



Arbitration CAS 2015/A/4312 John Kenneth Hilton v. Fédération Internationale de Football Association (FIFA), award of 9 August 2016

Panel: Mr Efraim Barak (Israel), President; Mr Mark Hovell (United Kingdom); Prof. Ulrich Haas (Germany)

Football

International transfer of minor players

Restrictive interpretation of Art. 19 RSTP

Assessment of the goal sought by the player's parents for moving

- 1. Article 19 FIFA RSTP is a very important provision, which sets key principles designed to protect the interest of minor players. There is therefore a need to apply the rules on the protection of minors in a strict, rigorous and consistent manner.**
- 2. Whenever the player's parents took football into consideration, even if this was only part of the reasons for the move, then the exception is not applicable. It is not required that the parents' main objective in their decision to move is their child's football activity – it is rather sufficient that the move of the player's parents occurred due to reasons that are not independent from the football activity of the minor or are somehow linked to the football activity of the minor. In this respect, the burden of proof is placed on the shoulders of the party that claims to fall within the scope of an exception. However, in such cases were the CAS panel is convinced that the move of the family was motivated by a mixture of several reasons, and where each one of the other proven reasons is legitimate *per se*, the application of the exception will be assessed and decided based on the weight of the “football factor” within the whole range of reasons and the overall circumstances of the matter, such as: what were the other reasons? Whether all the family moved? To what extent the specific location to which the family decided to move was chosen with due consideration of the football activity of the minor, etc.**

I. PARTIES

- 1. Mr. John Kenneth Hilton (hereinafter referred to as the “Mr. Hilton”, “the Player” or “the Appellant”) is an amateur minor football player. He was born on 15 June 2001 and is a US citizen. He is the son of Kenneth Tyrone Hilton (hereinafter: “the Player's Father”), a US citizen, and of Dina Conceição Hilton (hereinafter: “the Player's Mother”), a US and Brazilian citizen.**

2. The Fédération Internationale de Football Association (hereinafter referred to as “FIFA” or the “Respondent”) is the worldwide governing body of Football and has its registered office in Zurich, Switzerland.

II. THE DECISION AND ISSUES ON APPEAL

3. Mr. Hilton appeals a decision (hereinafter referred to as the “Appealed Decision”) of the Single Judge of the FIFA Players’ Status Sub-Committee (hereinafter referred to as the “Single Judge” or the “Sub-Committee”) dated 1 September 2015, rejecting the application of the Royal Dutch Football, Association (Koninklijke Nederlandse Voetbalbond, hereinafter “KNVB”) on behalf of its affiliated club, AFC Ajax (hereinafter: “the Dutch Club” or “AFC Ajax”), for the approval prior to the Appellant’s request for the International Transfer Certificate (ITC).
4. The Appellant requests that said decision be set aside, considering that the requirements set out in Art. 19 para. 2 FIFA Regulations on the status and transfer of players (hereinafter referred to as the “FIFA RSTP”) are met in the present situation and that thus KNVB’s application submitted before the Single Judge should have been approved.

III. BACKGROUND FACTS

5. Below is a summary of the main relevant facts and allegations based on the parties’ written submissions and evidence adduced at the hearing. Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in its Award only to the submission and evidence it considers necessary to explain its reasoning.

A. The Players football career and move to Europe

6. The Player is a minor talented football player who had been living with his family in Los Angeles, USA, before moving to Europe in 2014.
7. In 2010, the Player joined the Total Futbol Academy (hereinafter referred to as the “TFA Academy”) and began to travel internationally along with his teammates. His first trip to Europe was to play a friendly match against FC Barcelona’s football academy. In the following years, the Player travelled with the TFA Academy to Europe for other competitions, playing against teams such as FC Barcelona, AFC Ajax or Manchester United.
8. Since 2013, the Player has been regularly selected to play with the US national team.
9. In August 2013, the Player took part with Manchester City FC in a youth tournament in the Netherlands.

10. In 2014, the Player, together with his Mother and siblings, moved to Manchester, England. In Manchester, the Player was enrolled at St Bede's high school, where other young players from Manchester City FC are also enrolled. The Player's father did not move to Europe with his family, for business and pension-related reasons.
11. In early 2015, the Player, together with his Mother and siblings moved to Amstelveen, the Netherlands, and has been living there since then.
12. On 5 January 2015, the Player's was enrolled at the "Amsterdam International Community School" in Amsterdam.
13. On 9 April 2015, the Player's Mother registered the company "Bem Brasil" which is located in Amstelveen. That said company's activities are: "tutoring, formation, education", "translator, interpreter" and "event catering".

B. The procedure before FIFA

14. On 8 July 2015, the KNVB submitted in the FIFA Transfer Matching System (TMS) an application for the approval of the international transfer of the minor Player based on the exception set out in Art. 19 para. 2 lit. a) FIFA RSTP "*Move of the player's parents for reasons not linked to football*", on behalf of its affiliated club, AFC Ajax, a professional club competing in the first division in the Netherlands.
15. In this context, the KNVB submitted a statement of the Player's Mother dated 5 July 2015, in which she stated that "*After having [their] first child, (...), [she] stopped working and basically was a stay at home Mom*". In continuation, she explained that she moved to Amsterdam, the Netherlands with her four children in order to settle her company, "Bem Brasil", which, according to the Player's Mother, aims to combine "... *language instruction and cooking lessons/catering*". With regard to the reasons leading to her move to the Netherlands, the Player's Mother also stated that she and her husband "... *believe in education and culture and decided early that one day [they] would structure things so that [their] kids would study abroad*". In this respect, she declared that "*the education System in the US (...) is good, however studying abroad [they] believe gives [their children] a broader view on the world and ultimately an edge once they go to an institution of higher learning*". She also explained that, to this aim, her kids "... *are enrolled at AICS, Amsterdam International Community School, which is a private school about 10 minutes from the house [she] leased in Amstelveen*".
16. By means of her aforementioned statement, the Player's Mother equally explained that "... *shortly after moving [she] enrolled [her] son, John, in a futsal league where he played with a team called Veerhuys*". In this respect, the Player's Mother further declared that "... *a parent whose son played on his futsal team, recognized his talent (...) and gave [the Player's Mother] a contact for Ajax's academy that [she] could use, if [she] was interested in bringing John to Ajax's academy*". Finally, the Player's Mother stated that her husband subsequently contacted the Dutch Club in May 2015.
17. According to the relevant extracts from the register of population delivered on 17 June 2015 by the Municipality of Amstelveen, the Player, his Mother and his siblings are all residing in Amstelveen.

