children at the National Law

Several human rights of migrant children are promoted by the Constitution since it is supporting all human beings equally regardless of their nationality or age. Particularly “the economic and social field rights are acknowledged both to the native and the immigrant population alike.” However, there are some limitations specifically with regards to political rights, obtaining citizenship and freedom of movement.

Constitution all human beings equally regardless of their nationality or age.

According to this vision, we can highlight some articles that particularly focus on children’s rights.

- Art. 11 is allocated to the protection of children and young people, “Children and young people have the right to the special protection of their integrity and to the encouragement of their development.”¹⁰
- Art. 41 highlights the role of Cantons, “The Confederation and the Cantons shall, as a complement to personal responsibility and private initiative, endeavour to ensure that:
 - o c. families are protected and encouraged as communities of adults and children.
 - o f. children and young people, as well as persons of employable age can obtain an education and undergo basic and advanced training in accordance with their abilities.”
- Art. 62 mentions the right to education
 - o The Cantons are responsible for the system of school education.
 - o They shall ensure the provision of an adequate basic education that is available to all children.
- Art. 123: No time limit for the right to prosecute or for penalties for sexual or pornography offences involving prepubescent children.¹¹

¹⁰ Arjan Vasjari, Darjel Sina, ‘The Constitutional Rights of the Foreigners in Switzerland’ (2013) 4 MJSS 556,559.

¹¹ Federal Constitution of the Swiss Confederation of 18 April 1999 [Switzerland], 18 April 1999, available at: <https://www.refworld.org/docid/3ae6b6040.html> (accessed 26 February 2022).

2.2.2. Migrant women in Switzerland

In this section, we aim to provide a brief description of the rights of female migrant athletes. These laws will briefly be presented at three levels: international laws, European laws, and national laws.

Migrant athletes have not been explicitly mentioned in most of the international human rights conventions and laws. Although the high number of instruments focus on women's rights and migrating women, they can also protect the human rights of female migrant athletes.

List of the ratified treaties that can impact women's rights and the rights of migrant women:

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Convention on the Rights of Persons with Disabilities (CRPD)

Convention on the Rights of the Child (CRC)

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Human rights - such as the right to life, freedom of movement, the right to education, the right to work, the right to health and equality before the law - that are mentioned in these treaties protect the rights of all men and women, regardless of their gender, nationalities, religion, race, etc. Plus, some articles directly focus on women's rights. Article 3 of ICCPR emphasizes the equal rights of people to enjoy civil and political rights.

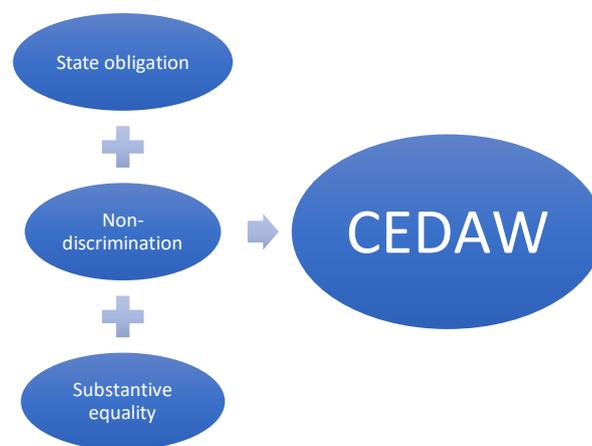
Among these treaties, "The Convention on the Elimination of Discrimination against Women (CEDAW) is the most comprehensive treaty on the rights of women. It condemns any form of discrimination against women and reaffirms the importance of guaranteeing equal political, economic, social, cultural and civil rights to women and men"¹². More specifically, some fundamental women's rights are protected including:

- The need for equal access to education (Article 10).
- Equal responsibilities of men and women in the context of family life (Article 16). The convention emphasizes the need for childcare facilities and other social services to help women satisfy family obligations along with work responsibilities and participation in public life (Article 11).

¹² UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <https://www.refworld.org/docid/3ae6b3970.html> (accessed 17 February 2022).

- CEDAW calls for non-discriminatory health services for women, including family planning services (Article 12).
- Special attention is given to sexual trafficking of women, and other sexual exploitation of women (Article 6).¹³

More information; <https://www.coe.int/en/web/gender-matters/convention-on-the-elimination-of-all-forms-of-discrimination-against-women-cedaw>



Regional: European law and the rights of migrant women

Switzerland is a member of the COE (Council of Europe), and it has ratified the European Convention on Human Rights. Therefore, “individuals and groups are allowed to submit complaints of human rights violations committed by Switzerland to the European Court of Human Rights.” The European Convention on Human Rights (1950) is Europe’s core human rights treaty.

According to the Swiss Federal Court, the European Convention on Human Rights is protected by the Swiss constitution, and thus they have the same status as constitutionally protected rights. According to this binding instrument, everyone can enjoy the rights and freedom in the Convention “without discrimination on any ground, including sex” (Article 14 of the Convention). Protocol 12 to the Convention reaffirms this. The first 18 Articles of the convention focus on fundamental human rights that should be respected, including but not limited to, the right to life, the right to fair trial freedom of thought and religion, the right to an effective remedy, and Prohibition of discrimination that can affect women’s rights.

To find out about the protected rights and state obligations please review the simplified version of the convention at: <https://www.coe.int/en/web/compass/european-convention-on-human-rights>

13 ‘WOMEN’S HUMAN RIGHTS’ (IJRC) <<https://ijrcenter.org/thematic-research-guides/womens-human-rights/>> accessed 20 February 2022.

Lastly, Switzerland is a party to the following regional human rights treaties that can impact women's rights and migrant's rights:

- European Convention on Human Rights and several of its protocols.
- COE Convention on Preventing and Combating Violence against Women and Domestic Violence.
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.¹⁴

National Level and the rights of migrant women

Gender equality in the Swiss federal constitution has been protected since an article on equality was enshrined in the Federal Constitution in 1981. Article 8 states: "Men and women shall have equal rights. The law shall ensure their equality in law and, especially in the family, in education and the workplace. Men and women are entitled to equal pay for work of equal value." The relevant law has been in force since 1996.

In addition, in 2021, a National Strategy and action plan for Gender Equality was adopted by the Federal Council. It is an effort to combat discrimination, sexism, and violence. The aim is to achieve true gender equality by 2030. "This is the Swiss Government's first national strategy specifically aimed at promoting gender equality. It focuses on four central aspects: promoting equality in the workplace, improving work-life balance, preventing violence, and fighting discrimination"¹⁵. While this action plan is not part of domestic law, it could effectively impact the gender gap and subsequently, improve the lives of migrant women. Lastly, these laws are related to the prohibition of discrimination in general, and wage discrimination particularly might affect the rights of female migrant athletes and assist them to achieve equality in sports¹⁶.

14 'SWITZERLAND FACTSHEET' (IJRC) < <https://ijrcenter.org/country-factsheets/country-factsheets-europe/switzerland-factsheet/> accessed 20 February 2022.

15 Michelle Beyeler, 'Direct and Indirect Effects of Federalism on Gender Equality Policies – Insights from Switzerland' (2014) 14 UZ 1,2 & 13.

16 'Federal Council adopts national gender equality strategy' (The Federal Council, 28 April 2021) <<https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-83294.html#:~:text=This%20is%20the%20Swiss%20government's,preventing%20violence%2C%20and%20fighting%20discriminationhttps://www.unwomen.org/en/get-involved/step-it-up/commitments/switzerland>> accessed 22 February 2022.

3. Legal Framework

3.1. Labour law

There are 55 national football associations across greater Europe (which fall under the umbrella organisation UEFA). In Switzerland, the Swiss Football Association, based in Bern, is the relevant governing body (<https://www.football.ch/sfv.aspx>). Its website is only available in German, French and Italian. Here you will find links (and further information) on leagues and clubs: (i) the Swiss Football League; (ii) Swiss Premier League; (iii) Swiss Amateur League; and (iv) Regional Teams.

Country data	Total
Registered clubs	1,428
Registered over-18 male players	137,817
Registered over-18 female players	175,097
Registered under-18 male players	11,897
Registered under-18 female players	36,236
Registered coaches	49,518
2020/21 UEFA Grassroots Charter level	Gold

Source: UEFA Grassroots survey (2019)

The Swiss Football League ([Reglemente/Dokumente | Swiss Football League - SFL](#)) provides links to various regulations / documents governing football in Switzerland. The website is only available in German and French. It includes Swiss Football Statutes; regulations for disciplinary actions; licensing; contract templates for non-amateur players belonging to SFA clubs (available in German, Italian and English); transfer regulations; regulations pertaining to player qualification, and so forth.

Of key interest and concern is Swiss labor law and its relation to professional sport. Swiss labor law is mainly governed by the Code of Obligations (CO) and the Employment Act (LTr).

While the CO is regarded as liberal, it does include mandatory provisions pertaining to, *inter alia* termination, holiday pay, sickness and prohibition of competition. A few other provisions are partly mandatory and can only be adapted in favour of the worker.

For this reason, there is not much detail regarding Swiss labor law and this document rather focuses more specifically on how it relates to sport. For a detailed analysis of Swiss labor law, please refer to: https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158921/lang--en/index.htm.

Mandatory provisions can be found in the Federal Act of 6 October 1989 on the Service of Employment and Leasing of Services (LSE)¹⁷, which are relevant for **sports agents**. They set requirements regarding residency, licence, maximum fees and criminal sanctions.

In addition, the Federal Act on Gender Equality (LEg) establishes a general prohibition of gender discrimination. The Swiss Constitution generally prohibits all forms of discrimination based on origin, race, sex, age, language, social position, lifestyle, religious, philosophical and political persuasion or a person's physical, mental or psychological deficiencies. Any person subjected to discrimination in the termination of an employment contract may claim compensation from the employer (Art. 9 LEg). If dismissal comes after an allegation of discrimination, it may even be reversible (Art. 10 LEg).

3.1.1. Wages

There is no set minimum wage in Switzerland. However, wages are typically set by collective agreements and standard employment contracts (Art. 357d.2 CO). An entry level football player (with one to three years of experience) earns an average salary of CHF 46 252 per annum¹⁸.

Remuneration (salary) must be paid at the end of each month, except where the collective agreement or standard contract provides otherwise. Shorter timeframes may also be set in individual employment contracts (Art. 323.1 CO).

3.2. Entry Requirements (Visa)

Switzerland is not part of the European Union. It is a founding member of the European Free Trade Association, and it joined the Schengen Area in 2008. Therefore, travellers can enter their territory with a Schengen visa.

General framework

Based on the information provided on governmental websites, if you are a non-EU/EEA traveller wishing to visit Switzerland, you will need to present the following when you arrive at a Swiss port of entry:

- a) A passport or travel document valid for at least three more months beyond your planned date of exit from Schengen and issued within the last 10 years.
- b) A visa – if you are subject to the Swiss visa regime.
 - Only short-term visa applications (up to 90 days, Schengen visa) such as tourist, visit or business can be submitted online. This visa is suitable for persons wishing to enter Switzerland for a short stay of up to 90 days within a 180-day period. For example, as a tourist, a visit to relatives or friends, participating in a sporting event, etc.

