BILATERAL

MEMORANDUM OF UNDERSTANDING ON A WORK AND HOLIDAY VISA ARRANGEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF AUSTRALIA

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The Government of the Republic of the Philippines and the Government of Australia (hereinafter referred to singularly as 'the Participant' and collectively as 'the Participants'), being interested in strengthening ties between their two countries and promoting improved mutual understanding amongst their young people, have reached the following understanding:

ISSUE OF WORK AND HOLIDAY' VISAS

1.

The Participants mutually decide to establish a 'Work and Holiday' visa arrangement, to allow nationals of both Participants to stay in the territory of the other Participant for the primary purpose of a holiday, during which they may undertake work to supplement the cost of their stay.

2.

Subject to the provisions of this Memorandum of Understanding, each Participant (the host Participant) will issue a multiple entry visa for a temporary stay period of not more than twelve (12) calendar months, hereinafter referred to as a 'Work and Holiday' visa, to nationals of the other Participant (the sending Participant), where the host Participant is satisfied that they meet the requirements detailed in the Annex, which is attached to this Memorandum of Understanding and is an inseparable part thereof.

3.

Each Participant may deny any particular application for a "Work and Holiday' visa it receives, in accordance with its domestic laws and regulations.

4.

Nationals of one Participant who have been granted a 'Work and Holiday' visa under this Memorandum of Understanding may be denied entry or removed from the territory of the other Participant in accordance with the laws and regulations of that Participant.

5.

Applicants must pay any fees associated with the visa application.

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ENTRY, STAY AND WORKING CONDITIONS

6.

Each Participant will grant to eligible applicants for a 'Work and Holiday' visa, permission to stay in the host Participant's territory for a period not more than twelve (12) calendar months. The twelve (12) calendar month stay will be counted from the date of first entry in the territory of the host Participant. During this period, and subject to the laws of the host Participant, holders of a 'Work and Holiday' visa are allowed to leave and re-enter the territory of the host Participant using the same visa.

7.

The maximum period of twelve (12) calendar months, referred to in Paragraph 6, will not be extended.

8.

The nationals of one Participant who have entered the territory of the other Participant on a 'Work and Holiday' visa will be required to comply with the respective laws and regulations of the other Participant during their stay.

9.

'Work and Holiday' visa holders must not engage in employment that is contrary to the purpose of the 'Work and Holiday' arrangement. Although it is not intended tat 'Work and Holiday' visa holders will work for the full twelve (12) calendar months of their visit, 'Work and Holiday' visa holders will only work during their visit subject to the employment conditions detailed in the Annex.

10.

'Work and Holiday' visa holders who work during their visit pursuant to this arrangement will be covered by the same domestic labor laws of the host government as local workers, subject to the employment conditions detailed in the Annex.

REQUEST FOR DOCUMENTS AND REPATRIATION OF NATIONALS

11.

The Participants will re-admit their national who have no lawful basis to remain in the territory of the other Participant.

12.

Subject to the laws, rules and regulations in force in each country, for the purpose of facilitating the repatriation and readmission of persons who have held or hold a "Work and Holiday' visa, the Participants:

a)

may seek consular assistance from the other Participant to determine the identity or nationality of such a person in circumstances where that person has been unable or unwilling to provide appropriate identity documentation to confirm their nationality. The Participant will use their best endeavors to investigate the person's identity using all available information;

b)

may request the other Participant to issue within ten (10) days of receiving the request, a travel document to such a person; and

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c)

will conduct repatriation directly and with minimal delay for persons who are in immigration custody.

Compliance with national legislation and policies of the Participants will be the basic principle while implementing cooperation outlined in paragraphs 11 and 12 above.

MONITORING AND CONTACT POINTS

13.

Each Participant will designate a specific agency to be the monitoring and contact point for the implementation of this arrangement and providing information to eligible participants.

14.

