

Communication No. 2526

Rule 109 - Citizenship / Residence Requirements and Clearance Procedure

(This Communication replaces Communication No. 2030)

The ISU Council deemed it opportune to update ISU Communication 2030 in particular to clarify the applicable deadline for the submission of Clearance requests (Paragraph A.b). Changes compared to ISU Communication 2030 are underlined.

A. Clearance Procedure

- a) A Clearance Certificate is required for Skaters in the following circumstances:
- (i) any Skater (with the exception of Synchronized Skaters) who is not a citizen of the ISU Member's country, whom the ISU Member intends to enter in ISU Championships, other ISU Events and/or International Competitions in the coming season,
 - (ii) any Skater (with the exception of Synchronized Skaters) who is a citizen of the ISU Member's country and who has in the past represented another ISU Member in ISU Championships, other ISU Events and/or in International Competitions, whom the ISU Member intends to enter in ISU Championships, other ISU Events and/or International Competitions in the coming season.
- b) For Skaters not yet in the possession of a Clearance Certificate, the respective ISU Member must submit to the ISU Secretariat **by July 1 of each year** an application for a Clearance Certificate, together with the documentary evidence and the completed Questionnaire as per sections B and E below.

In exceptional cases, when the application was submitted to the ISU Secretariat before July 1, but the requirements for obtaining a Clearance Certificate are fulfilled only after July 1, but not later than thirty (30) days before the first day of the event in which the ISU Member desires to enter the Skater, the application may be considered and a Clearance Certificate granted once the documents confirming fulfilment of the requirements have been received.

The application for partners of Pairs and Ice Dance couples may be submitted at any time, but not later than thirty (30) days before the first day of the event in which the ISU Member desires to enter the Skater.

In all cases Rule 109, paragraph 4 has to be respected, according to which a Skater may represent only one ISU Member in the above mentioned competitions in the course of the same season.

- c) A summary of issued and valid Clearance Certificates will be available for ISU Members on the ISU Extranet. It is the responsibility of the ISU Members to make sure that this list is accurate and up-to-date and to inform the ISU Secretariat of any erroneous and/or outdated data (e.g. grant of a new citizenship, change of the country of residence and/or of the residence status, change of partner of a Pair or an Ice Dance couple, etc.).
- d) Skaters subject to section b) above may compete in ISU Championships, other ISU Events and International Competitions only after receiving a Clearance Certificate from the ISU Secretariat (Form for the Clearance Certificate is attached).

A Clearance Certificate is valid only as of the date stated therein which date shall take into account the 12 months waiting period according to Rule 109, paragraph 2.c). The waiting period starts to run on the day following the last day on which a Skater competed as representative of the former ISU Member.

The Organizers of ISU Championships, other ISU Events and International Competitions, the ISU Representative, the ISU Event Coordinators and the Referee shall not allow Skaters as defined in section a) above to compete without presenting a valid Clearance Certificate at the time of accreditation/registration.

- e) If non-compliance with the requirement of a valid Clearance Certificate is discovered only after a competition, the results of the respective Skater shall be annulled, including forfeiture of medals, points and prizes, and his/her ISU Member shall reimburse the costs incurred by the Organizer. In addition, the ISU Member and the Skater may be subject to penalties and other disciplinary sanctions (see section F below).

B. Citizenship, Residence and Evidence

1) Citizenship

The term "citizen" as used in ISU Rule 109, paragraph 2.a) means full citizenship, obtained either by birth or by naturalization, without any qualifications or restrictions.

In case of Pairs and Ice Dance couples at least one of the partners must have the citizenship of the ISU Member (Rule 109, paragraph 2.b)). Documents proving such citizenship (see point 2 below) of that partner as well as the completed Questionnaire must be produced together with the application for a Clearance Certificate and the completed Questionnaire of the other partner who may be citizen or resident of any ISU Member.

2) Evidence Proving Citizenship

In order to prove citizenship, a certified copy of a valid regular passport identifying the Skater as citizen of the issuing country needs to be presented. Other documents such as refugee passports or other special permits, even if called "passport", shall not be accepted for this purpose. In cases of doubt whether a presented passport evidences citizenship, the ISU Secretariat may require additional documents and/or conduct direct inquiries.

3) Residence

The term "resided" in Rule 109 refers to the country in which the Skater has been lawfully living for at least one year with the intention to remain permanently or for an indefinite period of time.