18. Furthermore, according to the “*Netherlands Chamber of Commerce Register extract*” provided by the KNVB, the Player’s Mother, on 9 April 2015, registered a company called “*Bem Brasil*” located in Amstelveen. Said company’s activities are: “*tutoring, formation, education*”, “*translator, interpreter*” and “*event catering*”.
19. On 14 August 2015, upon request of FIFA, KNVB provided additional information and documentation.
20. In this respect, the Player’s Father, by means of a written statement dated 13 August 2015, authorised the Player and his siblings to live in the Netherlands with their Mother. In particular, the Player’s Father explained that he did not move to the Netherlands because he is “... *only a couple of years away from a right to retire from [his] work (...) in the US*” and that a move to the Netherlands “... *would cost [the Player’s parents] a lot of money*”.
21. The KNVB equally forwarded a “*Proof of announcement*” issued by the Municipality of Amstelveen on 18 March 2015 attesting that the Player’s Mother registered in said city on 15 January 2015.
22. In continuation, the KNVB provided a statement from the Player’s parents dated 13 August 2015 “... *regarding trials and training programmes in which John Kenneth Hilton (...) has participated in Europe*”. In this respect, the Player’s parents explained that, in 2013, the Player “... *participated in a sports camp in San Diego (US) and the sponsors enabled one kid (...) to visit Manchester City FC in the period 19-24 August 2013. That is how it came about that John Kenneth Hilton participated with a Manchester City FC youth team in a youth tournament held in Nieuwegeln (The Netherlands) in the period 19-24 August 2013*”. The Player’s parents further declared that, in 2014, they lived for half a year in the UK and that, during this period, the Player “... *was involved in informal football activities (training and friendly matches) with other kids at Cheshire Phoenix FC in Wilmslow*”. The Player’s parents also stated that, after the Player’s Mother moved to Amstelveen in the Netherlands on 1 January 2015 with her four kids, they “... *were looking for sports activities for the children on the Internet. This resulted in John starting playing futsal informally (training and friendly matches) with two groups of kids. The names of the clubs that organised the futsal activities are KFC and Veerhuys*”.
23. Finally, by means of a written statement dated 13 August 2015, Wim Jonk, the Head of the Dutch Club’s Youth team, stated that they first established contact with the Player in September 2013 when the Dutch Club’s junior team “... *was participating in a tournament in Spain*” in which the Player “... *was playing with the opponent, a junior team of Chivas USA*”. Mr Jonk further declared that “... *this first contact was as described above and did not concern John Kenneth Hilton joining Ajax*”, explaining that “*the first time [he] discussed that subject with him was after 1 January 2015 when the Hilton family had already moved to Amstelveen*”.
24. According to various articles published on the official website of the US Soccer Federation (cf. *www.usoccer.com*), the Player has already been selected to play with the US U-14 national team in 2013 and 2014. Furthermore, according to publicly available information, the Player was elected as the best player of the aforementioned tournament held in Nieuwegeln in the Netherlands in 2013 (United Jeugd Cup 2013).

25. Furthermore, according to various articles published on the official website of the TFA located in the USA and led by Mr Paul Walker, the Player, whose nickname is “Xuxub”, joined said academy “... when he was 8 years old and over the past four years has blossomed into a world class junior soccer player”. In particular, it appears that the Player “... began to travel internationally along with his teammates beginning in 2010 when [the academy’s] program took them to Barcelona, Spain to be showcased in front of FC Barcelona’s Academy staff during a friendly match against their age appropriate academy team”. In continuation, Mr Paul Walker explained, through his academy’s website, that “Over the next few years [the Academy Program] continued to send Xuxub and his teammates to Europe to compete against and in front of some of the biggest and most reputable professional soccer academies of the world such as: FC Barcelona, Ajax, Manchester United, etc. and never did they disappoint. Just this past March [2013] after playing in the MIC13 [Mediterranean International Cup] tournament in Spain and making it to the semi-finals, Xuxub’s qualities and notoriety were now on the radar of several of these world class academies including Manchester United who wanted to sign and take him right then and there back to England”. During said tournament, “... the TFA team faced eventual champions FC Barcelona Academy, playing them to a draw - the only team to manage the feat in the tournament. The team had a strong run, defeating the storied Dutch Ajax Youth Academy to reach the tournament semi-final round”.

26. On 1 September 2015, the Single Judge rendered the Appealed Decision. The grounds of said decision were notified on 6 November 2015 to KNVB by the Respondent and on the same date to the Appellant by AFC Ajax. The FIFA PSC-Subcommittee considered in substance the following:

“22. In view of all the above, the Single Judge held, in particular, that, based on the documentation submitted, it could not be undoubtedly and clearly established that the player’s mother had relocated for reasons that were not linked to football. In fact, it would rather appear that the player’s football career was presumably the predominant reason for the move, and that the player’s mother moved to the Netherlands in order to circumvent the regulations related to the protection of minors.

23. On account of the above, the Single Judge determined – applying strictly the Regulations – that in the present matter, the requirements set out in art. 19 par. 2a) of the Regulations are not met.

24. Consequently, the Single Judge decided to reject the request made by the Koninklijke Nederlands Voetbalbond (KNVB) on behalf of its affiliated club, AFC Ajax, for the approval prior to the request for the International Transfer Certificate of the US minor player, John Kenneth Hilton”.

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

27. Following the notification of the Appealed Decision, the Appellant filed a Statement of Appeal before the Court of Arbitration for Sport (the “CAS”) pursuant to Article R47 of the Code of Sports-related Arbitration (the “Code”) on 25 November 2015. Within his Statement of Appeal, the Appellant nominated Mr. Mark Hovell, Solicitor in Manchester, United Kingdom, as an arbitrator. On the same occasion, the Appellant requested a 45-day extension of the deadline to file the Appeal Brief starting from 7 December 2015.

