

## **ARRANGEMENT**

### **BETWEEN THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM AND THE GOVERNMENT OF AUSTRALIA ON A WORK AND HOLIDAY PROGRAMME**

#### **THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM AND THE GOVERNMENT OF AUSTRALIA**

In the spirit of strengthening the comprehensive partnership between the two countries (hereinafter referred to singularly as ‘the Party’ and collectively as ‘the Parties’) and promoting improved mutual understanding amongst their young people, the Parties have reached the following Arrangement in relation to granting visas under the ‘Work and Holiday Programme’:

#### **ARTICLE 1. PRINCIPLES**

This Arrangement sets out the intention of the Parties that citizens of either Party may, from time to time in accordance with this Arrangement and the laws and regulations of both Parties, be issued visas under the ‘Work and Holiday Programme’ for the purposes of undertaking holiday travel augmented by short-term work and study.

Each Party may specify the method and place of lodgment of visa applications for the ‘Work and Holiday Programme’ by nationals of the other Party. Visa applications for the ‘Work and Holiday Programme’ must be lodged at locations specified.

In addition to the limit specified in provision two (2) of this Arrangement, each Party may further limit or otherwise alter the number of visas granted annually to nationals of the other Party under this Arrangement. A Party will notify the other Party in writing through the diplomatic channel where it imposes such a limit.

#### **ARTICLE 2. PARTICIPANTS’ CONDITIONS**

a) Subject to the provisions of this Arrangement, each Party (in their capacity as the host Party) will grant annually, according to its own laws and procedures, up to two hundred (200) multiple entry ‘Work and Holiday’ visas for a period of twelve (12) calendar months from the date of first arrival in the host Party to nationals of the other Party (in their capacity as the sending Party) who satisfy the following requirements:

(i) intend primarily to holiday in the territory of the host Party for a period up to twelve (12) calendar months from the first date of arrival in the territory of the host Party;

(ii) are at least eighteen (18) years of age but have not turned thirty one (31) at the time of visa application for the ‘Work and Holiday Programme’;

(iii) will not be accompanied by dependent children during the stay in the territory of the host Party;

(iv) hold a valid passport and an onward travel ticket or sufficient funds to purchase such a ticket;

(v) in addition to funds specified in 2(a)(iv), also possess sufficient funds for personal support for the purpose of a holiday which may be supplemented by incidental work in the territory of the host Party. In determining the amount of funds regarded as sufficient, regard may be had to information published from time to time by the host Party or any other advice of the host Party, whichever is the most recent, regarding the amount of funds considered sufficient;

(vi) meet health and character requirements as specified by the host Party's laws;

(vii) have not previously taken part in the host Party's 'Work and Holiday Programme' or its equivalent;

(viii) hold tertiary qualifications, or have successfully completed at least two (2) years of full-time undergraduate university study;

(ix) have a level of proficiency in the official language of the host Party which is assessed as at least functional, where such assessment includes the provision by the visa applicant of supporting documentary evidence which complies with the requirements of the host Party;

(x) provide a letter from the relevant government ministry of the sending Party which includes a statement to the effect that their Government has consented to their stay in the territory of the host Party under the terms of this Arrangement; and

(xi) Australian applicants must have been granted a work permit under this Programme prior to their arrival in Viet Nam in accordance with the laws and regulations of Viet Nam.

b) Applicants must pay any fees associated with the visa application. Australian applicants must also pay the fees of work permit application and reissuance in accordance with the laws and regulations of Viet Nam.

c) Nationals of one Party who have applied for a visa under this Arrangement may be denied a visa by the other Party in accordance with the laws and regulations of that Party.

### ARTICLE 3. ENTRY, STAY AND WORKING CONDITIONS

a) Each Party will grant permission to stay in their country, for a period of twelve (12) calendar months to applicants for the 'Work and Holiday Programme'. During this period, and subject to the laws of the host Party, visa holders under the 'Work and Holiday Programme' are allowed to leave and re-enter the territory of the Party using the same visa.

b) Nationals of one Party who have entered the territory of the other Party with visas under the 'Work and Holiday Programme' will be required to comply with the respective laws and regulations of the other Party.

c) Visa holders under the 'Work and Holiday Program, must not engage in employment that is contrary to the purpose of the 'Work and Holiday Program'. It is not intended that visa holders under the Work and Holiday Program' work for full twelve (12) calendar months of their visit. In particular, visa holders must:

(i) Have regard to the principal purpose of the stay under the arrangement which is a holiday, with work being incidental to the holiday;