¹⁷ 'Federal Act of 6 October 1989 on the Service of Employment and Leasing of Services (LSE)' (Global Regulation) <<https://www.global-regulation.com/translation/switzerland/2976386/rs-823.11-federal-law-of-6-october-1989-on-the-employment-service-and-rental-services-%2528lse%2529.html>> accessed 2 March 2022.

¹⁸ Football Players (Salary Expert) <<https://www.salaryexpert.com/salary/job/football-player/switzerland>> accessed 2 March 2022.

- Applications for long-term visas (over 90 days, National visa) must be filed directly with the responsible Swiss representation. Depending on the Swiss representation, appointments can be made for both Schengen and National visas. Scheduling an appointment is free of charge.
- Before starting the application process, please consult the website of the responsible Swiss representation to determine if there is a waiting period to obtain an appointment.¹⁹

Specific Information for migrant athletes:

If you plan to travel to Switzerland for the sole purpose of attending an event related to culture, sports or religion, then you will need to apply for a Switzerland sports visa.

Required Documents for a Schengen Visa to Switzerland for Sports Purposes:

- Original letter from sports association/federation.
- Proof of sporting ability (i.e. CV, world ranking, trophies, an invitation to the national team, national caps, evidence of personal records, etc.)
- Journeys undertaken to attend cultural events: evidence of participation in cultural events, introductory letter, and proof of performances.
- More information: <https://www.schengenvisainfo.com/switzerland-visa/>
- More detailed list: <https://www.schengenvisas.com/schengen-visa-for-sports/>

3.2.1. Work permit

The Swiss work visa is a type of Switzerland long-stay visa (also known as national or D-visa). It allows the holder to work in Switzerland for the duration that the visa is issued.

The process of applying for a Swiss work visa depends on your nationality, among other things. As with other types of visas, different rules apply for EU/EFTA citizens as opposed to non-EU/EFTA citizens.

Are you eligible for a Swiss Work Permit?

You must:

a highly qualified worker. This means you are a manager, specialist, or other skilled professional.

a university degree, or an equivalent degree from a higher education institution.

several years of professional work experience.

proof that you will improve your professional and social development while in Switzerland. Things taken into consideration include your age, knowledge of the local language, knowledge of other languages, and your plan to adapt to the Swiss way of life.

¹⁹ 'Switzerland's Online visa system' (Federal Department of Justice and Police) <<https://www.swiss-visa.ch/ivis2/#/i210-select-country>> accessed 2 February 2022.

To find the list of the documents required for a Switzerland work visa; visit these links:

<https://www.schengenvisainfo.com/switzerland-visa/>

<https://visaguide.world/europe/switzerland-visa/long-stay/work/>

After finding a job in Switzerland, the Swiss work visa application process is as follows:

- First, your employer applies for your residence permit at the local cantonal employment services in Switzerland. (There are no separate work permits and residence permits in Switzerland.)
- Your employer must be able to prove to the cantonal authorities that there were no EU/EFTA citizens suitable for the job.
- The local cantonal authorities review your application and refer it to the Swiss State Secretariat for Migration (SEM) for approval. The FOM considers your language skills, your age, and how well you will be able to adapt to Swiss culture.
- While your employer applies for your Swiss residence permit, you have to apply for a Swiss work visa (also known as a long-stay or a national visa) from your home country. You can apply for the Switzerland work visa at your country's Swiss embassy and/or consulate.
- When the FOM makes their decision about your residence permit, they inform you, your employer, and the cantonal offices. If the FOM approves your residence permit, the cantonal offices inform the Swiss embassy and/or consulate.
- The Swiss embassy and/or consulate in your country will give you your Swiss work visa.
- You enter Switzerland and you have 14 days to register at the Residents' Registry Office through the local cantonal migration offices²⁰.

Permit L

This permit is for short-term residents who reside in Switzerland for less than a year. EU/EFTA nationals are entitled to this permit if they have an employment contract valid for three to 12 months. The permit's validity is identical to the term of the employment contract. The permit can be extended for a total period of less than twelve months. Permit L can be granted to job seekers who do not yet have profitable employment.

For more information: <https://www.ch.ch/en/documents-and-register-extracts/permits-for-living-in-switzerland/>

3.2.2. Residence permit

The rules for entering and living in Switzerland can be different based on your nationality.

Nevertheless, regardless of your nationality, if you aim to stay in the country for more than 3 months, you must apply for a residence permit within 14 days of entering Switzerland.

20 'Switzerland Visa' (Visa Guide) <<https://visaguide.world/europe/switzerland-visa/long-stay/work/>> accessed 3 February 2022.

Key points:

- You must initially register at your local Residents Registration Office, and then arrange to receive your residence permit from the migration office of the canton where you will be living.
- The 26 Swiss cantons each have their own cantonal migration offices that oversee issuing residence permits, and cantonal labour offices, which issue work authorisations.
- You must apply for a residence permit at the cantonal immigration office of the canton you want to live in. The different cantons may have different and specific requirements. They are the first point of contact and information when you want to apply for your Switzerland residence permit²¹.

For the addresses, webpages, and information about each cantonal immigration office go to: https://www.sem.admin.ch/sem/en/home/sem/kontakt/kantonale_behoerden/adressen_kantone_und.html

Who can get a Switzerland Permanent Residence Permit?

The first condition you must be able to fulfil to be eligible for a Swiss permanent residence permit (also referred to as a settlement permit) relates to the number of years you have lived in Switzerland.

The first time you apply for a residence permit for Switzerland, you will receive either a Permit B or Permit L. They are both issued for one year initially, but the Permit B can be renewed annually, whereas the Permit L can only be renewed once.

Before citizens from non-EU/EFTA countries can apply for a Swiss Permit C, they must have lived in Switzerland for 10 consecutive years with a Permit B.

It may also be possible to apply for a Swiss permanent residence permit after five years if:

- You have at least a Level A2 of language skills in the official language of your canton.
- If you are well-integrated into Swiss society. For example:
 - You have good relations with the local population.
 - You have connections to a local association.
 - You have not committed any crimes, depended on welfare, or have any unpaid debts.

How to apply for the Swiss C Permit?

- You can apply for the Swiss C Permit after five or 10 years of living in Switzerland. As explained previously, based on the applicant's nationality and circumstances, the application process for Swiss Permanent Residence Permit may differ.
- Just as with other types of Swiss residence permits, you must submit your Permit C application at the canton in which you are currently residing.

²¹ 'Switzerland Residence Permits' (Visa Guide) <<https://visaguide.world/europe/switzerland-visa/residence-permit/>> accessed 3 February 2022.

- To be eligible for the Swiss Permit C, as a rule you will have to prove that you are sufficiently integrated into Swiss culture and that you can speak the official language of the canton in which you live. You will need to take a language proficiency test and obtain at least level A2 in oral language skills and A1 in written language skills.
- Other requirements include proof of a clean criminal record from the Swiss police; proof you have no debt at any place you have lived in while in Switzerland; a record of employment or gainful employment; proof you have not received any social benefits etc.
- Finally, every canton has their own requirements and conditions for issuing a Swiss Permit C. So, the first thing you should do is contact your local canton or a communal office.

3.2.3. Free movement of athletes

The bilateral agreement on the free movement of persons (ALCP) confers upon the citizens of Switzerland and of the Member States of the European Union the right to freely choose their place of employment and residence within the national territories of the contracting parties. The ALCP is also applicable to professional athletes.

Citizens of third countries are subject to the Swiss Federal Act on Foreign Nationals and Integration (FNIA)²², which sets higher burdens regarding admission to employment and residence, but also provides some exceptions for professional athletes.

In 2019 and 2020, a number of amendments were made to this Act, with the intention to promote the integration of foreign nationals.

- Integration criteria: language skills have been defined (which are required for the granting and extension of a permit).
- Recognised refugees and provisionally admitted persons: a work permit is no longer required and they can now exercise self-employment or employment throughout Switzerland after registering with the labor market authority. This will only come into effect if the customary wage and working conditions in the locality, profession and industry are observed.
- Permanent residence permit C: if the integration criteria are not met, the long-term settlement permit can be revoked and replaced by a residence permit (downgrading). The downgrading is linked to conditions for which the continued residence in Switzerland is subject. After a downgrading, the settlement permit can only be reconsidered after a minimum period of five years.
- Family reunion: spouses of persons with a permanent residence Permit C or a residence Permit B must be able to communicate in the national language spoken at their place of residence. A level of A1 for oral language skills will be required. If proof of the required language skills cannot be provided, an application for a language course must be submitted²³.

²² 'Federal Act on Foreign Nationals and Integration' (FEDLEX) <<https://www.fedlex.admin.ch/eli/cc/2007/758/en>> accessed 2 March 2022.

²³ 'SWITZERLAND - Amendment of the Aliens Act' (BDO, February 2019) <SWITZERLAND - Amendment of the Aliens Act> accessed 3 March 2022.

- Foreign nationals on assignment: the employer will only be obligated to pay housing and meal allowances for the first 12 months of an international employee's assignment²⁴.

Notwithstanding the above, some sports have applied limitations on the basis of citizenship, based on 'gentlemen's agreements'.

Application of employment rules of sports governing bodies

Swiss law may only be applied on a suppletive basis²⁵ after FIFA adopted the Regulation on the Status and Transfer of Players.

3.3. Compulsory insurance in Switzerland

3.3.1. Health Insurance

Healthcare is not free in Switzerland. However, individual health insurance is compulsory. It means Swiss residents are legally obligated to purchase basic health insurance from authorised non-profit insurers that offer compulsory health insurance (or basic insurance). There are around 60 health insurance funds. Optional daily allowance insurance is also offered by these organisations but is not mandatory.

People are free to choose any insurer operating in their place of residence. Within their area of activity, insurers must accept any person subject to compulsory insurance.

A list of health insurances is available online at www.priminfo.ch

You need health insurance:

- you are resident in Switzerland, irrespective of your nationality. All the members of your family, both adults and children, require insurance
- you have a Swiss residence permit valid for three months or longer
- you are working in Switzerland for less than three months and do not have equivalent insurance cover from another country
- you have come to Switzerland intending to take up residence
- you are an employee and are temporarily posted abroad by your Swiss employer. This also applies to any members of your family who are not employed.

Compulsory health insurance

Compulsory health insurance provides cover for "illness, maternity and accidents and offers the same range of services and benefits to all insured people." It means insurers must guarantee equal treatment for everyone, without any distinctions based on health status or indicators.

²⁴ (n 13).

²⁵ Suppletive law means law which is provided by the legislator or common law to supplement explicit terms adopted by parties to a private law relationship. It is optional or default law in the sense that the parties are free to alter the suppletive law.