28. On 30 November 2015, the CAS Court Office invited the Respondent to inform it by 3 December 2015 whether it agreed with the Appellant's request for an extension of the deadline to file his Appeal Brief.
29. On 3 December 2015, the Respondent sent the CAS Court Office a letter requesting that the Appellant's application for a 45-day deadline extension be rejected.
30. On the same date, the CAS Court Office informed the parties that the President of the CAS Appeals Arbitration Division or her Deputy would decide upon the Appellant's deadline extension request and that in the meantime, the Appellant's deadline to file his Appeal Brief was suspended.
31. On 4 December 2015, the CAS Court Office informed the parties that the Appellant's request for a deadline extension to file his Appeal Brief was rejected and that the Appellant would be granted an additional grace period of 3 days to file said Appeal Brief.
32. On 10 December 2015, the Appellant filed his Appeal Brief in accordance with Article R51 of the Code.
33. On 11 December 2015, the Respondent informed the CAS Court Office that it wished to nominate Mr. Ulrich Haas, Professor in Zurich, Switzerland, as an arbitrator.
34. On 16 December 2015, following the Respondent's request, the CAS Court Office confirmed that the Respondent's deadline to file its Answer would be fixed after the Appellant would pay the advance of costs.
35. On 22 December 2015, the CAS Court Office sent a letter to the Parties informing them that the Respondent had a deadline of 20 days of receipt to file its answer.
36. On 11 January 2016, the Respondent filed its answer.
37. On 12 January 2016 the CAS Court Office informed the Parties that unless the President of the Panel so orders or all Parties agree or exceptional circumstances occur, as per Article R56 of the Code, they were not authorised to supplement or amend their requests or arguments, nor to produce new exhibits after the submission of the Appeal Brief and the Answer. By means of the same letter, the CAS Court Office inquired about the parties' preference of whether or not a hearing to be held in the present matter.
38. On 13 January 2016, the Appellant sent a letter to the CAS Court Office indicating that he would prefer for a hearing to be held in the present matter, proposing the dates of 7, 8, 14 or 15 March 2016 as hearing dates.
39. On 19 January 2016, the Respondent informed the CAS Court Office that it is of the opinion that a hearing would not be necessary in the present matter.
40. On 27 January 2016, the Parties were informed by the CAS Court Office that the Panel was constituted as follows:

President: Mr. Efraim Barak, Attorney-at-law, Tel Aviv, Israel

Arbitrators: Mr. Mark Hovell, Solicitor, Manchester, United Kingdom
Mr. Ulrich Haas, Professor, Zurich, Switzerland

41. On 1 March 2016, the CAS Court Office sent a letter to the Parties indicating that the hearing would take place on 9 May 2016 at the CAS headquarters in Lausanne, Switzerland.
42. On 2 March 2016, the CAS Court Office sent the Order of Procedure to the Parties, in order for it to be signed. On 3 and 9 March 2016, the Appellant and the Respondent respectively signed the Order of Procedure.
43. On 2 May 2016, the Respondent filed unsolicited additional written submissions.
44. On 4 May 2016, the Appellant wrote a letter to the CAS Court Office pointing out that the Respondent's submissions filed on 2 May 2016 breached Article R56 of the Code and thus should be disregarded.
45. ¶¹.
46. On 6 May 2016, the CAS Court Office granted FIFA a deadline until 4 pm CET on the same day to explain the reason for which its submissions of 2 May 2016 could not have been filed along with the Answer, adding that this issue would be dealt with at the beginning of the hearing.

V. THE HEARING

47. A hearing was held on 9 May 2016 at the CAS headquarters in Lausanne, Switzerland. All the members of the Panel were present. At the outset of the hearing, the parties declared that they had no objection with regard to the composition of the Panel.
48. The following persons attended the hearing:
 - Mr. John Kenneth Hilton (the Appellant) – in person
 - Mr. Kenneth Hilton (the Appellant's father) – in person
 - Mrs. Dina Conceicao Hilton (the Appellant's mother) – in person
 - Ms Sarah Hilton – the Appellant's sister
 - Paul J. Greene (Counsel for the Appellant) – in person
 - FIFA was represented by Mr. Gaudenz Koprio and Mr. Julien Deux, members of the Players' Status and Governance Department.
49. Mr. Antonio de Quesada, Counsel to the CAS, and Mr. Serge Vittoz, *ad hoc* clerk, assisted the Panel at the hearing.

¹ [NB: This paragraph has been added in order to match numbering in original award].

50. At the beginning of the hearing, the Panel informed the parties that it decided to reject the Respondent's written submissions dated 2 May 2016, as the Respondent was not able to demonstrate any exceptional circumstances to justify the late submission, in accordance with Article R56 of the Code.
51. The following persons were heard as witnesses:
- Mr. John Kenneth Hilton - the Appellant
 - Mr. Kenneth Hilton - the Appellant's father
 - Mrs. Dina Conceicao Hilton - the Appellant's mother
 - Ms Sarah Hilton – the Appellant's sister
 - Mr. Jasper van Leeuwen - Manager for youth scouting of AFC Ajax between 1 July 2012 and 5 December 2015 (by tele-conference).
52. The Appellant's two other sisters, Annah and Gabriella were allowed in the Court room during the hearing, but were not heard.
53. The parties were afforded the opportunity to present their case, to submit their arguments and to answer the questions asked by the Panel. Both the Appellant and the Respondent explicitly confirmed at the end of the hearing that their right to be heard and to be treated equally in these arbitration proceedings had been fully observed.

VI. THE PARTIES' SUBMISSIONS

A. Mr. John Kenneth Hilton

54. The Appellant's submissions, in essence, may be summarized as follows:
55. On the Player's standing to appeal:
- In CAS 2013/A/3140 the CAS Panel has found that minor players have standing to challenge FIFA decisions that deny them International Transfer Certificates under Article 19, par. 2 FIFA RSTP even if the initial matter is not brought before FIFA directly by them:

"FIFA has expressly admitted the existence of a sufficient interest for a minor player to file an appeal at CAS although he was not a party in the first procedure before the FIFA Players Status Sub-Committee. [...] The Player is affected by the Appealed Decision, and has an actual interest to appeal against it and in particular to submit that he has to be considered as benefitting from an exception to Article 19 RSTP. [This] is in line with Swiss law".
56. On the merits of the dispute:
- FIFA's decision by the Single Judge made unsupportable assumptions and ignored the facts of what actually occurred. Thus, the FIFA decision must be set aside.

