

The Southern Cross Group

Promoting Mobility in the Global Community

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Submission to the British Home Office,
Immigration and Nationality Directorate

Comments on the Consultation Document

Working Holidaymaker Scheme

London and Brussels

23 August 2002

The Southern Cross Group is an international non-profit advocacy organisation seeking to speak for and work with the million-odd members of the Australian Diaspora world-wide.

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The Southern Cross Group (SCG) is an international non-profit organisation that seeks to represent the interests of expatriates, and in particular Australian expatriates. The Group is engaged in advocacy work in an effort to diminish some of the legal, administrative and technical barriers individuals face when they travel, live and work outside of their country of citizenship. In its work, the SCG promotes simplified global mobility and thereby increased international understanding.

This submission is in response to the call for comments on the specific questions raised in the Consultation Document on the UK's Working Holidaymaker Scheme published by the Home Office in May 2002. Young Australians have traditionally been the greatest users of the UK Scheme, and reciprocal working holiday arrangements between Australia and the UK and other countries have been one of the SCG's focus areas since its formation.¹

In the preparation of this submission, the Southern Cross Group sent an e-bulletin to the some two thousand expatriate Australians on its mailing list around the world. In response to that request for comments, a number of people got in touch with the SCG to give their views on the UK Scheme, and these have been incorporated into the submission below. This submission only deals with those questions in the Home Office's Consultation Document on which input was received.

1. Entry Criteria

a) Should the maximum age criterion be extended from 27 to 30 years of age (inclusive)?

The Southern Cross Group fully supports the proposal by the Home Office to extend the maximum age criterion to 30 years (inclusive) under the UK Scheme. Respondents to our request for input were without exception strongly in favor of raising the age limit.

Australia currently has reciprocal working holiday visa arrangements with fourteen countries.² Apart from the UK, all except Malta have an upper age limit of 30 years. For the Maltese scheme the age limit is usually 25, but can be extended to 30 in some circumstances.

In addition, applicants from the fourteen countries with which Australia has arrangements who travel to Australia must be aged between 18 and 30 years at the time of application.

Raising the age limit to 30 would allow more young people to experience a working holiday in Britain after they have finished tertiary education and other professional qualification requirements at home. One respondent commented:

¹ See <http://www.southern-cross-group.org/visas/workingvisa.html>.

² Canada, Cyprus, Hong Kong, Ireland, Japan, Malta, the Netherlands, the Republic of Korea, the United Kingdom, Germany, Sweden, Norway, Denmark and Finland.

My husband and I are fortunate enough to be living in the UK by virtue of an ancestry visa. We are both lawyers and thus finished university at age 22 or 23. Most lawyers then have to train for two years after university before being admitted to practice. Then several more years are required before a person is truly regarded as a lawyer. We have therefore discovered that most of our professional friends, by the time they reach a level of experience sufficient to gain employment overseas, are just too old to obtain a working holiday visa.

The current UK Scheme is geared at people intending to take employment incidental to a holiday, and holders of working holiday visas are not supposed to be pursuing careers in the UK (with certain limited exceptions). Nevertheless it is undeniably the case that a young person who has finished tertiary education of whatever sort at home, if they go overseas, would prefer to support themselves by engaging in employment which is related to their education and gain experience which is complementary to their chosen career, rather than working in jobs which are largely unskilled. As one respondent put it, “not everyone wants to work in a pub”. Another expatriate Australian who used the UK Scheme to first visit Britain in 1983 wrote:

I have met many young people who wish to experience a working holiday in their late 20s after they have established their careers, but then find that it is too late for them to do so because of the age restrictions on working visas. In my opinion, any type of profession should be included in the Scheme, to prevent excluding those professionals who often haven't qualified until their mid to late 20s. I believe many private businesses and government institutions benefit from the different work approaches and experience of people from other countries and therefore, the current age limit and exclusions in some professions are also a disadvantage for employers.

This was echoed by another respondent:

If one were allowed to take work more in line with one's career, one would later be able to approach companies for sponsorship, thereby helping to supply Britain with a more professional and skilled level of migration. At the moment working holidaymakers are mostly restricted to unskilled, low-pay casual jobs. But a working holidaymaker should be able to take professional work if they possess the skills and the jobs are there. Britain could really profit from this in the long term.

If the age limit for the Scheme were raised to 30, the case for opening up the Scheme to all types of employment and allowing professional work, as suggested in the Consultation Document at paragraph 12.1, would be even more compelling. The Southern Cross Group strongly supports extending the age limit to 30 and allowing all types of employment. Young people in their late 20s who have invested several years in completing tertiary education are then keen to acquire international career experience and not simply to engage in casual work.

b) Should the duration of the entry visa remain 2 years?