Supplementary insurance

This optional insurance covers a higher level of comfort such as “care in a semi-private or private hospital ward or additional services and benefits including naturopathy, osteopathy, routine dental treatment, etc. Premiums are risk-based.” In contrast to basic health insurance, the health insurance funds are allowed to refuse to insure certain people – which may be related to their health status - or they may add some conditions to the insurance contract.

When do I have to take out insurance?

“Within three months after taking up residence or after the birth of a child in Switzerland, the health insurer will reimburse you retrospectively for expenses incurred from the starting date onwards.” If you wait longer than three months, you will have to pay a surcharge and expenses already incurred will not be reimbursed.



What does health insurance cover?

- Services provided by a physician
- Complementary medicine (acupuncture, anthroposophical medicine, traditional Chinese medicine (TCM) pharmacotherapy, classical homeopathy, phytotherapy)
- Hospital treatment
- Medicines
- Preventive measures
- Maternity
- Hospital care for new-borns
- Physiotherapy
- Spectacles and contact lenses
- Hearing aids and appliances
- Dental treatment
- Accidents
- Spa treatments
- Nursing care at home or in a nursing home
- Medical transport and rescue

- Essential treatment in an EU/EFTA country
- Emergency treatment in a country outside the EU/EFTA²⁶

(Ambulance services are not fully covered by basic Swiss health insurance, but most hospitals have accident and emergency departments, and it is strongly recommended to carry proof of medical insurance at all times.)

For more information related to the mandatory insurance requirements, premiums and contributions to costs and a special insurance form, visit; <https://www.bag.admin.ch/bag/en/home/versicherungen/krankenversicherung/krankenversicherung-versicherte-mit-wohnsitz-in-der-schweiz.html>)

Other useful links:

Health insurance for sports enthusiasts:

<https://www.swisslife.ch/en/individuals/products/simple-care/health-insurance-for-sports-enthusiasts.html>

International Health Insurance for Athletes:

<https://www.sip.ch/service/athletes-health-insurance/>

Video about Health Insurance (designed for international students but it includes valuable information for all migrants):

<https://ethz.ch/en/studies/international-immigration-housing/health-insurance.html>

3.3.2. Other Insurance

Some forms of insurance are compulsory for everyone living in Switzerland. As a result, as a Swiss resident you are legally obligated to purchase obligatory insurance. All insurance companies are obliged to insure customers and offer them the same basic benefits.



²⁶ 'The compulsory health insurance system' (FOPH) <<https://www.bag.admin.ch/bag/en/home/versicherungen/krankenversicherung/krankenversicherung-versicherte-mit-wohnsitz-in-der-schweiz.html>> accessed 14 February 2022.

The compulsory forms of insurance in Switzerland are:

- Basic health insurance (this was explained previously)
- Accident insurance: if you are employed; your employer should fully pay the cost of accident insurance. If you are not employed, you are legally obligated to take out accident cover under your basic health insurance.
- For more information: <https://www.bag.admin.ch/bag/en/home/versicherungen/unfallversicherung.html>
- Motor vehicle insurance for vehicle owners: to obtain Swiss licence plates for your vehicle from the Swiss vehicle authorities, you will need to provide confirmation of third-party vehicle liability insurance. This covers damage incurred to third parties. Insurance against damage to your own vehicle is optional.
- For more information including details on various insurances companies: <https://www.expatica.com/ch/finance/insurance/car-insurance-in-switzerland-214779/>
- Buildings liability insurance for homeowners: insurance covering damage to buildings is mandatory for property owners²⁷.
- For more information: <https://studyinginswitzerland.com/home-insurance-in-switzerland/>

Home insurance companies in Switzerland: <https://www.expatica.com/ch/finance/insurance/home-insurance-in-switzerland-221637/#companies>

²⁷ Source: 'INSURANCE IN SWITZERLAND; The ultimate guide' (HS) < <https://www.helloswitzerland.ch/magazine/-/insurance-in-switzerland#:~:text=Insurance%20marked%20as%20compulsory%20are,exactly%20the%20same%20basic%20benefits.>> accessed 15 February 2022.

4. Football Regulations

4.1. Agreements with Football Agent/Manager

Contractual agreements play a vital role in cementing the relationship between the different parties participating in the football industry. The agent-player / club, or club and player relationships are bound together by the contractual agreement formed between the parties.

The contractual agreement determines important issues such as the rights and obligations of the parties. This includes which player or club the agent will represent during the negotiation of an employment contract or transfer agreement.

The rights and obligations of an agent or player include issues such as a right to be paid, the amount paid, the method of payment, and the extent of the services to be performed by the agent or player. The contract must also stipulate when the contract will come to an end, allowing a player to leave a club as a free agent, or bring to an end the Agent-Player or Club relationship. This should be clearly set out in the contract between the parties as terms or clauses.

An Intermediary (Agent) can only enter into a representation contract 'with a Player for a maximum duration of two years.' It is therefore important that your agent has experience in negotiating and entering into contracts with clubs.

You should also make sure that the terms and conditions in the contract you are entering with the agent or club are fair and fall within the parameters of the law (and are not exploitative).

Here is an example of a player-agent contract: http://m.soccermanagement.org/1/upload/1_06official_mandate_for_agent_and_player.pdf

[Firma \(football.ch\)](#) (available in German)

4.2. Football Agent License

For more information about Swiss laws pertaining to agents/intermediaries and representation /brokering go to: [4.6_Gesetzliche_Rahmenbedingungen_fuer_Vermittlerdienste_\(Informationen_des_SECO\).pdf \(football.ch\)](#)

In short, it deals with the legal requirements to act as an intermediary/agent brokering/placements of players and only Swiss agents are recognised by law (in other words, the agent must have been legally registered/based in Switzerland). It also sets-out agent-player contracts, agent's commission (this is limited to **max. 5% of the player's first annual gross salary**), penalties (for example, where the agent is unlicensed).

FIFA has also published regulations relating to agents and non-amateur player representation and brokering: [untitled \(football.ch\)](#).

4.3. Player Employment Agreements

In order to ensure that your rights as an athlete are fully respected, it is essential that you enter into a valid and fair employment agreement / player agreement with your club.

To review a sample SFA club employment contract for non-amateur players in English go to: [Employment_contract_non-amateur_players_SFA_01.pdf \(sfl.ch\)](#)

And the general contract terms document is available at: [General_contract_terms_employment_contract_non-amateur_players_SFA.pdf \(sfl.ch\)](#)

The contract and general contract terms will be negotiated and signed in one of the three official languages of Switzerland – French, German or Italian. If you are not fluent in one of these languages, a translator should be provided (if you do not understand the language well). You will be expected to pay half of the translator costs with the club paying for the other 50%.

It is advised that you consider hiring an adviser (this may be a registered intermediary, attorney/lawyer, or SAFP representative: [SAFP - Swiss Association of Football Players | Official member of FIFA](#)) to assist you in explaining the terms and conditions of the contract. Your legal representative (e.g. parent or guardian) should also be present if you are a minor (under the age of 18 years).

It is important that you understand all the terms and conditions in the employment contract together with:

- Components of the contract and reservation (keeping) of the right to make changes
- Duration and end of the contract
- Obligations of the player (training and matches, general conduct, participation in club's advertising and engagement with the media, advertising and commercial activities, sports ethics, medical care, obligations in the event of sickness or injury)
- Obligation of the club
- Remuneration (salary)
- Remuneration in the event of sickness, accident, other impediments not involving any fault
- Vacation allowances
- Other benefits
- Assignment or pledging of the salary
- Definitive or temporary change of club
- Formalities and special agreements (reference language; requirements of sports regulations and legal authorisations; amendments; confidentiality; special agreements between the parties)
- Filing the contract
- Disciplinary sanctions (recognition of disciplinary power; contractual penalties and other sanctions)
- Disputes
- Governing law

Upon signing the contract, the club is obligated to take all steps necessary to obtain the required work and residence permits from the authorities.

It is important to note that a contract may be terminated when:

- your player qualification has been withdrawn
- you are no longer legally allowed to stay or work in Switzerland
- you have grossly and repeatedly violated your contract or the statutes or regulations of SFA or one of their divisions
- you are relegated to a division which does not permit non-amateurs.

Please make sure that your contract does not have any unfair stipulations (that go against basic Swiss labor and employment laws). It is important to do your homework and seek advice from the right people (like a SAFP representative or a lawyer or registered intermediary).

If you find yourself in any disputes in terms of your employment contract, please contact a SAFP representative or lawyer for advice and assistance.

For more information go to: https://editorial.uefa.com/resources/0259-0f842ff7af4d-790c6cd56074-1000/mrspc_autonomous_agreement.pdf

4.4. Player License

According to FIFA:²⁸

Each association must have an electronic player registration system, which must assign each player a FIFA ID when the player is first registered. A player must be registered at an association to play for a club as either a professional or an amateur in accordance with the provisions of article 2.

Only electronically registered players identified with a FIFA ID are eligible to participate in organised football. By the act of registering, a player agrees to abide by the FIFA Statutes and regulations, the confederations and the associations.

Since 15 January 2019, all qualification and transfer processes of players must be submitted via clubcorner.ch: https://clubcorner.ch/users/sign_in. Please note that the site is in German. You will need to register an account with the site in order to use it and apply for license registration or international transfer.

This means that player registrations, transfers or loans can no longer be submitted by post to the Swiss Football Association.

This applies to the following:

- Player registration (initial registration)
- Re-registration

²⁸ 'FIFA Regulations on the Status and Transfer of Players (RSTP)' (FIFA) <<https://www.fifa.com/legal/news/fifa-publishes-2021-edition-commentary-regulations-status-transfer-players>> accessed 2 March 2022.

- Definitive national transfer
- Loan of national transfer
- International transfer to a Swiss club
- Double License

The following functions allow the preparation and/or confirmation of an application on clubcorner.ch. (please note: you must assign the “Player Licenses” function to the respective person in advance):

Trainer can prepare an application

Player licenses can prepare and/or confirm an application

You can find a step-by-step guide on how to do this (in German) here: [https://org.football.ch/PortalData/28/Resources/dokumente/spiko/DE/Spieleranmeldung_\(Erstregistrierung\).pdf](https://org.football.ch/PortalData/28/Resources/dokumente/spiko/DE/Spieleranmeldung_(Erstregistrierung).pdf) (Player registration)

https://org.football.ch/PortalData/28/Resources/dokumente/spiko/DE/Internationaler_Uebertritt_zu_einem_Schweizer_Klub.pdf (International transfer)

You will be required to provide a photo of yourself and a copy of an identity document (this can be taken with a smartphone).

The written signature of the player, the legal representative (if applicable, as well as the signature of the previous club in the case of a transfer, are a thing of the past and are made by a confirmation via a link sent to you by email / SMS code.

You can follow the status of your respective application on clubcorner.ch.

In terms of regulations regarding application for qualification, please see the information below.