Each participant may specify the method and place of lodgement for "work and Holiday' visa applications by nationals of the other Participant. 'Work and Holiday' visa applications will be lodged at locations specified.

CONSULTATION AND AMENDMENT

15.

Each Participant will, through diplomatic channels, undertake a review of the provisions of this Memorandum of Understanding, including any proposed amendments to it, after one (1) year from commencement.

16.

This Memorandum of Understanding may be amended, at any time, by mutual consent of the Participant. Any amendments mutually adopted will be confirmed in writing, through the diplomatic channel.

17.

The Participants will discuss the status of implementation of the 'Work and Holiday' arrangement at talks between officials as mutually determined.

18.

The date of effect of any such amendment will be stipulated in the diplomatic correspondents.

DISPUTE RESOLUTION

19.

This Memorandum of Understanding serves only as a record of the Participants' intentions and does not constitute or create (and is not intended to create) obligations under domestic or international law; and does not give rise to any legal process; and is not deemed to constitute or create any legally binding or enforceable obligations (expressed or implied)' and is not subject to adjudication or arbitration.

20.

Consequently, any disputes between the Participants which arise over the interpretation, application or implementation of this Memorandum of Understanding will be settled through direct negotiations and consultations between the Participants and are not justiciable.

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SUSPENSION AND TERMINATION

21.

This Memorandum of Understanding serves only as a record of the Participants' intentions and does not constitute or create (and is not intended to create) obligations under domestic or international law; and does not give rise to any legal process; and is not deemed to constitute or create any legally binding or enforceable obligations (expressed or implied)' and is not subject to adjudication or arbitration.

22.

During the period of suspension, the Participant will not undertake any task under the Arrangement which concern the suspended provision(s).

23.

Either Participant may terminate this Arrangement by written notice through diplomatic channels to other Participants, in which case the date of termination will be

a) stipulated in the written notice of terminations; and

b)

not earlier than ninety (90) days following the date of the written notice.

24.

Notwithstanding any termination or suspension of this Arrangement, or of any of its provisions, any person who, on the date of termination or suspension, already holds a valid 'Work and Holiday' visa will be permitted to enter and/or remain in the territory of the Participant for which the visa was granted, according to the terms of that visa for as long as that visa remains valid, subject to that Participant's laws and regulations.

COMMENCEMENT AND DURATION

25.

This Memorandum of Understanding takes effect on the date that the Participants mutually determine and notify each other in writing through diplomatic channels.

26.

This Memorandum of Understanding will be valid for an indefinite period of time.

Signed in duplicate in Manila, Philippines on t he 8th day of September 2023, in the English language.

FOR THE GOVERNMENT OF

FOR THE GOVERNMENT OF

THE REPUBLIC OF THE PHILIPPINES

AUSTRALIA

(SGD.)

(SGD.)

ENRIQUE A. MANALO

HAE KYONG YU

Secretary for Foreign Affairs

Australian Ambassador to the Philippines

Annex

This Annex sets out procedures for the administration of the Memorandum of Understanding on w Work and Holiday Visa Arrangement between the Government of the Republic of the Philippines and the Government of Australia, signed on 08 September 2023, and is an inseparable part thereof.

Monitoring and Contact Points of the Philippine and Australia

1. Each Participant will advise the other Participant in writing within three (3) months from the date of signing of the agency designated as its Monitoring and Contact Points under paragraph 13 of this MOU and promptly notify any changes which may occur in due course.

Annual Limit on Work and Holiday Visas

1. Each Participant will issue annually, according to its own laws and procedures, up to two hundred (200) multiple entry 'Work and Holiday' visas to eligible nationals of the other Participant.

3. Any adjustment to the number of temporary visas issued each year will be confirmed by written arrangement between the Participants through diplomatic channels and will not be regarded s a formal amendments to this Memorandum of Understanding.

4. Participants will exchange information about the number of 'Work and Holiday' visas issued to nationals of the other Participant in each year of operation.