Those who addressed this question in their responses to the Southern Cross Group's e-bulletin were overwhelmingly in favour of keeping the duration of the working holiday visa at two years. One respondent commented that she had gone on a working holiday in Canada, where working holiday visas are limited to one year:

I would definitely have preferred longer than the 12 months allowed, as would my Canadian employer.

The duration of two years allowed under the UK Scheme is indeed generous, when one considers that other countries' schemes, including that offered by Australia to young Britons, are generally limited to one year. The two-year duration in fact makes the UK a particularly attractive option for a working holiday over other countries.

One Australian user of the UK Scheme told the SCG:

The two years provides flexibility to Aussies who have uprooted themselves to come over to the UK, settle into work and lifestyle here and plan travelling. All of my friends have commented that at the end of the two years they have been well and truly ready to return home.

It could indeed be argued that shortening the duration of the visa to less than two years may result in an increased number of working holidaymakers overstaying their visas afterwards, if they do not feel that they have had sufficient time to make the most of their overseas stay. As pointed out in paragraph 9.2 of the Consultation Document, many young people use the scheme to travel elsewhere in Europe as well as in the UK. Reducing the period of their stay would necessarily limit the contribution entrants can make to the British economy as well as the extent of the cultural experiences they can gain.

For these reasons the Southern Cross Group agrees with the Home Office's conclusion in the Consultation Document that reducing the period of stay would not meet any of the objectives of reviewing the scheme. The SCG believes no change is necessary to the duration of the working holidaymaker visa.

2. Employment Restrictions

a) Should full-time work be permitted for a longer period of time?

Respondents to the Southern Cross Group's e-bulletin did not have a great deal to say on this question, but those who did address the issue were in favour of relaxing the current restrictions. One person wrote that he would have preferred to work for eighteen months out of his two years in the UK under the Scheme. Another respondent commented that work should be permitted for the full two years.³

The SCG agrees with the Home Office that the Working Holidaymaker Scheme should not simply become a route to enter the UK solely to work. It is essential to maintain the distinctive cultural aspects of the Scheme. On the other hand, as pointed out in paragraphs 11.3 to 11.5 of the Consultation Document, allowing people to work for a greater percentage of the time they are in the UK would help to alleviate UK recruitment difficulties, and allowing more full-time work has the potential to reduce the demand for illegal workers and would enable less affluent applicants to

³ One respondent also thought that a person should be able to be a full-time student in the UK for a longer period during a working holiday than is currently allowed.

support themselves during their stay as well as gain valuable work experience and skills to enhance their employability.

One Australian who used the Scheme in the late 1990s told the SCG that she thought the current arrangements were adequate to earn enough money to be self-sufficient and to travel, although she wondered if allowing a person to work for a longer period might encourage employers to seek work permits for staff that they wanted to keep on after the expiry of the employee's working holiday visa.

Overall the SCG supports the relaxing or removal of unnecessary restrictions on the time permitted for full time and part-time work under the Scheme.

b) Should there be a requirement that working holidaymakers intend to take a holiday period at some point during their stay?

The Southern Cross Group notes the existing difficulties in effectively enforcing the rules on the period of permitted employment. Some users of the Scheme probably already work for the entire or almost the entire duration of their working holiday visa. Nevertheless, the SCG believes that it should be necessary to spend at least some time holidaying or travelling either in the UK or elsewhere in Europe during the two years in order to preserve one of the underlying purposes of the Scheme, which is to provide young people with an opportunity to broaden their cultural horizons and travel with a view to learning more about the UK and Europe.

A balance will need to be found in relaxing the period of allowed employment against this objective.

c) Should work in any job or occupation be permitted? If so, should any professions be exempted?

This question is largely addressed under point 1a above. At the very least, employment should be permitted in jobs where there are clearly identified staff shortages. The Southern Cross Group endorses the Home Office's suggestions to improve the provision of information about employment vacancies to applicants in their home countries before departure.

d) Should there continue to be no limit on time spent with one employer?

All those who had an opinion on this matter thought that working holidaymakers should be able to stay with one employer. One person commented that employers often do not wish to take on someone who is prevented by law from staying for more than a few months. Another wrote:

Personally I think that the policy whereby Australia forces its working holidaymakers to change jobs every three months is ridiculous...British employers value the contribution we make and if we have proved ourselves and are adding to the value of their businesses and paying taxes

then we are contributing to the overall success of the economy. Why cut that short? I wouldn't have added much value to my company if I had only stayed for three months!

The SCG believes that no changes are necessary to the UK Scheme in this respect, and agrees with the Home Office's conclusions in paragraph 14.2 of the Consultation Document.

3. End of Stay

a) How could working holidaymakers be encouraged to leave the UK at the end of their stay where they have not been granted further leave to remain?