- The Single Judge stated that Mr. Hilton's decision to remain in Los Angeles while his wife and four children moved to Amstelveen "*raised further doubts*" about the motives of the parents to move their son for reasons unrelated to football. Mr. Hilton's decision to remain in Los Angeles was motivated by a desire to maintain his level of income, as he earns more than USD 300,000 per year, as well as his retirement benefits while still allowing his family to immigrate to the Netherlands where his wife could begin an international catering business and his children could get a broad-based, diverse education in a multi-cultural foreign setting. The decision taken by the Player's Father to remain in Los Angeles had nothing to do with John's football playing. On the contrary, not having his father around on a regular basis could have a negative effect on the Player's game.
- It was also stated without support in the Appealed Decision that Mrs. Hilton's declaration explaining that her husband contacted AFC Ajax in May 2015 was contradictory with Mr. Jonk's statement that the first time he discussed the possibility of John Kenneth Hilton joining Ajax was "*after 1 January 2015*". As May 2015 is chronologically after 1 January 2015, there is nothing inconsistent about these statements.
- The Single Judge made the unfounded leap that he had "*no other option*" but to conclude that AFC Ajax "*must have*" contacted Mr. Hilton and his family years earlier because Mr. Hilton played in a tournament with his previous club from USA in which AFC Ajax also took part in 2013. The sworn statements of the Player's Parents and the statement of Jasper van Leeuwen from AFC Ajax (along with the prior statement of Wim Jonk from AFC Ajax submitted in the FIFA proceedings) all confirm that AFC Ajax did not contact Mr. Hilton and his family prior to May 2015 to discuss the Player joining the Dutch Club's youth academy. There was no invitation to join the club and AFC Ajax's location had nothing to do with the Hilton's decision to move to Amstelveen. FIFA's assumption that there was contact between the Dutch Club and the Player just because the latter played in a tournament that AFC Ajax also played in is without any evidentiary support and must be disregarded.
- It was incorrectly noted in the Appealed Decision that Mrs. Hilton's decision to move to the Netherlands to start a new business was made after the opportunity was given to the Player to join the Ajax youth academy. Mrs. Hilton's idea to immigrate to the Netherlands and start "*Bem Brasil*" in Amsterdam was born long before she and her family moved to Amstelveen. The Player's parents did extensive research on where to start their business and settled on Amsterdam because they decided it was a city where they could build a successful catering/cooking business with an international flavour. The Respondent's conclusion that she decided to start her business only after AFC Ajax offered the Appellant a spot in the youth academy is without any evidentiary support and must be dismissed.
- The Hiltons' move to the Netherlands was wholly motivated by their belief that their children would be enriched educationally by living overseas and attending an international school. Their decision was not linked to football or AFC Ajax in any way. As they both stated, Mrs. Hilton and her children will stay in Amstelveen no matter how this appeal turns out. The Player and his siblings will remain enrolled at the Amsterdam International

Community School and live in the Netherlands. Ironically, the Hilton's determination to raise a worldly, well-rounded son could be counterproductive to his prospects as a footballer if Mr. Hilton is prevented from playing competitively at the high level he was playing at prior to his move to the Netherlands. But the Hiltons understand that there is more to life than football and remain committed to their decision.

- In CAS 2013/A/3140, a CAS Panel set aside a FIFA Players' Status Sub-Committee decision that denied an application by the Spanish Football Federation (RFEF) on behalf of Atletico Madrid to grant an American player an ITC under the Article 19 par. 2 RSTP exception. The CAS Panel considered the following evidence in deciding to grant the application and permit the American minor player to register with the RFEF on behalf of Atletico Madrid:
 - The Player's family was multicultural and multilingual, this "international flavour" to the family helped to explain why the family would choose to move to Europe for reasons not related to football.
 - The Player's family was wealthy and could choose to settle between several countries.
 - The family was not dependent on the professional evolution of the player since his parents made sufficient income on their own.
 - The Player's sibling (his sister) was also living in Europe.
 - The family got in touch with an immigration lawyer and filed applications for visas for the whole family several months before the Player and Atletico Madrid made contact to discuss the Player joining the team's youth academy.
 - The family was not given an "invitation" by the club to move to Spain prior to their contact with the player.
- Here, under the reasoning of the Panel in CAS 2013/A/3140, this CAS Panel should set aside the Single Judge decision that denied the application by the KNVB on behalf of AFC Ajax to Mr. Hilton an ITC under the Article 19 par. 2 FIFA RSTP exception. There are numerous similarities between Mr. Hilton's case and the 2013 CAS case involving Atletico Madrid:
 - Mr. Hilton's family is multicultural and multilingual – his Mother is Brazilian and father American. John Hilton has dual citizenship as both a Brazilian and American national and speaks four (4) languages: English, Portuguese, Spanish and Dutch. The "international flavour" of the Hilton family helps to explain why the Hilton family would choose to move to the Netherlands for reasons not related to football.

- Mr. Hilton’s family is wealthy and has the ability to choose between several countries. In fact, all four Hilton children are attending private school in the Netherlands.
- Mr. Hilton’s family is not dependent on the professional evolution of Mr. Hilton since his parents make sufficient income on their own and are more concerned with his their son’s education and broad-based development as a person.
- Mr. Hilton’s three siblings also moved to the Netherlands alongside his Mother.
- The Hilton family contacted an immigration lawyer and filed applications for visas for the whole Hilton family long before Mr. Hilton and AFC Ajax made contact to discuss Mr. Hilton joining the team’s youth academy.
- The Hilton family was not given an “invitation” by AFC Ajax to move to the Netherlands prior to their contact with Mr. Hilton.

B. FIFA

57. The arguments submitted by the Respondent in its Answer as well as orally at the hearing may be summarized, as follows:

- In the challenged decision the Single Judge rejected the application mainly on the basis that the documentation and information submitted and at his disposal indicated that he could not undoubtedly and clearly establish that the Appellant’s Mother had relocated for reasons that were not linked to football. In particular, the Single Judge deemed that it would rather appear that, despite the reasons invoked by the Appellant’s parents, the Appellant’s football career was presumably the predominant reason for the Appellant’s Mother’s move.
- In this respect, the Respondent emphasises that CAS already confirmed that “*au regard de ce faiceau d’indices, (...) le Juge Unique a valablement considéré que le déménagement des parents du Joueur en Espagne n’était pas intervenu pour des raisons totalement étrangères au football*” (cf. CAS 2012/A/2787; free translation into English: “*in light of this body of evidence, (...) the Single Judge validly considered that the relocation of the Player’s Parents to Spain was not for reasons totally independent from football*”). In particular, CAS declared that “*Bien qu’il ne puisse pas être établi formellement que la famille Wiktoruk ait déménagé en Espagne uniquement en raison de l’activité footballistique du Joueur, la Formation considère que le football ne peut être considéré comme totalement étranger aux raisons du déménagement ainsi qu’en attestent les circonstances et la chronologie des faits*”(free translation into English: “*Although it could not be formally established that the Wiktoruk family moved to Spain only due to the Player’s footballing activity, the Panel considered that football could not be regarded as completely unrelated to the reasons of the move as attested by the circumstances and the sequence of events*”).
- The circumstances and the sequence of events are elements composing the “*body of evidence*”

on which the Single Judge may validly rely to determine whether the move of a Player's parents was for reasons totally independent from football, as confirmed by CAS. In particular, in the award CAS 2011/A/2494, CAS clarified that the notion of intention in the goal sought by the Player's parents is therefore decisive, further determining that if it can be proven that the move of the parents is based on "*reasons that are not totally independent*" from this goal (i.e. footballing activity of the son), this is sufficient to exclude the application of the exception of Art. 19 para. 2 letter a RSTP.