4.5. The dispute resolution system

Access to courts

Access to courts in Switzerland is based on Article 30 of the Swiss Federal Constitution: ‘Any person whose case falls to be judicially decided has the right to have their case heard by a legally constituted, competent, independent and impartial court.’ Article 75 allows members of an association to challenge its decisions in court for non-compliance within one month (Veuthey & Ramoni, 2021).

The Court of Arbitration for Sport (CAS) is an international body established in 1984 to settle disputes related to sport through arbitration or mediation by means of procedural rules adapted to the specific needs of the sports world. It is headquartered in Lausanne, Switzerland. A dispute may be submitted to the CAS only if an arbitration agreement between the parties specifies recourse to the CAS²⁹.

²⁹ (TAS/CAS) <<https://www.tas-cas.org/en/index.html>> accessed 3 March 2022.

Translation: CHAPTER II:**QUALIFICATION APPLICATION Article 5 – Qualification application**

1. The qualification application is submitted via www.clubcorner.ch. The application is deemed to have been submitted when it has reached the status “Review – Swiss Football League” on www.clubcorner.ch and is therefore available to the SFL for inspection.
2. The qualification application must be accompanied by: the player's employment contract with the new club and its annexes, alternatively, in the case of national loan transfers, a confirmation from the previous club that the employment contract with the previous club is still valid without restrictions; – for players who are to be qualified for an SFL club for the first time or who last belonged to a club of a foreign association: current passport photo and a copy of the player's identity card; – for underage foreign players who are to be qualified for an SFL club for the first time, or underage players of any nationality who last belonged to a club of a foreign association: the approval of the qualification by the competent FIFA authority.
3. If the application is incomplete, the SFL Secretariat will notify the club and give it two working days to complete the application. Qualification applications that are not completed within the set deadline will not be considered. The date of the qualification application must correspond to that of the first entry.
4. The SFL secretariat can temporarily allow the submission of qualification applications via other means of transmission if submission via www.clubcorner.ch is difficult or impossible for technical reasons.

Article 6 – Prerequisites for the issuance of the qualification

1. Non-amateurs must have concluded a written contract of employment with the licensee within the meaning of Article 5 Paragraph 1 of the regulations of the Swiss Football League for the issuance of a license for a specific period of time. The written form is a requirement for the validity of the contract. The template of the SFV is to be used (standard employment contract for non-amateurs of the SFV clubs).
2. In order to comply with FIFA's provisions on the protection of minors, the approval of the qualification must be obtained from the competent FIFA authority.

Full document in German available here: [SFL_Reglement_Qualifikation_20-11-2021.pdf](#)

Sports arbitration

Switzerland plays a key role in sports arbitration. 'Most sports organisations have adopted detailed regulations and set up internal instances that determine issues between the organisation and their members, as well as between the members and other stakeholders. **However, they do not fulfil the required guarantees of independence and impartiality.** They are therefore subject to the control of external state and arbitral courts' (Veuthey & Ramoni, 2021).

The CAS is often referred to as the 'sports supreme court'. It has jurisdiction to arbitrate any sports-related dispute submitted to it (in agreement by both parties). Exceptions to this rule are areas exclusively reserved for state courts and the rules of play which are not triable (Veuthey & Ramoni, 2021).

'The CAS has been recognised as an independent and impartial arbitration body since the landmark judgments ruled by the Swiss Federal Tribunal (SFT) in the *Gundel* and *Lazutina* cases, which were confirmed on numerous occasions thereafter. Moreover, it is obliged to respect the procedural guarantees of Article 6 of the European Convention of Human Rights, in cases of 'forced' arbitration' (Veuthey & Ramoni, 2021).

CAS awards are final and binding, subject to appeal to the SFT only on the grounds of public policy and procedural defects.

Swiss law is the *lex arbitri*³⁰ in CAS arbitration. Switzerland has a dual system of arbitration, since domestic and international arbitration are governed by different laws. Domestic arbitration is regulated by Title 3 of the Swiss Civil Procedure Code (Articles 353 et seq. CPC), whereas international arbitration is governed by Chapter 12 of the Swiss Private International Law Act (Articles 176 et seq. Swiss Private International Law Act (PILA)).

Swiss arbitration law contains several mandatory requirements. The provisions on arbitrability, stipulating the lack of independence or impartiality as grounds to challenge an arbitrator, requiring the arbitral tribunal to ensure equal treatment of the parties and compliance with their right to be heard, as well as those providing for assistance by the state courts at the seat of the arbitral tribunal, are among the mandatory rules (Veuthey & Ramoni, 2021).

Chapter 12 PILA was amended in early 2021. Amendments include being able to file submissions to the SFT in English and removing the admissibility condition of a minimum disputed amount.

Swiss arbitration laws are implemented and completed by the rules of arbitral tribunals, such as the Code of Sports-related Arbitration adopted by the CAS (CAS Code).

The CAS Code prescribes the application of Swiss law in ordinary procedures if the parties have not decided otherwise. In addition, Swiss law often applies on a subsidiary or complementary basis in appeal proceedings, as the 'law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled' (Veuthey & Ramoni, 2021).

³⁰ Seat of arbitration. Swiss law governs the arbitral procedure and provides safeguards ensuring the proper conduct of arbitration proceedings.

Enforceability

In domestic disputes, decisions of state courts or independent and impartial arbitration courts are subject to enforcement in accordance with Articles 335 et seq. CPC³¹ for non-monetary relief. The main statutory provisions that govern the recognition and enforcement of arbitral awards in Switzerland are those of:

The New York Convention

The Swiss Private International Law Act (PILA)

The Swiss Code of Civil Procedure (CPC)

The Swiss Debt Enforcement and Bankruptcy Act (DEBA)³²

³¹ 'Federal Act on the Amendment of the Swiss Civil Code' (Fedlex) <https://www.fedlex.admin.ch/eli/cc/27/317_321_377/en> accessed 3 March 2022.

³² (arbitration blog) <<http://arbitrationblog.practicallaw.com/for-a-few-swiss-francs-more-enforcing-arbitral-awards-in-switzerland-chapter-1/>> accessed 3 March 2022.

5. Mapping of networks and contact list of stakeholders

Internal decisions of sports organisations are usually not recognised as judgments or awards, due to their lack of independence and impartiality. As a result, they are not enforceable. However, these decisions are usually complied by the parties concerned, to avoid sporting sanctions by the relevant organisation.

As a migrant, you have access to fundamental human rights. This section provides information regarding legal services and organizations that aim to defend migrant's rights. In the case of facing legal discrimination, infringement of your rights, denial of lawful services, visa and work permit issues and any other legal issues; you can contact them.

1. Advocates Abroad:

Website: <https://advocatesabroad.org/>

Email: cases@advocatesabroad.org

Advocates Abroad is a non-profit organisation of field based and remote volunteer attorneys, interpreters, asylum experts providing essential and free legal aid to refugees and asylum seekers without discrimination or compensation. Advocates field attorneys operate throughout Greece, Turkey, Switzerland, and Italy.

2. International Catholic Migration Commission (ICMC)

Website: <https://www.icmc.net/>

Address: 1, rue de Varembe, 1202 Geneva, Switzerland

Tel: +41 (0)2 29 19 10 62

Email: info@icmc.net

ICMC aim to serve the needs of uprooted people: refugees, internally displaced persons, and migrants. ICMC is engaged in protection and advocacy for durable solutions for uprooted people. ICMC has managed projects in 45 countries. Currently, ICMC works in 11 countries directly, and through its network of members in 85.

Sources: <https://www.refugeelaidinformation.org/switzerland-pro-bono-directory>

3. SOS TICINO ASSOCIATION

Website: <http://www.sos-ti.ch/index.html>

Address: Via 1. Agosto, Casella postale 1328, 6830 Chiasso

Email: sos.ticino@sos-ti.ch

Contact (migration and unemployment sectors): <http://www.sos-ti.ch/sedi-e-servizi.html>

SOS Ticino is a humanitarian organization that is committed to promoting social, political,

and economic justice. SOS Ticino offers assistance and advice to migrants and the unemployed so that their rights deriving from the law and international conventions are recognised. This organization fights against all forms of discrimination and social exclusion.

4. Rechtsschutz für Asylsuchende

Website: <https://rechtsberatungsstelle.ch/>

Address: Bundesasylzentrum Region Bern, Morillonstrasse 75

Tel: +31 385 18 20 (from Monday to Thursday from 9 a.m. to 12 p.m.)

Contact: For general information and advice on discrimination in the Bern and Burgdorf area, you can call on 031 333 33 40 (Mon/Wed: 10 a.m. to 6.30 p.m., Tue/Thu/Fri: 10 a.m. to 5 p.m.) or send an email to melde@gggfon.ch.

Access to justice should be equal for EVERYONE. The Bern legal advice centre offers free legal advice and representation in the areas of asylum law and social welfare law, as well as support in cases of racial discrimination (for people who lived in the Canton of Bern).

For more information: <https://www.legal500.com/c/switzerland/sports-law/>

<https://www.hg.org/lawyers/switzerland/immigration>

5. CSP Geneva

Website: <https://csp.ch/geneve/>

Address: Rue du Village-Suisse 14, PO Box 171, 1211 Geneva 8

Tel: +22 884 38 00

From the outset, the CSP Geneva was constituted as a private non-profit association. The professionals of the CSP support anyone in difficulty, without distinction of nationality or religion.

6. MayDay antenna

Address: Via Merlina 3a, 6962 Viganello

Email: may.day@sunrise.ch

Tel: 091 973 70 67

This organisation offers Social, health and legal advice to people who, in Ticino, are in difficulty and are engaged in prostitution.

7. Astree

Address: Alley of Bourg 7, 1003 Lausanne

Website: <https://www.astree.ch/?lang=en>

Email: info@astree.ch

Tel: +21 544 27 97/98

Astree works for the dignity and protection of victims of all forms of trafficking and exploitation. Their action aims to coordinate the process of taking care of victims and is based on four main axes: detection, accommodation, taking care of victims and advocacy.

8. IOM (Switzerland)

Website: <https://www.iom.int/country-office/switzerland>

Address: 17 Route des Morillons, 1211 Geneva 19, Switzerland

Tel: +41 22 717 9111

IOM supports migrants across the world, developing effective responses to the shifting dynamics of migration and, as such, is a key source of advice on migration policy and practice. The organization works in emergency situations, developing the resilience of all people on the move, and particularly those in situations of vulnerability, as well as building capacity within governments to manage all forms and impacts of mobility.



