

FOREIGN PLAYER & COACH POLICY

Effective from 1st December 2018





DISCLAIMER

This Policy is intended only to provide a summary and general overview on matters of interest. It is not intended to be comprehensive nor does it constitute immigration or legal advice.

Clubs should seek legal or other professional advice (including but not limited to specialised advice from a registered migration agent) before acting or relying on any of the content of this Policy.

BA is not responsible to you or anyone else for any loss suffered in connection with the use of this Policy. BA makes no warranties or representations about any of the content. We exclude, to the maximum extent permitted by law, any liability which may arise as a result of the use of this Policy. Where liability cannot be excluded, any liability incurred by us in relation to the use of this Policy is limited to the extent provided for by the Australian Consumer Law (Schedule 2 of the Competition and Consumer Act 2010). To the extent permitted by law, we will not be liable for any indirect, incidental, special or consequential loss.

Under the Migration Act 1958 (Act), a person who is not a registered migration agent must not provide immigration assistance as defined by the Act.

Whilst BA might be able to provide some assistance, including producing endorsement letters for visa, **BA is not permitted to provide you with specific immigration assistance or advice.**



INTRODUCTION

Basketball Australia (**BA**), has developed the “Basketball Australia Foreign Player and Coach Policy” to assist clubs who wish to sponsor a foreign player/coach to participate in Australia.

BA considers that Australian citizens should be given preference where equal ability and qualifications exist. However, allowing foreign players and coaches to participate in Australian basketball competitions assists the development of the sport, whilst at the same time encouraging and allowing Australians to compete at the elite level.

Any non-Australian citizen participating in the following leagues either as a Player or Coach must comply with BA’s Foreign Player and Coach Policy.

Basketball Clubs and/or Associations in the following Australian Basketball Leagues will be required to complete a BA Foreign Players Application for all players each year.

The relevant leagues are:

National Leagues	State Leagues
NBL & WNBL	Waratah, SA Premier League, QBL, WA SBL, Big V & VIC Elite League, NWBU

The Policy also covers any BA member (where relevant) but particularly basketball players or coaches who may play or coach at any level of basketball in Australia where they receive payment for their basketball services.



APPROVED VISAS

All clubs need to select an appropriate visa that will allow their overseas player **the ability to work in Australia**.

Immigration deem playing Basketball at Semi Professional level or above in Australia as Employment, therefore players must have the ability to work while on a visa.

Visa information can be accessed via the Department of Home Affairs website <https://immi.homeaffairs.gov.au/>

Whilst BA might be able to provide some assistance, including producing endorsement letters for visa, **BA is not permitted to provide you with specific immigration assistance or advice**.

***PLAYERS MUST HAVE VISA GRANTED PRIOR TO PARTICIPATING IN ANY
PRE-SEASON AND/OR REGULAR SEASON GAMES***



IMMIGRATION PROCESS

It is the responsibility of all basketball clubs seeking to sponsor overseas basketball players to manage the visa process directly with Department of Home Affairs. Clubs will need to create an immi account online to process visa application.

The Temporary Work (Long Stay Activity) visa (subclass 408) sport stream might be an appropriate visa for sports people who are under contractual arrangements to play, coach or instruct for an Australian sporting team.

To be eligible for a subclass 408 visa the applicant must be sponsored and nominated by a sporting organisation lawfully operating in Australia.

An overseas person may hold a different visa that allows them to work in Australia (other than in sport) and this may also allow them to participate in one of the leagues subject to this policy. Depending on the type of visa, the player/coach may not be able to receive any reimbursement or payment for participating in the League.

Where a person does not hold a Temporary Work (Long Stay Activity) visa (subclass 408) sport stream, Clubs must ensure that they make appropriate enquiries to determine the type of visa a player or coach holds if it allows *the visa holder to undertake work* and whether that person may receive any payment.

BA will require evidence that a player or coach is eligible to participate in the relevant League and of the terms of that participation.

It remains the responsibility of the overseas player to ensure that they do not breach the conditions of their respective visa.

SUBCLASS 408 ENDORSEMENT

The subclass 408 visa application requires a letter of endorsement from the National Sporting Organisation.

Clubs will need to apply to BA requesting an Endorsement letter, which will only be granted if clubs supply a copy of passport and player resume to Basketball Australia. If BA believes the player meets the below criteria it will then issue the club with the letter of endorsement. Provision of a letter of endorsement is at BA's sole discretion.

BA shall only endorse a visa nomination application where:

- in the case of a player, the Club demonstrates to BA that the player:
 - possesses a minimum of five year's experience, at least two years of which should be in the US or Canadian College system (NCAA, NAIA, NJCAA, CCAA) or any Professional League worldwide;
- in the case of a coach, the Club demonstrates to BA that the coach:
 - holds a post-secondary qualification requiring a minimum of three years full-time study in a relevant discipline (such as physical education) and/or an equivalent coaching qualification acceptable to BA;
 - has had, within the last seven years, at least five years professional employment as a coach in a high school or NCAA program, or in a comparable league competition (for nominees from both the USA, Europe or elsewhere);

However, BA reserves its right to depart from the above criteria in exceptional circumstances; or withdraw support for a player or coach for any reason including, but not limited to:

- if that person acts in a manner that brings BA, a League or the sport of basketball into disrepute; or
- if that person acts in a manner prejudicial to the interests of BA, a League or the sport of basketball.