As mentioned above under point 1b, one respondent commented to the SCG that in her opinion, people who had been in the UK for two years on a working holidaymaker visa are in general ready to return home at the end of that period. Nevertheless, the Southern Cross Group is aware that some young people do overstay their visas, for a variety of reasons.

The Consultation Document canvasses the possibility of allowing an individual more than one working holidaymaker visa in their lifetime. Two respondents commented to the Southern Cross Group that they would have liked to have had a second working holiday visa to the UK. One of those said that his working holiday visa had been cut short for personal reasons and that he had had to return to Australia well before expiry of his visa. He regretted that he could not apply again.

While the Southern Cross Group would support allowing a second working holiday visa in such circumstances, it tends to agree with the Home Office that if individuals were allowed to apply for a second working holidaymaker visa, a minimum period between visas might be desirable. The SCG does not support allowing a person as many working holiday visas as they desire while they are under the upper age limit. This might lead to the necessity of introducing quotas, which would be undesirable and limit the number and diversity of applicants who could benefit from the Scheme overall. In addition it would conflict with the temporary nature of the Scheme.

The SCG agrees with the Home Office that imposing a bond requirement or withholding an amount of income are not attractive options. Although several respondents commented that some sort of tracking or monitoring system might be helpful, it is acknowledged that this would be costly and complicated to introduce. Two individuals suggested that subsidised or cheaper flights home might provide an attractive incentive to leave the country. Another suggested that those who overstayed their visas should be barred entry to the UK again for a certain period as a deterrent.

The SCG has learned from the many e-mails it receives from expatriate Australians that some young people on working holidays in the UK consider applying for working holiday visas for other countries with which Australia has reciprocal arrangements towards the end of their stay in the UK. However, it is usually difficult to obtain a

working holiday visa for another country unless one applies from within Australia. If it were easier to obtain a working holiday visa for other European countries at the embassies and consulates of those countries in London and elsewhere in the UK, those who wanted to stay overseas rather than returning to Australia would have a greater incentive to leave the UK.

b) Do you think that switching from the Working Holidaymaker Scheme into work permit employment should be permitted?

All those who responded to this question supported permitting switching into paid employment. Indeed several respondents had in fact taken this path. One person commented that she was sure she had not taken a job away from a UK resident, as the position she filled with a work permit had remained unfilled for six months. Another wrote:

I know of several major financial institutions (e.g. Deutsche Asset Management and HSBC) that are doing the paperwork in order to acquire work permit status for people who have been on working holiday visas.

The Southern Cross Group believes that employers who wish to retain an employee coming to the end of their working holiday visa should be allowed to apply for a work permit for that employee. The requirements for granting a work permit to a non-EU national are already designed to ensure that jobs are not taken away from UK and other EU citizens and to fill gaps in the labor market where they exist. If work permit applications were permitted as a matter of course, it is hard to see that more work permits would be granted than at present, because work permit applications for those on working holiday visas are already considered on a discretionary, case-by-case basis. Employers who understand the requirements for work permits are unlikely to make an application unless they believe that the person fulfils the current legal requirements.

Allowing working holidaymakers at the end of their two years to stay in the UK while their work permit applications are being assembled and assessed would be cheaper for the employee and result in less disruption for the employer in working time. In particular, as 90 percent of complete work permit applications in the UK are now decided within one day of receipt, requiring applicants to leave the UK for what might end up being a very short period while their application is processed seems unnecessarily burdensome and impractical. In addition, it is far easier for an employer to put together all the necessary documentation if the employee is there.

4. Conclusion

Young Australians have traditionally been enthusiastic participants in the UK Working Holidaymakers' Scheme. An opportunity to live and work in the UK has particular significance for Australians for historical reasons and many young Australians have relatives in Britain with whom they can spend time and get to know more closely during a working holiday.

The SCG would be disappointed to see a quota imposed on the number of Australians who could enter the UK under the Scheme in any one year, although it would welcome moves to increase the numbers of users of the Scheme from other Commonwealth countries so that the diversity of the users of the Scheme could be widened.

The Group is encouraged that in paragraph 7.2 of the Consultation Document the Home Office states that there are no plans to introduce quotas on the number of working holidaymakers from Commonwealth countries. Indeed, there are currently no restrictions on the Australian side on the numbers of young British nationals allowed to use the Australian scheme, although the Australian Minister for Immigration can impose quotas if it is considered appropriate. While around 17,000 Australians use the UK Scheme every year, it is noted that in the 2001-2 financial year, almost 41,000 British young people were granted Australian working holidaymaker visas.

In general, the Southern Cross Group is supportive of the measures proposed by the Home Office in the Consultation Document. In particular the SCG favours keeping the duration of the visa at two years, and allowing all types of employment under the Scheme.

The Southern Cross Group would welcome the opportunity to contribute further to the consultation process. The Group's contact details are as follows:

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