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SiNAFE

Social Inclusion of African Athletes in Europe

Appendix National Legal Guidelines

LEGAL GUIDES IN TURKEY

Table of Contents

1. Introduction

2. Legal Framework

Immigration (entry clearance & overstay)
Health Insurance
Studying in Turkey as a Foreign Student

3. Football Regulations

General Information
Players' Status, Registration, and License Requirements
License Removals
Transfer Procedure
Obligations of Player Managers

4. Athletes' rights in Turkey

Football Players
Migrant Children in Turkey
Migrant Women in Turkey

5. Women's Football Transfer and Visa Instructions

License Transactions
Transfer Procedures
Registration and License Visa Procedures for Foreign Football
Players

6. List of organizations providing support services for immigrants

Link to relevant websites



Introduction

Throughout history, sport and migration have collided numerous times, and as migratory opportunities increase, so do the risks and challenges surrounding safe passage to a new country. Many migrants are fleeing wars and crises in their native countries, searching for better opportunities in a new and safer country. As migrants settle into a new country, they adjust to a new social environment and attempt to form relationships with those in their immediate networks. While many host nations struggle to create an inclusive environment for prospective athletes, the arena of sport is already an ideal tool to promote migrant wellness and integration. Athletes not only expand their education and language-learning skills, they are able to network and meet people from all walks of life who add to their social experience too.

In a recent study¹ carried out in the United Kingdom, participants exemplified many positive attributes after completing time abroad in various athletic roles. Many participants noted positive psychological benefits that enabled self-confidence and personal growth, relaying that their new personal experiences were helping them to overcome past traumas and social inequities, brought on by lifestyle challenges in their home countries. The study proved that regardless of their ethnic backgrounds, the athletes' personal relationships and skills were strengthened by participating in a sporting community abroad.

Sports have the ability to “create a common sense of belonging via participation and hence provide an important tool for integration,” according to the European Union's (EU) *White Paper on Sport*, issued in 2007. Further research proves that host nations may also benefit from accepting migrating populations, allowing for cultural integration and the exchange of human behaviors, all while creating an equal playing ground where athletic ability alone is judged, without the usual prejudice regarding personal background. Indeed, migrants and their hosts accept the new challenges as opportunities to learn, building a stronger and more cohesive environment for all participating athletes.

¹ Active Lives Adult Survey November 2020-21 Report available at <https://www.sportengland.org/research-and-data/data/active-lives>

Legal Framework

Immigration (entry clearance & overstay)

This section highlights the critical information relating to the following topics:

- Visa, Work Permit and Residence Permit Procedures for Foreigners in Turkey
- Athlete license, visa and transfer regulations
- Turkish Football Federation's (TFF) License and Transfer Instruction for Amateur Football Players
- TFF Women's Football Transfer and Visa Instructions

Visa requirements, visa application and issuing authorities

1. Visiting foreign nationals who plan to stay in Turkey for up to 90 days can obtain a visa from the consulates in the country in which they are citizens or where they are legally staying. Stating their purpose of arrival, the stay period provided by the visa or visa exemption in Turkey cannot exceed 90 days out of every 180 days.
2. In order for visa applications to be evaluated, the applications must be made well in advance and with plenty of time to spare.
3. Visas do not provide an absolute right to enter Turkey.
4. The consulates are responsible for the issue of visas and applications are usually finalized within 90 days. In exceptional cases visas may be issued by the governorates to which the border gates are affiliated.
5. Foreign diplomats may be granted visas ex-officio by the embassies of the Republic of Turkey. Following the general visa issuance procedure, the Ministry of Foreign Affairs is notified immediately. These visas are free of charge.
6. Foreigners for whom the issuing of a visa is deemed beneficial, taking into account the country's interests, may be granted an exceptional visa ex-officio by ambassadors of the Republic of Turkey. The Ministry and the Ministry of Foreign Affairs are immediately notified of the visas issued for this purpose in accordance with the general visa issuance procedure. These visas are free of charge.

Visa exemption:

Visa requirements are waived for the foreigners entering Turkey under the following circumstances:

- a. Citizens of countries exempted from visas through agreements with the Republic of Turkey or by a decision made by the President of the Republic.
- b. Those who have a valid residence or work permit as of the date of entry to Turkey.
- c. Holders of passports with stamps for foreigners, issued in accordance with Article 18 of the Passport Law No. 5682 and dated 15/07/1950.
- d. People who no longer have Turkish citizenship as they have obtained permission to leave the country under Article 28 of the Turkish Citizenship Law No. 5901 dated 29/05/2009.

2.) Visa requirements may not apply to foreigners entering Turkey if they are:

- a. Persons who are part of a group of foreigners that is en route in vehicles to a Turkish port city or airport due to force majeure.
- b. Persons who are visiting port cities or the surrounding provinces for tourism purposes, provided their visit does not exceed 72 hours.

List of Visa-Exempted Ordinary Passport Holders (91)

VİZE MUAFİYETİ SAĞLANAN UMUMA MAHSUS PASAPORT HAMILİ ÜLKE LİSTESİ (91)

1.	ALMANYA	47.	KOSTA RİKA
2.	ANDORA	48.	KUVEYT
3.	ARJANTİN	49.	KUZEY MAKEDONYA
4.	ARNAVUTLUK	50.	LETONYA
5.	AVUSTURYA	51.	LİHTENSTAYN
6.	AZERBAYCAN	52.	LİTVANYA
7.	BELARUS	53.	LÜBNAN
8.	BELÇİKA	54.	LÜKSEMBURG
9.	BELİZE	55.	MACARİSTAN
10.	BOLİVYA	56.	MAKAO
11.	BOSNA HERSEK	57.	MALEZYA
12.	BREZİLYA	58.	MALTA
13.	BRUNEİ	59.	MOĞOLİSTAN
14.	BULGARİSTAN	60.	MOLDOVA
15.	BÜYÜK BRİTANYA VE KUZEY İRLANDA BİRLEŞİK KRALLIĞI	61.	MONAKO
16.	ÇEKYA	62.	NİKARAGUA
17.	DANİMARKA	63.	NORVEÇ
18.	EKVATOR	64.	ÖZBEKİSTAN
19.	EL SALVADOR	65.	PANAMA
20.	ENDONEZYA	66.	PARAGUAY
21.	ESTONYA	67.	PERU
22.	FAS	68.	POLONYA
23.	FİNLANDIYA	69.	PORTEKİZ
24.	FRANSA	70.	ROMANYA
25.	GUATEMALA	71.	RUSYA
26.	GÜNEY KORE	72.	SAN MARINO
27.	GÜRCİSTAN	73.	SEYŞELLER
28.	HİRVATİSTAN	74.	SİRBİSTAN
29.	HOLLANDA	75.	SİNGAPUR
30.	HONDURAS	76.	SLOVAKYA
31.	İRAN	77.	SLOVENYA
32.	İRLANDA	78.	ST. CHRISTOPHER NEVİS
33.	İSPANYA	79.	ŞİLİ
34.	İSRAİL	80.	TACİKİSTAN
35.	İSVEÇ	81.	TAYLAND
36.	İSVİÇRE	82.	TRINIDAD-TOBAGO
37.	İTALYA	83.	TUNUS
38.	İZLANDA	84.	TÜRKMENİSTAN
39.	JAPONYA	85.	UKRAYNA
40.	K.K.T.C.	86.	URUGUAY
41.	KARADAĞ	87.	ÜRDÜN
42.	KATAR	88.	VATİKAN
43.	KAZAKİSTAN	89.	VENEZUELA
44.	KIRGIZİSTAN	90.	YENİ ZELANDA
45.	KOLOMBİYA	91.	YUNANİSTAN
46.	KOSOVA		

Work permits:

Foreign nationals who want to obtain a work permit can apply to the Ministry of Labor and Social Security in the Republic of Turkey. They can also apply for a work permit at the Turkish embassies or consulates in the country where they are a citizen or where they are legally living.

Foreigners who have obtained a residence permit for at least six months in order to study in Turkey, and whose 6-month period has not yet expired, can apply directly to the Ministry. If the work permit was originally obtained by the employer, the employer will have to apply to the Ministry to have the permit renewed.

Foreigners who work in areas that are, or may be subject to, human trafficking, are exempt from having to have resided in the country for six months before they can apply for a work permit. They are, however, required to obtain permission from a Turkish foreign representative office each time they apply for a work permit.

What is the first condition for a work permit application in Turkey?

Foreigners who have come to Turkey with a tourist visa or other visas that are not for work purposes, or with the visa exemption program and/or visa facilities between Turkey and another country, and who do not have a residence permit, cannot apply for a work permit in the country. An authorized intermediary institution can however make applications on behalf of these foreigners.

Foreigners holding a work permit can apply for an extension from 60 days before the expiry of their work permit but extensions must be submitted prior to the expiry of the permit. Extension applications made after these deadlines are not accepted.

In case of missing information or application documents, up to 30 days extra can be granted. This period can only be extended if an official authority documents a force majeure. The application will be rejected if the missing information or application documents are not received within the extension period.

What are the Work Permit Evaluation Criteria?

1. At least five citizens of the Republic of Turkey must already be employed in the workplace where the foreign citizen will work. If a work permit is to be obtained for more than one foreigner who will be working in the same workplace, five Turkish citizens must be employed for each foreigner.
2. If the foreigner requesting the work permit is a partner in the company (where he/she is employed), the employment requirement of five Turkish persons for every one foreigner is required to have been in place for the past six months of the one-year leave to be given by the Ministry.
3. The company's paid-in capital must be at least 100,000 TL, its gross sales must be at least 800,000 TL, or the value of goods that it has exported in the past year must be \$250,000 USD or more.
4. The company's foreign partner that is requesting the work permit must have contributed at least 20% of the capital, an amount that should not be less than 40,000 TL.

5. The monthly wage to be paid to the foreign national by the employer must be in accordance with the qualifications of the foreigner as well as the duties he/she performs in the company. Accordingly, some wages have been determined according to occupational groups and job positions based on the minimum wage. These fees are included in the law.
6. A 4-star tourism business and/or holiday village must be certified by the Ministry of Culture and Tourism if it is applying to have a licensed massage parlor. These businesses will need to be able to prove that they have the facilities that require the expertise of positions such as masseurs, masseuses and spa therapists and the facilities will be evaluated accordingly. Requests for work permits for foreigners from businesses that do not have these facilities will not be accepted.
7. A special case exists for companies in the entertainment sector particularly animation. Businesses specializing in this sector do not require five Turkish citizens to be employed for **each** foreigner, but they must employ a minimum of 10 Turkish citizens.

Frequently asked questions on the official website of the Immigration Administration:

• Do we need a work permit for foreign football players?

Foreign football players, other athletes and coaches whose contracts are approved by the Turkish Football Federation or the General Directorate of Youth and Sports are not required to obtain a work permit while they are within the contracted period.

Residence Permit Application:

Foreigners who stay in the Republic of Turkey for more than 90 days or the period granted by the visa or visa exemption, must obtain a residence permit. As stipulated in the law, it will soon be possible to receive residence permit applications from the consulates of the country where foreigners are citizens or where they are legally located. Until this is in place, residence permit applications for foreigners must continue to be submitted to the governorship of the province where they want to reside.