- In particular, the Respondent indicates that it is undisputed that the Appellant already faced youth teams of AFC Ajax twice in 2013, i.e. once during a tournament held in Spain in March 2013, when the Appellant's team, TFA Academy, defeated AFC Ajax Youth Academy and once in September 2013 during a tournament near Madrid, Spain, "*Torneo Infantil Canilas*", when the Appellant's team, Chivas USA faced the AFC Ajax C2 junior team. Furthermore, it is also undisputed that the Appellant participated in a youth tournament, the United Jeugd Cup, in the Netherlands in August 2013 with the English club Manchester City FC, during which he was elected as the best player of the tournament.
- According to the Appellant, "*The trips John took to Europe before the Hiltons moved, as a family, to Amstelveen were educational and cultural*". In particular, the Appellant states that these trips "... *were designed to expose young American children, including John, to the European lifestyle*". However, the Respondent would like to draw the Panel's attention to an article available on the official website of the TFA Academy of which the Appellant was part in the USA which explicitly explain that the Appellant "... *began to travel internationally along with his teammates beginning in 2010 when the academy's program took them to Barcelona, Spain to be showcased in front of FC Barcelona's Academy staff during a friendly match against their age appropriate academy team*". In view of these elements, but also taking into consideration the other teams participating in these tournaments as well as the fact that some other players coming from said academy joined some of the most prestigious European teams, there is no need to say that the aim of these trips was clearly to showcase the Appellant's talent to European clubs and to potentially offer him an opportunity to join one of these top clubs. Therefore, and contrary to what the Appellant is claiming, the Appellant's parents were necessarily fully aware that these trips to participate in tournaments in Europe were anything but "*educational and cultural*".
- Publicly available information revealed that after these tournaments the Appellant "... *received interest from Manchester United, FC Barcelona and Ajax, along with Manchester City*". In addition, the Appellant had already been selected several times to play with the US U-14 national team in 2013 and 2014. In other words, not only the Appellant's parents but also top level clubs in Europe were, already in 2013, undeniably and fully aware of the Appellant's footballing abilities which appear to be clearly above average.
- Taking into consideration the apparent interest of Manchester City and Manchester United in the Appellant in 2013 already, it is of utmost importance to mention that, in 2014, the Appellant's Mother first decided to move to Wilmslow, England, which is located only 20 km from both the aforementioned clubs' headquarters. No explanation whatsoever was provided by the Appellant's parents with regard to the said move to England.

- On the other hand, the Appellant's Father explains in his affidavit that "*The close proximity of the school John and his sisters attend, to the AFC Ajax youth academy is merely a coincidence*". The Appellant further states that "*The location of the AFC Ajax youth academy did not play a role in the family's decision to move to the Netherlands*". However, the Respondent wishes to highlight that the Appellant's Mother strangely settled, once again, really close to the location of a club whose interest in to the Appellant was already publicly known (the distance between the Appellant's Mother's address in the Netherlands - Jacob de Graeflaan 54,1181 DN Amstelveen-and AFC Ajax is of approximately 8 km). In view of all these elements, and in particular the fact that the Appellant's Mother relocated twice close to the location of top level clubs which she undoubtedly knew were interested in the Appellant, the Respondent deems that the Single Judge could legitimately doubt that the Appellant's Mother actually moved to the Netherlands for reasons (totally) not linked to football.
- In fact, these circumstances suggest that the Appellant's Parents were rather trying to find a way to circumvent the regulations related to the protection of minors in order for the Appellant to be able to join one of the clubs mentioned above. In particular, the sequence of events of the present matter, i.e. the above-mentioned relocations (first to England and subsequently to the Netherlands), directly followed by the Appellant's Parents "... *enrolling him on a local youth team*" on both occasions (Cheshire Phoenix FC in England - located close to Manchester - and KFC as well as Veerhuys FC in the Netherlands as indicated by the Appellant's parents, rather suggest that the Appellant's Parents were trying to avoid that the circumstances in the present matter could be compared to the "time line" surrounding the parent's relocation and initiation of the registration process mentioned by CAS in the affair CAS 2013/A/3140, which was explicitly referred to by the Appellant in his submission. In particular, in the latter affair, CAS explained that "*In terms of time line, the situation presented to FIFA showed that the registration process, initiated in September 2012, was very close to the arrival of the family (...)*" and therefore the change of location "... *lead to the conclusion that the family was organising its life in Madrid according to the footballing activity of the Player*". As a consequence, it would rather seem that the Appellant's parents were trying to use a "small" club in Europe in order to maintain the Appellant's shape and footballing practice before they could start the Appellant's actual registration process with the main club for which they apparently envisaged to register him, namely AFC Ajax, so as to "stretch" the time between arrival of the family and start of the registration process. Indeed, considering the amount of important clubs interested in the Appellant there is no plausible reason for him to be first registered with a smaller club.
- The Respondent indicated that the Appellant's parents explain that the Appellant has apparently even played friendly matches in England in 2014 for Cheshire Phoenix FC and in the Netherlands in 2015 for KFC and Veerhuys FC. In this respect, the Respondent underlines that, according to Art. 5 para. 1 RSTP, a player must be registered at an association in order to be eligible to play for a club both in friendly and official matches. In this respect, friendly matches are played within the framework of organised football, and therefore, in accordance with Art. 5 para. 1 of the Regulations, any player would need to be registered at an association for a club in order to be eligible to participate in friendly matches for that club. In other words,

in order to be able to play for Cheshire Phoenix FC, KFC and Veerhuys FC, the Appellant would have been required to be registered at the association concerned. For such a registration to potentially be plausible, the prior approval of the PSC-Subcommittee would also have been required in accordance with Art. 19 para. 4 RSTP (to play eleven-a-side football, but also futsal). However, no application for the approval of the international transfer of the Appellant to one of the aforementioned clubs was submitted to the Sub-Committee, neither by The Football Association (The FA) nor by the KNVB.