BA APPROVAL

Basketball Australia support is subject to a successful Application submission. Basketball Australia approvals will take a minimum of 3 days if the correct information is supplied.

[Basketball Australia Foreign Player Application online form](#)

Information and links available on BA Website. (<http://basketball.net.au/participate/immigration/>)

Basketball Australia requires the following to approve all Foreign Born Players to play in Australia

- Copy of Players Passport
- Copy of Players Current Visa
- International and/or National Clearance (if required)

Basketball Australia requires the following to approve all New Zealand Born Players to play in Australia

- Copy of Players Passport
- International and/or National Clearance (if required)

All enquiries on BA Approval, International Clearances and Visas need to be sent to transfers@basketball.net.au

MINIMUM 3 DAYS REQUIRED FOR APPROVAL



FIBA OCEANIA PLAYERS LICENCE

All Foreign Born Players and/or permanent residents of Australia competing in the NBL, WNBL, or State League 1st division must be in receipt of a FIBA Foreign Players Licence before registering with the club.

A Foreign Born Player is a male or female who wishes to play in the first (NBL, WNBL) or second division (Waratah, SA Premier League, Victorian Elite League, QABL, WA SBL) club competition and who is not an Australian citizen. All such players must hold a Foreign Player Licence to allow them to participate in the aforementioned leagues..

A Foreign Players Licence is valid for one (1) season, but a new licence is required if the player changes Clubs in the same country or changes to a Club in another country during the same season. A player may play in two (2) countries within Oceania during the same year/season, subject to these regulations, but in no case can the player be registered by two (2) National Basketball Federations at the same time.

FIBA Oceania is responsible for the registration and control of all foreign players who participate in Oceania and will issue the appropriate licences.

FIBA Oceania will not issue a Licence without BA Approval.

The FIBA Oceania Office is situated on the Gold Coast and may be contact via fpl-oceania@fiba.com

Fines of up to \$10,000 if found playing in competition without FIBA Licence.

INTERNATIONAL CLEARANCE – FIBA RULES

A letter of clearance must be obtained from the national member federation where a player was last licensed before he/she can be licensed by another member federation.

The only reason for which a national member federation may refuse to grant the request for a letter of clearance is if the player is under contract to play for his club beyond the scheduled transfer date. **A letter of clearance may not be delayed or refused because of a monetary dispute between a club and a player.**

The letter of clearance *may not be limiting or conditional*. If applicable, the letter of clearance must mention any sanctions applied under the auspices of the national member federation that may be in force against the player. Such mention shall include the unexpired period of suspension from playing, the unpaid amount of a monetary fine which is part of the sanction applied by the national member federation, or the unexpired portion of any other sanction. FIBA must be informed when a letter of clearance is issued where there is an outstanding sanction.

The national member federation requesting a letter of clearance must indicate the name, nationality and license number of the FIBA player's agent(s) involved in the transfer, where applicable.

International transfer is not permitted before a player's eighteenth (18) birthday, except in special cases as decided by the Secretary General after examination of the matter with the member federations and, if necessary, with the clubs and the player concerned.



INTERNATIONAL CLEARANCE PROCESS

Any player who last played Basketball overseas (including US College or High School) before joining Australian club, need to get an International Clearance.

Clubs need to send International Clearance Request to Basketball Australia, as International clearances must be requested by National Federation. ***All Clearances will be sent to Basketball Australia when complete.***

All players who last played in USA or Canada need to seek clearance direct with USA Basketball or Canada Basketball, as well as Basketball Australia.

- Basketball Australia will send club a Letter of Clearance Request, which clubs need to attach online when seeking clearance from USA Basketball <http://usab.site-ym.com/event/loc>
- Basketball Australia will send a Letter of Clearance Request to Canada Basketball, and the club will need to send a LOC Request to Canada Basketball also, <http://basketball.ca/en/page/letters-of-clearance>

All players who last played in NBA, WNBA or NBA G League need to seek clearance from Basketball Australia, NOT USA Basketball.

International Clearance can take up to 7 days to process, and urgent requests under 48hrs are not acceptable.

The International member federation may charge a maximum administrative fee (\$150EUD) for the transfer of a player under its jurisdiction to another member federation. This fee is to be paid by the club and not Basketball Australia.



OCEANIA BORN PLAYERS

Dependent on the by-laws relating to each state based competition, Players who have citizenship from any of the FIBA Oceania members may be allowed to play without being considered “foreign” or “restricted” in terms of competition eligibility.

However All Oceania Born players outside of Australia still need to obtain Basketball Australia Approval and a FIBA Oceania Foreign Player licence before participating for their club.



PERMANENT RESIDENTS

Dependent on the by-laws relating to each state based competition, Players who hold Permanent Residency are classified as un restricted players .

However all players with Permanent Residency still need to obtain Basketball Australia Approval and a FIBA Oceania Foreign Player licence before participating for their club.

Please note : Permanent Residents need to check with respective league administrators on Permanent Residency rulings.