With relation to the abovementioned law, the practice of being accompanied during residence permit applications has been abolished, and each foreigner's application and permit document is issued separately. In addition, a foreigner can submit a residence permit application in person or through their legal representative or lawyer. If the latter is the case, the administration may also request the foreigner's presence during the application if it is deemed necessary. With Law No. 6735, the provision that the authorized intermediary institution can also make residence permit applications have been added to Article 21 of Law No. 6458. Authorized intermediary institution refers to the institution or organization approved by the Presidency, and its qualifications and task framework are determined by regulation.

E-Residence System:

Six types of residence permits are regulated under Article 30 of the Foreigners and International Protection Law No. 6458, and online applications may be submitted for approval via the e-Residence system for first, extension and transition applications.

Initial, Extension and Transition Applications:

For the first and transition applications, foreigners must apply for a residence permit through the e-Residence system. The system will provide the applicant with a date and time for an appointment with the Provincial Directorate of Migration Management in the province where they are residing. Applicants must ensure that they bring the required documents to this appointment.

Residence permit extension applications must be made 60 days before the residence permit expires.

Counting Work Permit as Residence Permit:

Within the framework of the above Law above, a work permit replaces the residence permit. The holder of a work permit has the right to stay in Turkey and does not require a residence permit whilst their work permit is valid.

Residence Permit Fee:

The residence permit fee is regulated in the Fees Law No. 492, and when applying for a residence permit, foreigners are charged fees according to this Law. For example, if an application for an extension is not made after the residence permit expires, the residence permit fee is collected once (as per Article 83 of the Fees Law No. 492), for the period spent in Turkey without a residence permit.

Address to Stay in Turkey:

The address where the foreigner will stay in Turkey may be a fixed address or the address of the accommodation facility. However, a foreigner must provide address information if they intend to remain in Turkey and in all cases, foreigners must declare their address information accurately and completely. The residence permit document will be delivered to the address, the address, telephone number or e-mail information provided so it is the responsibility of the applicant to ensure that this is up-to-date.

If a foreigner's address information changes during the residence permit period, the necessary documents applicable to this change must be submitted to the Provincial Directorate of Migration Administration and the Regional Directorate of Population and Citizenship Affairs within 20 working days.

15-Day Exit-Entry Rights:

A Residence Permit Application Document will be issued if a first applicant foreigner applies through the e-Residence system and completes his/her application by going to the Provincial Directorate of Migration Management in the province where he/she is located at the given appointment date and time.

A Residence Permit Application Document will be issued by the e-Residence system if applicants for a residence permit extension complete their application using the system. Foreigners with a Residence Permit Application Document that has been approved by the Directorate and that includes the fee receipt, can leave Turkey and reenter the country within 15 days. However, if foreigners leave Turkey for **more** than 15 days, visa provisions will be applicable before they will be permitted to reenter the country.

Finalization of Residence Permit:

According to Article 21 of the abovementioned Law, residence permit applications are finalized within ninety days at the latest.

In addition, it is important to note that according to Article 22 of the Regulation on the Implementation of the Law on Foreigners and International Protection, the 90-day period starts from the date the information and documents are delivered to the required authority. If this period is extended, the applicant will be informed.

The following articles explain the licenses, visas and transfer regulations that apply to foreign national athletes in the Ministry of Youth and Sports' as published in the Official Gazette dated 14.12.2019:

ARTICLE 15:

1. Foreign national athletes wishing to participate in sports activities and competitions in Turkey, must be in possession of a license issued by the Ministry of Youth and Sports'. To qualify for a license, the athlete must legally reside in Turkey or obtain a residence permit for at least one year. Other issues relating to athlete licenses, visas and transfer procedures are included in the regulations and instructions of the relevant sports Federation.
2. Persons holding an identity document issued for foreigners under temporary protection and international protection in Turkey, within the scope of Article 22 of the Temporary Protection Regulation, are exempt from residence permits as they are unable to obtain a residence permit and a permit from their country.

Registration Procedures:

ARTICLE 16:

1. All works and transactions related to licensing, conversions, visas and transfers must be carried out through the Ministry's information system.
2. License, conversion, visa, and transfer records are housed in the Ministry's information system.

Transitional Provisions:

PROVISIONAL ARTICLE 1:

1. Federations must prepare their regulations within three months of this Regulation being promulgated.
2. According to the circular published by the Ministry, all transactions are to be carried out until the date that the regulations in the previous point come into play.

Work Permit Regulations for Foreign Athletes

Work permit applications made by foreign athletes who have just transferred (clubs) but who have not yet come to Turkey, must be submitted to the consulates or foreign state representations of the Republic of Turkey. The Consulate will notify the Ministry of Family, Labor and Social Security about the application and the Ministry will either approve the application within a maximum of 30 days, or reject it after due consideration.

Foreign athletes who have contracts with a sports club in Turkey can request a work permit by applying directly to the Ministry of Family, Labor and Social Security from within the country, provided they have a residence permit that was issued six months previously by the Immigration Administration.

Work Permit Application and Details of Footballers

There is no difference between football players and other athletes in terms of work permit applications. As such, the application process outlined above will also be applicable for football players.

How to Apply for a Residence Permit for Foreign Athletes

Foreign athletes engaged in sports activities in Turkey, or transferring to the country, or who wish to engage in sports activities in Turkey, must obtain a residence permit. This application must be submitted to the General Directorate of Migration Management. Residence permits for athletes are provided by the General Directorate of Migration Management, provided that the Turkish Football Federation (for the football players) and the General Directorate of Sports and Youth (for other athletes) have sanctioned the athlete's participation.

Documents Required for Residence Permit Application for Foreign Athletes:

- Petition containing the request
- Residence Declaration Form
- 4 photos
- Original passport or equivalent document
- Letter of support from the relevant sports federation
- The original and photocopy of the contract with the relevant club
- Residence Permit Application and details of foreign footballer

The difference between football players and other athletes regarding the residence permit application is that the Turkish Football Federation gives final permission, not the General Directorate of Sports and Youth. Other than that, there is no difference.

Health Insurance:

How do Foreigners benefit from Health Services in Turkey?

Foreigners must obtain either general health insurance or private health insurance before entering Turkey. Public health insurance is covered by the state, whereas private health insurance is private and can be obtained by paying a monthly fee to an insurance company. Some physicians own their practices and are therefore not part of the public health system.

Who can benefit from General Health Insurance?

- Foreigners who have obtained a residence permit in Turkey
- Foreigners who do not have insurance in a country other than Turkey

- Foreign nationals who have been living in Turkey for more than one year can apply for general health insurance

Where should foreign nationals apply for General Health Insurance?

Foreign nationals should personally apply at their nearest social security center in order to benefit from general health insurance. There are more than 600 social security centers across Turkey where this application can be made.

What documents are required?

The following documents must be submitted when applying for general health insurance:

- Residence permit
- The original or photocopy of the letter showing your social security status in terms of the general health insurance application, received from the relevant foreign country's social security institution or labor attaché
- Commitment form

Who else can benefit from General Health Insurance?

The family of a foreign national who is entitled to general health insurance may also be able to benefit from General Health Insurance. This applies to the foreign national's:

- Partner
- Child (or children) under the age of 18
- Unmarried children who are under the age of 20 but have not yet completed high school education or its equivalent,
- Unmarried children who are under the age of 25 and have not yet completed their higher education
- Unmarried children who are people with a disability, regardless of their age
- Parents whose livelihood is determined by the foreign national according to the criteria defined by the Institution.

How much is the General Health Insurance Premium?

The insurance premium rate that foreign nationals will pay is 24% of the minimum wage. This rate is 4% of the minimum salary for international students.

How can Foreign Nationals benefit from Private Insurance?

Foreign nationals must have private insurance in order to obtain a residence permit in Turkey. In other words, one of the most basic conditions for getting a residence permit is to have private health insurance.

Private health insurance is provided by various insurance companies operating in the country. There may be some differences between the coverage offered by insurance

companies.

Similar to general health insurance, a monthly premium is paid to the insurance company for private health insurance. In return, health services are provided without any further costs being incurred.

Take note that foreign nationals can apply for general health insurance by canceling their private insurance policy after obtaining a residence permit.

[Studying in Turkey as a foreign student:](#)

Foreign students wishing to study in Turkey are invited to apply by providing all proper documents and information as requested by the Ministry of National Education. According to a circular, if international students have documents such as diplomas or teaching documents (or similar qualifications), they can be placed in schools. If they cannot provide the necessary documents to show their qualification, international students will be interviewed to gauge their level of knowledge and experience. This interview may be conducted in person, on the phone or in writing, depending on the situation. After the interviews, the international student will be placed in the relevant schools. Applicants who are accepted will be supported in their Turkish language education and additional studies.

University exam for foreign students:

International students who have completed their high school education in Turkey or who want to start their undergraduate education in the country, must first write the Foreign Student Examination (YÖS). International students who complete this exam and pass can register at a university according to their score. The Foreign Student Exam is valid for two years.

Following a decision in 2010, universities have been using this exam for new applicants since 2011.

Each university provides information about the Foreign Student Exam on its official website. The date of the exam, the tuition fees, and exam application dates and application conditions are available on the official websites.

The Foreign Student Exam is offered in two languages, English and Turkish and questions cover two areas of skills: “Basic Learning Skills Test” and “Turkish Test”.

Football Regulations

[General Information](#)

Foreign players: the relevant Football Rules in Turkey are as follows:

- In the **2015-2016** season, the TFF decided that 14 players in the 28-man squad could be foreign. Of the 14 foreign players, 11 could be on the field at any time during a match. This rule remained in effect until the end of the **2019-2020** season.
- *The Turkish Football Federation has announced that it will change the foreign player rule for the 2021-2022, 2022-2023 and 2023-2024 seasons and that the number of foreign players will gradually decrease.*

- In the 2021-2022 season, Super League teams will be able to sign contracts with a maximum of 14 foreign players for the whole season. Only 8 of the 14 foreign players in the squad can take the field at the same time, and the other three players on the field must have Turkish passports.
- In the **2022-2023** season, Super League clubs will be able to sign contracts with a maximum of 12 foreign players. Only seven of the 12 players will be able to participate in the field simultaneously.
- In the **2023-2024** season, clubs will only be able to have up to 10 foreign players in the squad. Only six foreign national players will be able to take part in the field simultaneously.

[Players' Status, Registration and License Requirements](#)

Turkish Football Federation Professional Football Players regulations stipulate:

ARTICLE 8 – FOREIGN FOOTBALL PLAYERS:

The TFF determines under which conditions and leagues foreign professional football players will play. With this determination, the TFF also will determine the number of foreign players each club can have before the first transfer and registration period.

AMATEUR FOOTBALL PLAYERS:

Registration and License Requirement of Amateur Football Players:

Amateur football players must have obtained a license per the provisions of this instruction, and they must obtain a visa every year. The Regional Directorates are responsible for licensing procedures.

Documents related to the licensing process are kept in the Regional Directorates. The computer records of the Federation and the application documents submitted to the Federation, shall be used as the basis for any disputes that may arise.

Those who have lost their licenses can apply for a replacement license from the Regional Offices after the applications have been closed by the registered clubs.