4) Evidence Proving Residence and its Duration

In order to prove lawful residence, the following documents have to be submitted to the ISU:

- a) A certified copy of a regular residence permit issued by the competent authority of the country of residence (e.g. foreign police, department of immigration, ministry of interior or similar) confirming that the Skater is entitled to reside in the country for at least one year. Residence permits for limited purposes such as for students, visitors, tourists, guest workers, business persons, etc. are not accepted.
- b) If within a twelve months period after a respective application has been filed a regular residence permit has been neither granted nor dismissed, a certified copy of the application with the filing stamp showing the name of the receiving authority, the date of filing and a document showing that the applicant is entitled to stay in the country while the application is being processed. In case there is no filing stamp on the copy of the application, a separate certificate issued by the receiving authority confirming the filing of the application and the filing date has to be produced.
- c) In the exceptional case that a Skater is entitled to reside in the respective country of which he is not a citizen without needing a permit, the applying ISU Member must provide evidence proving the legal basis on which the Skater is residing in the country. The weight given to the respective evidence will depend on the particular circumstances of each case.
- d) A certificate of residence issued by the competent authority of the country of residence confirming the date of the beginning of the Skater's lawful residence in the country and the Skater having actually been residing in the country since that date is required.
- e) If in the country of residence no official certificates of actual residence, its beginning and its duration are issued, which has to be proven by the ISU Member, the applying ISU Member must prove by other conclusive evidence the date of the beginning of the Skater's lawful residence in the country and that the Skater has actually been residing in the country since then. In this context documents such as notice of departure issued by the country of the Skater's former residence, tax registration or tax returns, election registration, social and/or medical insurance, etc. may be considered and may be supported by other certificates, affidavits and letters issued by authorities, schools, private persons such as landlords, house administrators, employers etc. The weight given to such evidence will depend on the particular circumstances of each case.

If the ISU Secretariat considers the documents presented insufficient for proving fulfilment of the residency requirements, it may require additional documents and/or conduct direct inquiries.

C. Documents

Any document submitted to the ISU Secretariat for the purpose of proving the satisfaction of the requirements of Rule 109 not written in English must be accompanied by a certified English translation. In order to treat all ISU Members equally, documents in any language other than English may not be accepted without a certified translation.

Where certification of a document and/or the English translation thereof is required such certification must be issued by the competent authority, a notary public or any other person who, according to the laws of the country in which the document was established, is entitled to issue legal certifications.

D. Permit of the Prior ISU Member

Clearance applications for Skaters needing a permit according to Rule 109 para 2.c) have to be accompanied by a letter of the ISU Member which the Skater represented in the past, issued on official stationery, dated and signed by the President and General Secretary. The letter shall confirm explicit and unconditional approval that the Skater named in the letter may represent the ISU Member to whom the letter is addressed. The ISU Secretariat may request to receive the original letter by post.

E. Questionnaire

A questionnaire fully completed and signed by an authorized person of the applying ISU Member (form attached) has to be attached to every application for a Clearance Certificate.

F. Responsibilities and Sanctions

ISU Members as well as Skaters are responsible to give full, correct and true information on all facts and circumstances relating to a Skater's citizenship, residence, past activities etc. and to produce the required documents.

If an ISU Member enters a Skater as defined in Section A. a) i) or ii) above who is not in the possession of a valid Clearance Certificate in ISU Championships, in another ISU Event or an International Competition or if a Skater and/or ISU Member has given incomplete and/or false information and/or has produced an improper document supporting such information in the application for a Clearance Certificate, penalties may be imposed by the Council upon the ISU Member and/or disciplinary sanctions by the ISU Disciplinary Commission upon the Skater in accordance with Articles 17 paragraph 1. s) and 25, paragraph 9 of the Constitution.

G. Exceptions

Rule 109, paragraph 5 gives the Council the power to grant exceptions from the requirements of citizenship, residence, permits by ISU Members and waiting periods. The Council may also grant exceptions from any further requirement laid down by this Communication, for example in respect to the July 1 deadline specified in Section A. b) above. However, such exceptions may be granted only in cases of serious hardship (e.g. by application of a new rule after certain action has been taken in good faith prior to its adoption, unjustified denial of a permit by an ISU Member to a Skater who has not represented that ISU Member for a number of years, unjustified or unreasonable conditions of an ISU Member for issuing a permit, etc.).

Seoul,
November 29, 2022
Lausanne,

Jae Youl Kim, President
Fred Schmid, Director General