Visa Requirements for Nationals of the Republic of the Philippines

5. Subject to the provisions of this arrangement, a 'Work and Holiday' visa will only be granted to a Filipino applicant who has made a Work and Holiday application and the decision maker determines that the applicant has satisfied the following criteria:

a)

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intends primarily to holiday in Australia for a period of up to twelve (12) calendar months;

b)

is at least eighteen (18) years of age but has not turned thirty-one (31) at the time of application for a visa;

c)

is a graduate of tertiary education, or has successfully completed at least two (2) years of undergraduate study or post secondary education;

d)

has not previously taken part in Australians 'Work and Holiday' or 'Working Holiday' program;

e)

will not be accompanied by dependent children;

f)

holds a valid passport;

g)

holds an onward travel ticket, or sufficient funds to purchase such a ticket;

h)

possesses sufficient funds for personal support during the initial stay in the territory of Australia for the purpose of the bilateral 'Work and Holiday' Visa Arrangement;

i)

meets health, character and national security requirements as specified by Australia' laws;

j)

has a level of proficiency in English which is assessed as at least functional; and

k)

has provided a letter, the issuance of which requires the submission of a comprehensive medical and health insurance valid for the duration of stay of the visa applicant, from the relevant government agency of the Philippines which includes a statement to the effect that the Government has concurred with his/her application for the 'Work and Holiday' program between the Philippines and Australia.

Visa Requirements for nationals of Australia

6. Subject to the provisions of this arrangement, a 'Work and Holiday' visa will only be granted to an Australian applicant who has made a Work and Holiday application and the decision maker determines that the applicant has satisfied the following criteria:

a)

intends primarily to holiday in the Republic of the Philippines for a period of up to twelve (12) calendar months;

b)

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is at least eighteen (18) years of age but has not turned thirty-one (31) at the time of application for a visa;

c)

is a graduate of tertiary education, or has successfully completed at least two (2) years of undergraduate study or post secondary education;

d)

has not previously taken part in the Republic of the Philippines 'Work and Holiday' or 'Working Holiday' program;

e)

will not be accompanied by dependent children;

f)

holds a valid passport;

g)

holds an onward travel ticket, or sufficient funds to purchase such a ticket;

h)

possesses sufficient funds for personal support during the initial stay in the territory of the Republic of the Philippines for the purpose of the bilateral 'Work and Holiday' Visa Arrangement; and

i)

meets health, character and national security requirements as specified by the Republic of the Philippines' laws;

Employment Conditions

7. 'Work and Holiday' visa holders of the Republic of the Philippines and of Australia under this Memorandum of Understanding must:

a)

have regard to the principal purpose of the stay under this arrangement, which is a holiday, with work being incidental to the holiday; and

b)

not be employed by any one (1) employer for more than six (6) months, unless permission has been granted.

8. Nationals of the Republic of the Philippines who have entered the territory of Australia on a 'Work and Holiday' visa will be permitted to undertake paid employment for the entire duration of their stay in Australia, in accordance with the provisions of this Memorandum of Understanding.

9. Nationals of Australia who have entered the territory of the Republic of the Philippines on a 'Work and Holiday' visa will be permitted to undertake paid employment for the entire duration of their stay in the Republic of the Philippines, in accordance with the provisions of this Memorandum of Understanding.

Study Conditions

10. 'Work and Holiday' visa holders of the Republic of the Philippines and of Australia under this Memorandum

of Understanding will not be permitted to engage in study or training for more than four (4) months.

Other Conditions for Filipino 'Work and Holiday' Visa Holders

11. 'Work and Holiday' visa holders should only depart for Australia from a port of exit within the Philippines.

Other Conditions for Australian 'Work and Holiday' Visa Applicants

12. Australian 'Work and Holiday' visa applicants are required to apply for the 'Work and Holiday' visa from Philippine Foreign Service Posts in Australia only.

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