The biological age of the football player is essential in licensing procedures. In cases where it is deemed necessary, the Federation may request a bone scan test to determine the biological age of amateur football players in the minors category who cannot prove their age (with a birth certificate). If it is determined that the biological age of the football player is different from their age listed in the civil registry, the biological age will be used.

[License Removals](#)

First-Time License Removals

The age of the football player is included in the license and is determined and announced by the Federation before each season.

Registration of the players who will be issued a license for the first time closes on 31 May, regardless of club changes and/or registration periods.

The following documents must be submitted to the Federation for the registration process of the amateur football player who is being issued a license for the first time.

- a. Club and football player undertaking
- b. Parent consent for players under the age of 18
- c. Original copy of the Identity Card (with photo) and a photocopy of both sides.
- d. Two color photographs that were taken not more than 12 months previously (copies of the photographs will not be accepted).
- e. Health Report with photograph
- f. A document proving that the license fee has been paid (this amount will be determined by the Federation each season).

These documents are prepared by the clubs and delivered to the Regional Directorates through the ASKFs. The Regional Directorates will carry out the registration and license procedures.

License Renewal Procedures:

In order for amateur football players to participate in competitions, they must renew their licenses and visas with the Regional Directorates each season. Applications for visas for license transactions close on 31 May, regardless of the transfer and registration periods.

The following documents must be submitted to the Federation to process the license visa:

- a. License granted by the Federation
- b. Written statement by the player if they are over 18 years of age, or by the parents of players who are under the age of 18, regarding their fitness to play football in terms of health
- c. For players under the age of 18: football players, parent and club commitment
- d. For players over the age of 18: football player and club commitment
- e. A document proving that the license visa fee has been paid (the amount is to be determined by the Federation each season).

If a licensed amateur football player does not renew for two consecutive seasons, their registration will be canceled. An unlicensed player can apply for a license at any club they want.

Transfer Procedures:

- a. For the amateur or professional transfer of an amateur football player under the age of 18, the written consent of his previous club and his parents must be obtained.

Without prejudice to the provisions regarding the training compensation of the Status and Transfers of Professional Football Players, the teams that undertake to participate in the local leagues in the 19 and under categories that are included in the fixtures of these leagues, do not participate in the first two (2) matches in the relevant league, withdraw from the league before the league starts, or withdraw from the league, the following applies: In the event that they are withdrawn or relegated from the league without completing the

league competitions in any other way, the players under the age of 18 in the relevant age category may be transferred to another club within the specified transfer periods without the club's consent. In addition, if the club does not participate in a league in a subcategory of the relevant age category or if there is no league organized in that category, players of that age are also free to transfer.

Players over the age of 18 can transfer without the consent of their clubs, within the transfer and registration periods, in accordance with the provisions stated below. However, for transfers to be made by the football players between the ages of 18 and 25 years old, it is obligatory to pay the contribution amount determined by the Federation to the former club of the football player, documenting that the contribution fee has been paid. No contribution fee is necessary for the transfers of amateur football players who have reached the age of 25.

Without prejudice to the provisions regarding the training compensation of the Status and Transfers of Professional Football Players, the teams that participate in the local leagues and are included in the fixtures of these leagues that do not participate in the first two (2) matches in the relevant league, withdraw from the league before the league starts, or in any other way prevent league competitions, the following applies: In the event that they are withdrawn or relegated from the league without completing the contract period, the players of the relevant team who are over the age of 18 can be transferred to another club within the specified transfer periods without the obligation to contribute to the club to which they are licensed.

The transfer of **amateur** players is possible in one of the transfer and registration periods, the dates of which will be determined by the Federation for each season. Players can be registered to a maximum of two clubs in the same season, including transfer and visa procedures. For second transfers in the same season, the club's consent is required regardless of the player's age.

It is possible to transfer a player whose license and registration process is done in the second transfer and registration period, in the following season's first transfer and registration period.

If the football player is a **professional**, the Professional Football and Transfer Instruction provisions apply.

- a. Age corrections of football players are not considered in license transactions. The approval date of the Federation Regional Directorates is taken as a basis for calculating the registration periods.
- b. In the transfer of amateur football players, it is obligatory to pay the transfer fee, with the principles and amount being determined by the Federation every year.
- c. In transfer transactions, the following documents must be submitted to the Federation:
 - Original copy of the Identity Card and a copy of both sides
 - Club's authorization and signature circular for players under the age of 18
 - Parental consent for players under the age of 18
 - Club consent for the transfer of players under the age of 18

- Written statement by those players over the age of 18, and the parents of those who are under the age of 18, regarding their fitness to play football in terms of their health
- Club document showing that the contribution fee has been paid in the transfer of football players between the ages of 18 and 25, or a bank receipt showing that the contribution fee has been paid to the Federation
- Reference document from the ASKFs.

Registration-Visa of License and transfer procedures for Foreign National Football Players

In amateur football clubs, if the football player has obtained a residence permit in Turkey for at least one year, registration can be made for a maximum of two foreign players.

- a. Registration of foreign national football players takes place within the transfer and registration periods determined by the Federation.
- b. FIFA Rules apply to the international transfer of foreign national football players. The provisions of this Instruction must be included in the transfer and license transactions of foreign national football players who will transfer to Turkey.
- c. For professional football players to be transferred internationally, in order to obtain an amateur license in Turkey, a period of 30 days must have passed since the player's last official competition was played in a professional capacity in their country of origin. In addition, they must obtain an International Transfer Registration Certificate by the Federation.
- d. After the registration of the player with any club in Turkey, foreign football players found to be registered in another country will have their license and registration procedures canceled. The situation will be reported to the National Federation as mentioned above. Registration is not carried out in Turkey until one year has passed from the date of cancellation.
- e. A foreign player, who is registered to any club in Turkey and is found to have participated in any official competitions for a foreign country, will be referred to the Disciplinary Board. However, playing in matches for their national teams is excluded from this provision.
- f. Documents of foreign national football players are sent by their clubs to the Federation General Secretariat through the Regional Directorates. Unless licensing and registration are deemed appropriate by the General Secretariat, license and registration will not proceed.

General remarks on working with football managers in Turkey

Persons who want to become a Manager must meet the following criteria:

- They are a Turkish citizen or have a legal residence and work permit in Turkey
- Active football players, coaches and other persons engaged in football activities are prohibited from direct or indirect management activities, including being a partner in a company with managerial responsibilities in their field of activity. These people can only engage in administrative activities after the active football activity has

ended, and provided that they have a manager license within the framework of the provisions of this instruction

- To obtain the manager license, the individual must sign the “Management Undertaking” and submit this document to the TFF, in which they will agree to comply with the FIFA and TFF instructions and regulations and the basic principles of this activity
- Even if the services of a manager are used while negotiating the professional football player contract and/or transfer agreement due to the transfer of underage football players, managers may not accept any payment from any party for these services. This includes the signing of contracts with minor footballers under the age of 15 or acting as a manager on their behalf
- The regulations of the TFF regarding managerial activity do not apply to the legal representatives who personally participate in the negotiation of contracts for professional football players on behalf of a minor football player.

Obligations of Players Managers

To ensure the rights and authority of managers, they must:

- a. Comply with the legislation, the status and instructions of FIFA, its affiliated confederations and TFF, the Manager’s Commitment, and all decisions made by the authorized bodies of FIFA and TFF
- b. Ensure that every transaction made complies with the legislation and the statutes and instructions of FIFA, its affiliated confederations and TFF
- c. Not carry out activities that violate a football player’s contractual obligations that may result in the club terminating the contract of a professional football player before it expires, especially not meet with another club on behalf of the football player without the express written consent of the club with which the player has a contract. A manager who intervenes in the termination of a player or who terminates the professional player’s contract without just cause is deemed to have encouraged the player to terminate the contract in question.
- d. Not enter into transfer negotiations without the consent of the club or football player, to inform the club or football player it represents about the details and events related to any contract negotiations, and to protect the legal interests of the person it represents in the best possible way
- e. Ensure that the name and signature of the party (club or football player) he serves is clearly stated in all contracts that the manager negotiates
- f. Provide the necessary information and documents to the TFF, FIFA-affiliated confederations and FIFA upon request
- g. Attend courses and seminars organized by TFF
- h. Prevent unlicensed persons from carrying out managerial activities or benefiting from the rights provided by their license by:
- i. Submitting the criminal record to the TFF as an appendix to the visa request every year

- a) ii) Avoiding any kind of managerial activity, directly or indirectly, during the period when the license is suspended or canceled
- b) iii) Keeping the address and other contact information with the TFF up-to-date (in case the change of address based on the notification submitted to the TFF is not received, the notifications made to the address registered in the TFF will be considered valid.)

Athletes' Rights in Turkey

Football Players

- a. To comply with the legislation, status and instructions of FIFA, UEFA and TFF, and all decisions made by the authorized bodies of FIFA and TFF
- b. Benefit from the services of licensed managers only within the framework of this Instruction, not allowing any unlicensed person, directly or indirectly, to negotiate contracts with clubs on their behalf and on behalf of them, or to carry out transactions that can be considered within the scope of managerial activity, apart from the exceptions stipulated in this instruction). Before entering into any contractual relationship with a manager, a player is responsible for checking that the manager is already licensed to carry out this activity and that his license has not been revoked or suspended
- c. To provide the necessary information and documents to TFF, UEFA and FIFA in full upon request
- d. To comply with all contracts made with managers
- e. In all professional player contracts they sign, they must clearly state whether a licensed manager provides services to them under that contract, and if there is a manager's participation in the contract in question, they must ensure that the name and title of this representative is clearly stated in the contract.

Migrant Children in Turkey

Turkey currently hosts the largest refugee population in the world, which is more than 4 million people. These migrants also include large numbers of children. With regards to this, the impact of the Convention on the Rights of the Child (CRC) that was ratified on 4 April 1995 by Turkey is undeniable. The CRC stresses that those countries being a party to the Convention cannot discriminate between children on the basis of race, color, nation, ethnicity, social origin-roots, property, sex, disability, birth or other status (Article 2). The state must provide child asylum seekers/refugees with the same rights that are accorded to child citizens. Another significant principle in the Convention is the concept of "the best interests of the child" must be served in all activities/regulations regarding the child (Article 3). This means all decisions regarding children which are taken by both public and private institutions must follow "the best interests of the child".

In addition to the CRC, the Constitution of the Republic of Turkey does not discriminate between children on nationality, ethnic origin, religion etc.

"In other words, all the children - regardless of their being a citizen of the Turkish Republic or not - staying within the borders of the Turkish Republic for any reason, have the right to

protection and shelter, regardless of whether they entered the country legally or illegally. It also puts a responsibility upon the public agencies. (Article 41 and 61).”