(ii) In the case of nationals of the Socialist Republic of Viet Nam, not be employed by any one (1) employer for more than six (6) months, unless permission has been granted by relevant Australian authorities; and

(iii) In the case of nationals of Australia, be granted a valid work permit by relevant Vietnamese authorities prior to their arrival in Viet Nam, not be employed by any one (1) employer for more than six (6) months, unless permission has been granted by relevant Vietnamese authorities.

d) During the period for which the visa under the 'Work and Holiday Programme' is valid, visa holders will not be permitted to engage in study or training for more than four (4) months.

e) Nationals of one Party who have been granted a visa under this Arrangement may be denied entry or removed from the territory of the other Party in accordance with the laws and regulations of that Party.

f) Visa holder under the 'Work and Holiday Programme' will not be permitted to remain in Australia or the Socialist Republic of Viet Nam, as the case may be, beyond the authorised period of stay of twelve (12) calendar months on that visa.

#### ARTICLE 4. COMPETENT AUTHORITIES

a) For the purpose of implementing this Arrangement, the Parties will nominate competent authorities. For the Socialist Republic of Viet Nam, the competent authority will be the Ministry of Labor, Invalids and Social Affairs. For Australia, the competent authority will be the Department of Immigration and Border Protection.

b) The competent authority will, in collaboration with the relevant ministries and agencies, be responsible for guiding the implementation of the Arrangement.

c) Notwithstanding paragraph a) of this provision, the Parties may nominate other competent authorities for coordinating the implementation of this Arrangement. A Party will notify the other Party in writing through diplomatic channels where it nominates a competent authority for such purpose.

d) A Party will notify the other Party in writing through diplomatic channels of a change to a competent authority.

#### ARTICLE 5. REQUEST FOR DOCUMENTS AND REPATRIATION OF NATIONALS

a) The Parties will re-admit their nationals who have no lawful basis to remain in the territory of the other Party, including those who have been granted visas but violated the laws of the other Party.

b) The repatriation and readmission of persons who hold a visa under the 'Work and Holiday Programme' will be conducted in accordance with the relevant agreement between the two Governments or the relevant legislation and policies of each Party.

#### ARTICLE 6. SUSPENSION

Subject to provision 8 of this Arrangement, either Party may, for reasons of public policy, temporarily suspend, in whole or in part, the provisions relating to entry into or stay of visa holders under the 'Work and Holiday Programme' in its own territory. Any such suspension will be notified immediately or otherwise at the earliest available opportunity to the other Party through the diplomatic channel. Any such written notice of suspension will stipulate the date that the suspension ends. During the period of suspension, the Parties will not undertake any task under the Arrangement which concern the suspended provision(s).

#### ARTICLE 7. AMENDMENT

a) Amendments to this Arrangement may be made at any time by a written arrangement between the Parties through the diplomatic channel.

b) The date of effect of any such amendment will be stipulated in the diplomatic correspondence.

#### ARTICLE 8. ENTRY INTO EFFECT

a) This Arrangement, and any associated amendments, take effect on the date as mutually agreed and officially notified in writing through the diplomatic channel.

b) A Party may terminate this Arrangement by written notice through the diplomatic channel to the other Party, in which case the date of termination will be on the date specified in that written notice or where no date is specified ninety (90) days following the day that the written notice is received by the other Party, whichever is the later date.

c) Notwithstanding any termination or suspension of this Arrangement or of any provisions of this Arrangement, any person who (at the date of such termination or suspension) already holds a valid visa under the 'Work and Holiday Programme' will be permitted to enter and/or remain in the territory of the Party for which the visa was granted according to the terms of that visa for as long as that visa remains valid, subject to that Party's law and regulations.

#### ARTICLE 9. DISPUTE RESOLUTION

Any disputes between the Parties which arise over the interpretation and/or application of this Arrangement will be settled through direct negotiations and consultations between the Parties. The Parties agree not to pursue any dispute arising from this Arrangement using any dispute

settlement mechanism established or governed under international law or the national laws of either Party.

Signed at Canberra on 1 March 2015 in duplicate in the Vietnamese and English languages; all texts being equally authentic.

In witness thereof, the undersigned, being duly authorized by their respective Governments have signed this Arrangement.

**For the Government of  
the Socialist Republic of Viet Nam**

**For the Government of  
Australia**

**Nguyen Van Nen  
Minister and Chairman of the  
Government Office**

**Peter Dutton  
Minister for Immigration and Border  
Protection**