- FIFA is of the firm opinion that the situation in the matter at hand is completely different from the one having been addressed in CAS 2013/A/3140, invoked by the Appellant in support of his arguments. Indeed, the Appellant's footballing abilities and his talent are undeniable. In this regard, the Respondent recalls that he was elected MVP of a youth tournament held in the Netherlands in August 2013 in which several top clubs participated, but also that in the tournament held in Spain in March 2013 AFC Ajax's youth team was eliminated by the Appellant's then team. Furthermore, in view of the debated "first contact" between AFC Ajax and the Appellant, said club *"must have been fully aware of the player and his outstanding football activities and skills more than a year before the Player's mother's move to the Netherlands"* as determined by the Single Judge. In other words, after having been able to assess the Appellant's abilities at least on two occasions in 2013, the club could legitimately have a particular interest in the Appellant. Furthermore, the Respondent points out that after the above-mentioned tournaments the Appellant *"... received interest from Manchester United, FC Barcelona and Ajax, along with Manchester City"*. Finally, the Respondent emphasises that AFC Ajax itself, on its own website, recognises the Appellant's outstanding talent. AFC Ajax therefore clearly expressed its *"particular interest in the Player"* as developed by CAS in the aforementioned affair. While the credibility of a single source may be sparse on its own or the subject of questioning, there can be no doubt that, given the vast quantity of statements and publications from a vast array of sources, there is more than enough evidence that corroborates these facts. The Appellant has an impressive talent and AFC Ajax has clearly expressed its particular interest in the Appellant.
- Even during the appeal procedure at hand, neither the Appellant nor AFC Ajax clearly expressed the exact date when the club officially contacted the Appellant in order for him to join them or the date when the Appellant's family possibly formally contacted the club to discuss the possibility of the Appellant's registration for the latter. In particular, the Respondent deems that serious doubts still exist as to the circumstances of how and when the Appellant and the Dutch Club approached each other. By extension, and taking into consideration that the exact date of said contacts cannot be undoubtedly established, the Single Judge had no alternative than to question the reasons surrounding the move of the Appellant's Mother to the Netherlands. This in particular, since the other undisputed circumstances of the affair, e.g. contacts in 2013 at the various tournaments, suggest an earlier interest of the club in the Appellant.
- The Respondent also points out that a request was filed recently for another US youth player, Joshua Pynadath, with the PSC-Subcommittee by the KNVB on behalf of AFC Ajax. Said player was also part of the TFA Academy in the USA, just like the Appellant. In fact, several

minor players coming from the TFA Academy got the opportunity to have trials, to train or even to join some of the best European clubs.

VII. THE PARTIES' REQUEST FOR RELIEF

58. The Appellant's requests for relief are the following:

The Appellant respectfully requests that this CAS Panel:

1. *Set aside the determination of the FIFA Single Judge of the Players' Status Sub-Committee (Mr. Edmond Isoz) that the requirements set out in FIFA Article 19, paragraph 2 are not met by Mr. Hilton;*
2. *Find that the requirements set out in FIFA Article 19, paragraph 2, are met since Mr. Hilton's family moved to the Netherlands for reasons completely unrelated to football;*
3. *Order that FIFA grant KNVB's application on behalf of its affiliated club, AFC Ajax, for the approval prior to the request for the International Transfer Certificate of the minor player, Mr. John Kenneth Wilson (USA), the Appellant.*
4. *Order the Respondent to pay Mr. Hilton's costs associated with this appeal.*
5. *Award the Appellant any other relief that this Panel deems to be just and equitable.*

59. The Respondent's requests for relief are the following:

The Respondent pleads before the CAS that an award be issued granting the following:

1. *To reject the present appeal against the decision passed by the Single Judge of the Players' Status Sub-Committee on 1 September 2015 and to confirm the relevant decision in its entirety.*
2. *To order the Appellant to cover all the costs incurred with the present procedure.*
3. *To order the Appellant to bear all legal expenses of the Respondent related to the procedure at hand.*

VIII. CAS JURISDICTION

60. Pursuant to Article R47 of the Code:

"An appeal against the decision of a federation, association or sports-related body may be filed with the CAS insofar as the statutes or regulations of the said body so provide or as the parties have concluded a specific arbitration agreement and insofar as the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of the said sports-related body".

61. The jurisdiction of the CAS to hear this dispute derives from Articles 66 and 67 of the FIFA Statutes, which state in particular that CAS has jurisdiction to consider appeals against a decision of the FIFA DRC.
62. In particular, Article 67.1 of the FIFA Statutes provides as follows:

“Appeals against final decision passed by FIFA’s legal bodies and against decisions passed by the Confederations, Members or League shall be lodged with CAS within 21 days of notification of the decision in question”.
63. Furthermore, the signature of the Order of Procedure by the parties confirmed that the jurisdiction of the CAS in the present case was not disputed.
64. The Panel therefore considers that CAS has jurisdiction to decide on the present dispute.
65. Under Article R57 of the Code, the Panel has the full power to review the facts and the law.

IX. ADMISSIBILITY

66. The Appeal was filed within the deadline provided by the FIFA Statutes and stated in the Appealed Decision. It complied with all other requirements of Article R48 of the Code, including the payment of the CAS Court office fees.
67. It follows that the appeal is admissible.

X. APPLICABLE LAW

68. Article R58 of the Code provides the following:

“The Panel shall decide the dispute according to the applicable regulations and the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law, the application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.
69. Article 66 par. 2 of the FIFA Statutes provides “[t]he provisions of the CAS Code of Sports-Related Arbitration shall apply to the proceedings. CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law”.
70. As a result, subject to the primacy of applicable FIFA’s regulations, Swiss law shall apply subsidiarily.