Finally, article 90 highlights: *“In the case of disputes between International Agreements on fundamental rights and freedoms enacted in order and National laws on the same subject having different provisions, the provisions of international agreements are taken as the basis.”*

Migrant Women in Turkey

There are more than 70 laws dealing with foreigners in Turkey. Therefore, immigration and working regulations and policies are not systematic. In this regard, Turkey has ratified CEDAW and the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Turkey’s obligation toward international law was highlighted in the previous section. Therefore, articles 2, 6, 12, and 13 that protect the rights of migrant women must be followed by the state. Moreover, the CMV (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) was ratified by Turkey in 2004 can directly impact the rights of migrant workers in general and female migrant workers in particular.

Lastly, the following human rights conventions that were also ratified by Turkey that directly impact the rights of migrant women include:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of Persons with Disabilities (CRPD)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)

Women’s Football Transfer and Visa Instructions

License Transactions

1. Licensing of football players who comply with the conditions specified in this Statute for the relevant league is carried out by the TFF Regional Directorates.
2. Licensing procedures are carried out in accordance with the Amateur Footballer License and Transfer Instruction. If required, travel consent letters signed by the legal representatives of the players under the age of 18, must be submitted to the TFF Regional Directorates.
3. During the licensing procedure, it is obligatory for all athletes (with the legal representative of those under the age of 18) to submit the Actor’s Consent Text on the Processing of Personal Data in Annex 1 to the TFF Regional Directorates in a signed form.

Transfer Procedures

1. The license and transfer procedures for football players who will play in the Women's Leagues are made in accordance with the Amateur Football Player License and Transfer Instruction and the Principles to be applied in the Amateur Football Leagues for the 2021-2022 Season, except for exceptional cases.
2. The transfer transactions for female football players are carried out during the transfer and registration periods determined by the TFF Executive Board. First-time visa applicants can register until the date specified in the Principles, to be applied in the Amateur Football Leagues of the 2021-2022 Season regardless of the transfer and registration periods.
3. Club's must submit the originals of the documents regarding the clubs' visa, license and transfer procedures if requested by the Regional Offices. If the original documents are not submitted by the club, the request will not be processed.
4. Female football players can be registered to a maximum of two clubs in the same season. Female players under the age of 18 cannot transfer without the consent of their club.
5. All football players belonging to teams who cannot participate in the Women's League, that withdraw from the league or have been removed from the league for any reason, and football players in the lower age categories, may be registered to another club within the transfer period without obtaining the consent of their club.
6. In the transfer of female football players between the ages of 18 and 25, a 15,000.-TL contribution fee must be paid to the former club. In the transfer of national football players, a contribution fee of 40,000.-TL must be paid to the former club of the football player.
7. In the transfer of female football players between the ages of 26 and 30, a 10,000.-TL contribution fee must be paid to the former club. In the transfer of national football players, a contribution fee of 25,000.-TL must be paid to the former club of the football player.
8. To determine the nationality status of foreign football players, a written document must be obtained from the relevant federation.
9. Players over the age of 30 may transfer free of charge without seeking consent.
10. Regardless of the age of a player, the player must obtain the consent of their former clubs for their second transfer in the same season.
11. If a licensed football player does not have a visa and transfer process for two consecutive seasons, she will be released. (The 2020-2021 Season, which could not be played or played in a limited way due to the pandemic, is not considered in the release process of amateur football players.) Therefore, the above stipulation is only valid in the 2021-2022 Season to licensed amateur footballers born in 2005 (and younger) for two (2) consecutive seasons, and approved amateur footballers born in 2004 (and older) for three (3) successive seasons. If these players do not have a visa and transfer process, they remain free of any club obligations.

12. When a Turkish citizen female football player registers with a sports club abroad, they will get a license in any club in Turkey by transferring from the clubs affiliated to the federation of their country. At least half of the license fee will be determined by the TFF and must be deposited by their club, and evidence that the bank receipt has been processed must be submitted to the TFF Regional Directorate. License fees are specified in the Principles to be applied in the Amateur Football Leagues for the 2021-2022 Season, or for the relevant season.
13. An International Transfer Certificate (ITC) must be obtained from the country's federation of the club from which the Turkish citizen football player is registered. Registration and transfer procedures of players in this position are valid within the transfer and registration periods determined in this status.

Registration and License Visa Procedures for Foreign Football Players

1. Apart from the exceptions stated in this article, the provisions of the Amateur Footballer License and Transfer Instruction are applied to foreign football player transfer, registration and visa transactions for the Women's Super League teams.
2. Women's Super League teams can register a maximum of six (6) foreign national football players. If the registered foreign player is transferred or registered to another club, or if there is a decrease in the foreign player quota of the club due to other reasons, clubs may register new foreign players to match the number of vacancies during the transfer and registration period.
3. Foreign national football players' license, visa and transfer procedures must be arranged within the residence permit periods specified in the Principles to be applied in the 2021-2022 Season Amateur Football Leagues.
4. The clubs' six foreign national football players in their squads must be entered into the competition name list and played.
5. Teams can register a maximum of six (6) foreign players in the 2021-2022 season, a maximum of six (6) foreign players in the 2022-2023 season, and a maximum of five (5) foreign players in the 2023-2024 season.
6. The club must request in writing for the residence permits of foreign football players who will take part in the Women's Super League in the 2021-2022 season. The eligibility of the residence permits for foreign football players provided by the TFF and given to the Immigration Administration is only valid only in the 2021-2022 Season.
7. If the International Transfer Certificate (ITC) of the foreign national football player is received, a letter must be submitted by the club to the TFF stating that the football player can be licensed. If a residence permit covering the relevant season is obtained from the Ministry of Interior for the relevant football player, the football player will be approved by the TFF.
8. Foreign national football players who became Turkish citizens following a decision by the Council of Ministers, can only play as Turkish football players after three years from the date of their first application for naturalization.
9. Foreign national football players who want to be registered with clubs affiliated to other country federations, are required to submit the relevant forms and undertakings of the clubs to the Football Development Directorate through the Regional Directorates.

10. Foreign national football players of clubs relegated from the Women's Super League will be released the following season. These football players can be transferred to clubs in the Women's Super League without obtaining the consent of their former club.
11. Clubs are obliged to deposit the seasonal license fee of 5,000.-TL per player for the foreign players they have registered as domestic and international transfers, into the account of the TFF. When these payments are made, the club must submit the bank receipt together with other required documentation to the TFF Regional Directorates, where they will be processed.

"The information specified in this document has been obtained from the official announcements of the relevant institutions and the Ministry. The information in the report was accessed at the time the report was written. The information can be changed and updated by the authorized institutions."

List Of Organizations Providing Support Services for Immigrants

Link To Relevant Websites

Association for Solidarity with Asylum Seekers and Migrants (ASAM):

Website: <https://sgdd.org.tr/>

Phone: 0850 474 27 27

E-mail: info@sgdd-asam

Contact information of offices in provinces where ASAM has representative offices: <https://sgdd.org.tr/heredeyiz/>

International Organization for Migration Turkey (IOM):

Website: <https://turkiye.iom.int/>

Phone: +90 312 454 30 00

E-mails: ankmission@iom.int

iomistanbul@iom.int

United Nations High Commissioner for Refugees (UNHCR):

Website: <https://www.unhcr.org/turkey.html>

Phone of the Representation in Turkey: + 90 312 409 7300

E-mail: turan@unhcr.org

Support to Life:

Website: <https://www.supporttolife.org/>

Phone: +90 216 336 22 62

E-mail: info@hayatadestek.org

Association for Solidarity with Refugees (Mülteci-Der):

Website: www.multeci.org.tr

Phone: +90 232 483 54 21

E-mail: bilgi@multeci.org.tr

Şişli Municipality/İstanbul - Directorate of Social Support Services / Migration Unit:

Website: <https://www.sisli.bel.tr/kurumsal/mudurluk/sosyal-destek-hizmetleri-mudurlugu>

Phone: 444 31 12

E-mail: sosyaldestek@sisli.bel.tr

Eyüpsultan Municipality/İstanbul - Directorate of Social Support Services:

Website: <https://www.eyupsultan.bel.tr/tr/main/mudurlukler/sosyal-destek-hizmetleri-mudurlugu/25>

Phone: +90 212 440 04 16

E-mail: sosyaldestek@eyupsultan.bel.tr

Fatih Municipality/İstanbul - Directorate of Social Aid Affairs:

Website: <https://turkiye.iom.int/>

Phone: +90 212 453 14 53

E-mail: sosyalisler@fatih.bel.tr

Public Institutions:

Provincial organizations of the Directory of Migration Management:

<https://en.goc.gov.tr/provincial-organisation>

Contact information of Provincial Directorates of Youth and Sports:

<https://gsb.gov.tr/Gen%C3%A7lik-ve-Spor-%C4%B0l-M%C3%BCd%C3%BCrl%C3%BCkleri-%C4%B0leti%C5%9Fim-Bilgileri.html>

Football Regulations:

Rules for foreign athletes – 2022-2023 Football Season in Turkey:

<https://www.tff.org/Resources/TFF/Documents/TFF/Lisanslama/2022-2023-ilan-edilmesi-gereken-hususlar.pdf>

License and Transfer Instructions for Amateur Football Players:

<https://www.tff.org/Resources/TFF/Documents/TALIMATLAR/Amator-Futbolcu-Lisans-ve-Transfer-Talimati.pdf>

Status and Transfers Instructions for Professional Football Players, August 2016:

<https://www.tff.org/Resources/TFF/Documents/TALIMATLAR/Profesyonel-Futbolcularin-Statusu-ve-Transferleri-Talimati.pdf>

Instructions to Work with Football Managers:

<https://www.tff.org/Resources/TFF/Documents/TALIMATLAR/Futbol-Menajerleri-ile-Calisma-Talimati.pdf>

Turkey E-Sport Federation Athlete License, Visa and Transfer Instruction:

https://shgm.gsb.gov.tr/Public/images/SGM/Federasyon/42727E-SPOR_FED._TALIMATI-2.pdf

TFF's list of approved agents for 2018-2019 (with their license no):

<https://www.tff.org/Resources/TFF/Documents/TFF/Futbol-Menajerleri/2018-19/FUTBOL-MENAJERLERI-LISTESI.pdf>

Legal Framework:

Republic of Turkey Ministry of Interior Presidency of Migration Management: <https://en.goc.gov.tr>

- Visa Information: <https://en.goc.gov.tr/visa>
- Residence permit: <https://en.goc.gov.tr/residence-1>
- Documents for Residence Permit-Fee Amount: <https://www.goc.gov.tr/belge-bedeli-ve-harc-miktari>
- Residence Permit Types: <https://en.goc.gov.tr/residence-permit-types>
- Application Documents for Residence Permit: <https://e-ikamet.goc.gov.tr/ikamet/IstenenBelgeler>

Law on Foreigners and International Protection numbered 6458: <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6458.pdf>

For the unofficial English translation of the Law: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf

International Labor Law no. 6735:

<https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6735.pdf>

Regulation on Implementation of Law on Foreigners and International Protection <https://www.resmigazete.gov.tr/eskiler/2016/03/20160317-11.htm>



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Social Inclusion of African Athletes in Europe

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