



FOREIGN PLAYER & COACH POLICY

Effective from 15th December 2019

DISCLAIMER

Policy is intended only to provide a summary and general overview on matters of interest. It does not constitute immigration or legal advice.

Clubs should seek 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.

DISCLAIMER

The Policy is to assist clubs who wish to recruit 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 any Senior State or National Basketball League either as a Player or Coach must comply with BA's Foreign Player and Coach Policy.

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.

VISAS

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

Department of Home Affairs deem playing Basketball at State League 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 a Subclass 408 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.

The Temporary Work (Long Stay Activity) visa (subclass 408) sport stream would 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.

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

Clubs will need to apply to BA as the National Sporting Organisation requesting an Endorsement letter, which will only be granted if clubs supply a copy of passport and up to date player resume.

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 three year's experience, at least two years of which should be in the US or Canadian College system and/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.

If correct information is supplied, Basketball Australia approval will be granted within a minimum of 3 days.

All Foreign Born Players and/or permanent residents of Australia competing in a Senior State or National League must receive Basketball Australia Approval before registering with the club.

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

Basketball Australia requires the following to approve all Foreign Born Players and/or permanent residents 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)

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

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 following leagues must be in receipt of a FIBA Foreign Players Licence before registering with the club.

National	State
NBL & WNBL	SA Premier League, WA SBL, Waratah League, NBL1,

All such players must hold a FIBA 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.

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 with another member federation.

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

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.**

INTERNATIONAL CLEARANCE – PROCESS

FIBA have introduced a MANDATORY administration fee for all International Clearance requests.

Basketball Australia have been forced to increase the International Clearance Fee to **\$375AUD** to accommodate the currency conversion for the Mandatory charge by FIBA. Clubs must pay this fee upfront, sending a payment confirmation with the online request to Basketball Australia.

Please Note: No Admin fee will be charged if the request is for an Australian player returning to Australia from USA College or USA High School.

All requests must be lodged online [here](#) and must include copy of players passport.

Each International Clearance request will be charged the Mandatory Admin Fee. Therefore it is imperative that teams get information correct on the first application as if clubs seek a clearance and the player is still playing overseas or clubs supply incorrect information (i.e wrong club or wrong federation), then a second payment will be required.

International Clearance can take up to 6 days to process, and *urgent requests under 48hrs are not accepted.*

OCEANIA/ASIA BORN PLAYERS

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

All Oceania & Asian born players still need to obtain Basketball Australia Approval before participating for their club. If playing NBL, WNBL, SA Premier League, WA SBL or NBL1, a FIBA Oceania Foreign Player licence is also required.

PERMANENT RESIDENT

The intention to allow Permanent Residents of Australia to play as 'locals' in State and National Basketball Competitions is to reward those who have made a long-standing commitment to Australia and to basketball in Australia with the right to be considered 'un-restricted', thus opening more opportunities for them and their respective clubs.

Basketball in Australia has long held the position that a maximum of two 'import' players be included on the rosters of teams. This position was designed to welcome international athletes and increase the overall talent level of competitions, but to continue to ensure opportunities for local athletes to reach their potential by participating in peak competitions.

All players with Permanent Residency still need to obtain Basketball Australia Approval before participating for their club. If playing NBL, WNBL, SA Premier League, WA SBL or NBL1, a FIBA Oceania Foreign Player licence is also required.

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

DISTINGUISHED TALENT VISA

Basketball Australia is of the view that Distinguished Talent Visa (Subclass 858) does not align with the intent of the Permanent Residency rule as it does not require a long-standing commitment to Australia and Australian basketball.

Basketball Australia will only issue a Distinguished Talent letter of endorsement for a player internationally recognised for exceptional and outstanding talent if that player has played a minimum of four seasons as a restricted player within the same State and/or National Basketball League.

REFUGEE STATUS

All Foreign born players with Refugee status DO NOT need to obtain Basketball Australia Approval, however Proof of Refugee status should be provided to the State and/or National League the player will be participating.

SUGGESTED PROCESS TIMEFRAME