XI. MERITS

A. Article 19 FIFA RSTP

71. Article 19 FIFA RSTP is entitled “Protection of minors”. It holds that, in principle (para. 1), international transfers of players are only permitted if the player is over the age of 18. Exceptions are permitted and are exhaustively listed in the remaining paragraph of the provisions.
72. In the present case, it is undisputed that Article 19 FIFA RSTP is applicable, and the dispute among the parties concerns basically the applicability of the exceptions mentioned in such provision.
73. It did not become clear to the Panel whether the registration of the Player with AFC Ajax, if approved will involve a transfer or a first registration as the specific status of the Total Football Academy within the framework of organized football in the USA and the relations between the Academy and USSoccer, the governing body of football in the USA and a member of FIFA, and whether the Player was registered with USSoccer were not explained. However this question will have no impact on the merits of this case since according with Article 19 FIFA RSTP the mandatory requirement for an approval of the Sub Committee covers not only cases of transfers, but also cases of first registration with (see also CAS 2013/A/3140, para. 8.17). Article 19 para. 3 FIFA RSTP provides unambiguous support for this approach:
- “The conditions of this article shall apply to any Player who has never previously been registered with a club and is not a national of the country in which he wishes to be registered for the first time”.*
74. Therefore in any case, the registration of the Player, US citizen, in the Netherlands, a country of which he is not a national, is in consequence submitted to the provisions set in Article 19 FIFA RSTP.
75. The principle set out in the provision at stake has three exceptions, among which features Article 19 para. 2(a) FIFA RSTP, which is the relevant exception in this case and reads as follows:
- “The player’s parents move to the country in which the new club is located for reasons not linked to football”.*
76. In light of the above, it follows that a player below the age of 18 can be transferred to a foreign club (or registered for the first time by a foreign club) if his parents moved to the country of the (new) club for reasons not linked to football. The heart of his dispute concerns the question whether the factual issues presented and proven support or not the application of this exception.
77. The Panel would like at this point to refer to CAS jurisprudence on the matter, by stating the position of previous CAS Panels on relevant issues. Further references to CAS jurisprudence will also be included in the following section of the present award, when the applicability of Article 19 FIFA RSTP will be analysed.

78. Together with previous CAS Panels (CAS 2013/A/3140, para. 8.22; CAS 2005/A/955 and 956 and CAS 2008/A/1485), the Panel considers that Article 19 FIFA RSTP is a very important provision, which sets key principles designed to protect the interest of minor players. The Panel therefore agrees with the need to apply the rules on the protection of minors in a strict, rigorous and consistent manner.
79. The Panel also agrees with a previous CAS Panel (CAS 2007/A/1403, para. 81 and 83) that Article 19 and its exceptions are clear, and there is nothing else for the Panel but to apply them since this Panel does not have the task to legislate, but to apply the rules. The Panel also agrees with CAS jurisprudence (CAS 2011/A/2494, para. 63 et seqq.) that it is not required that the parents' main objective in their decision to move is their child's football activity – it is rather sufficient that the move of the player's parents occurred due to reasons that are not independent from the football activity of the minor or are somehow linked to the football activity of the minor. In this respect, the burden of proof is placed on the shoulders of the party that claims to fall within the scope of an exception.
80. To appreciate whether the player's parents move was linked to the football activity of the minor, a previous CAS Panel stated that the timeline surrounding the player's parents move – in combination with other circumstances of the relevant move – is a factual element which is to be taken into consideration when analysing a case (CAS 2012/A/2787, para. 106 and 110). In that particular case, the CAS panel considered that the circumstances and chronology of the player's parents' move appeared to indicate that they had moved for reasons that are not exclusively independent from the football activity of the minor, in particular, considering that no tangible evidence corroborated the witnesses' statements.
81. In a recent CAS case on the matter (CAS 2013/A/3140, para. 8.25), the CAS Panel considered that whenever the player's parents took football into consideration, even if this was only part of the reasons for the move, then the exception is not applicable. However, in the opinion of this Panel in such cases where the panel is convinced that the move of the family was motivated by a mixture of several reasons, and where each one of the other proven reasons is legitimate *per se*, the application of the exception will be assessed and decided based on the weight of the "football factor" within the whole range of reasons and the overall circumstances of the matter, such as: what were the other reasons? Whether all the family moved? To what extent the specific location to which the family decided to move was chosen with due consideration of the football activity of the minor, etc.

B. The applicability of Article 19 FIFA RSTP in the case at hand

82. According to the Appellant, his registration for AFC Ajax would be justified under the terms of Article 19 para. 2 (a) FIFA RSTP.
83. In his appeal brief, the Appellant argues that his Mother "... moved to the Netherlands to start her new business opportunity before the opportunity was given to her son to play for AFC Ajax". In particular, the Appellant explains that "... the move to Holland had nothing to do with their son's prospect to play for a prestigious professional club", further stating that "... his football talent did not factor into his parents' decision to move the family to the Netherlands".

84. In accordance with CAS jurisprudence, the Panel considers that the notion of intention in the goal sought by the player's parents for moving is decisive (CAS 2011/A/2494, para. 64) and that the only fact that the move of the parents is based on reasons that are not totally independent from this goal is sufficient to exclude the application of the exception of Article 19 para. 2 (a) FIFA RSTP.
85. The Panel considers that, based on the circumstances and the sequence of events of the present matter, the Player's Mother's move to the Netherlands was actually, at least partially, linked to the football activity of her son.
86. First of all, the Panel would like to stress that the Appellant's argumentation is based on facts that remained unproved. In particular, the fact that the Appellant's parents allegedly "...sold their family home in the US prior to the family moving in 2014", as well as the fact that they apparently "...contacted an immigration lawyer and filed applications for visas for the whole Hilton family long before Mr. Hilton and AFC Ajax made contact to discuss Mr. Hilton joining the team's youth academy", is not supported by any evidence, other than personal statements. These factual elements could have been demonstrated easily by providing respective evidences in order to try and convince the Panel. However, this was not done. In addition, in the appeal brief, the Appellant declares that "Mrs Hilton idea to immigrate to the Netherlands and start [her business] *Bam Brasil Amsterdam* was born long before she and her family moved to Amstelveen", further explaining that the Appellant's parents "...did extensive research on where to start their business and settled in Amsterdam because they decided it was a city where they could build a successful catering/cooking business an international flavour". The Panel is aware of the fact that what is in a person's mind is not easy to prove and therefore such statements normally bare almost no weight as evidence when made by a party, and still in some cases this early thoughts can be proven for instance by presenting correspondences in which the idea was reflected or bringing reliable evidences of third parties that heard the relevant person expressing such thought. However, the Panel notes that no evidence was provided by the Appellant to corroborate these allegations and as mere statements by an interested party they have not sufficient weight to convince the Panel to the required standard of proof of the occurrence of these facts.
87. As they remain unproven, the Panel considers that these allegations cannot be taken into consideration to determine the true intention of the Player's Mother when moving to the Netherlands.
88. The Panel considers that the sequence of events in the present matter rather suggests that the Appellant's Mother's move to the Netherlands was not independent from her son's football activity.
89. In particular, the Panel would like to recall that it is undisputed that the Appellant has an impressive football talent and that this football talent had been promoted both timewise and financially by the parents in the past. The football talent of the Appellant, thus, played – at least in the past – a significant role in the Appellant's family life. Furthermore, the Panel deems noteworthy that the Appellant already faced youth teams of AFC Ajax twice in 2013 and that he participated in a youth tournament in August 2013 with the English Club Manchester City FC, during which he was elected as the best player of the tournament.

90. Notwithstanding the above, according to the Appellant, *“The trips John took to Europe before the Hiltons moved, as a family, to Amstelveen were educational and cultural”*. In particular, the Appellant states that these trips *“...were designed to expose young American children, including John, to the European lifestyle”*. These statements are contradicted in particular by the official website of the TFA Academy, of which the Appellant was part in the USA, which explicitly explain that the Appellant *“...began to travel internationally along with his teammates beginning in 2010 when [the academy’s] program took them to Barcelona, Spain to be showcased in front of FC Barcelona’s Academy staff during friendly match against their age appropriate academy team”*.
91. The Panel, therefore, considers that the Appellant’s position with regard to the purpose of his trips to Europe, in particular with the TFA Academy, is not credible, as it is clearly demonstrated that he was taking part in high-level football activities with prestigious European football clubs.
92. Furthermore, in August 2013, the Appellant *“...receiv[ed] interest from Manchester United, FC Barcelona and Ajax, along with Manchester City”*, as demonstrated by various news articles provided by the Respondent.
93. The Panel recalls that before moving to Amstelveen, in 2014 already, the Appellant’s Mother decided to move to Wilmslow, England, which is located only 20km from both prestigious professional clubs from Manchester (United and City) headquarters. In this regard, the Player’s Mother explained in the course of the hearing that they moved in the area of Manchester to discover the European lifestyle and to start her business there. She explained that her son enrolled in an amateur football club in the area. The Player orally explained that he was also enrolled in the private school St. Bede’s. Following a question by the Panel, the Appellant explained that there were young players from Manchester City’s youth team in this school, but that they were not playing in the school’s football team, as he did. The Player’s Mother further explained that they decided to leave the area of Manchester as it was too expensive to open a business there and that it was difficult to obtain visas for students.
94. The Panel considers that the presence of the Hilton’s family in Manchester, so close to both professional club’s headquarters and the enrolment of the Appellant in a school where youth players from Manchester City were also studying might be coincidence, but remain suspicious, in particular considering that both clubs expressed interest in the Appellant’s football qualities a few months before.
95. The Panel notes that the Hilton’s family then moved to Amstelveen. In this regard, the Player’s Father explains that *“the close proximity of the school John and his sisters attend, to the AFC Ajax youth academy is merely a coincidence”*. The Appellant further states that *“The location of the AFC Ajax did not play a role in the family’s decision to move to the Netherlands”*.
96. The Panel considers that the decision made by the Player’s Mother to move twice close to location of top-level clubs which were interested in the Appellant’s football talent raises further legitimate doubts about the Hilton’s family motivation to relocate.
97. The Panel further notes that the sequence of events in the Netherlands before the Player’s enrolment with AFC Ajax tends to demonstrate that the ultimate goal was to join this

prestigious club. Indeed, it is likely that the Player's enrolment with Veerhuys FC was not for the Player to practice his hobby but rather to prepare for joining AFC Ajax. In the course of the hearing, the Player recognized himself that he played futsal and football when playing with Veerhuys FC, contrary to his parents' allegations that he was only playing futsal. Furthermore, Veerhuys FC is not a "small club" as alleged by the Player, but it is reputable futsal team and it was demonstrated by the Respondent that there is a link between Veerhuys FC and AFC Ajax, as they cooperate in particular for futsal activities.

98. In view of all the above, the Panel considers that the Player's submission that his family move to the Netherlands was completely unrelated to football is not sustainable. In line with CAS jurisprudence, the Panel deems that even if football would have been only one element, and not the main element in the will of the parents to move to the Netherlands, in the overall circumstances of this case it would be enough to reject the registration application based on Article 19 para. 2 lit. a) FIFA RSTP. Given the whole circumstances as explained above, the Panel is convinced that in the present case, the decision of part of the Hilton's family (and not "the parents" as stipulated in the exception) to move to the Netherlands was mainly motivated by the football activity of the Player and the Player's football activity played a major and significant role in the decision to move.
99. Therefore the Panel came to the conclusion that the Appellant's did not meet the burden to prove that in his case *"The player's parents move to the country in which the new club is located for reasons not linked to football"*.
100. The Panel therefore concludes that the Player cannot benefit from the exception of Article 19 para. 2 lit. a) FIFA RSTP and the Single Judge was correct to reject the KNVB application for the registration of the Player with AFC Ajax.
101. Despite of all of the above, the Panel would like to express that in its view the situation of the Hilton's family is special and that it cannot be totally ruled out that its move to Europe may also have been motivated by other reasons not related to football, including for reasons related to the education of the children and the development of their personality. However, based on the finding of the Panel that the football activity of the minor was not an insignificant factor, the Panel recalls the necessity to strictly apply the prohibition of international transfer of minor football players, for the reasons explained above.

XII. CONCLUSION

102. Based on the foregoing, and after taking into due consideration all evidence produced and all arguments made, the Panel finds that the request for the registration of the Player must be rejected, because the criteria for the exception to the prohibition of international transfers for minors, pursuant to Article 19 para. 2 lit. a) have not been met in the present case.
103. The Player's appeal is therefore dismissed.

ON THESE GROUNDS

The Court of Arbitration for Sport hereby rules:

1. The appeal filed by John Kenneth Hilton on 25 November 2015 against the decision of the Single Judge of the FIFA Players' Status Sub-Committee rendered on 1 September 2015 is dismissed.
2. The decision of the Single Judge of the FIFA Players' Status Sub-Committee rendered on 1 September 2015 is confirmed.
3. (...).
4. (...).
5. All other prayers for relief are dismissed.