

# Immigration Law

## ≅ Foodservice

## Working Holiday Visas - A Limited Time Offer!

by **Becki L. Young**

If you have ever traveled in Japan, Australia, New Zealand, or Canada, you may have come across young travelers on a “working holiday” visa. According to Wikipedia: “A working holiday visa is a travel permit which allows travelers to undertake employment in the



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country issuing the visa for the purpose of supplementing their travel funds. Most working holiday visas are offered under reciprocal agreements between certain countries, to encourage travel and cultural exchange between their citizens. [The visas allow] young people to experience living in a foreign country, without

undergoing the usual costly expenses of

finding work sponsorship in advance, or going on expensive university exchange programs.”

As you can imagine, many young travelers on working holiday visas end up in the foodservice industry, filling short-term or seasonal positions such as servers or cooks. They provide a ready supply of young, enthusiastic workers to fill positions that may be difficult to staff, even in a down economy.

Until recently, the working holiday visa was not available in the US, and it is not likely to be available for much longer. But until the end of September, interested employers can take advantage of a pilot program which provides working holiday visas to citizens of Australia and New Zealand, to come to the US for a period of up to one year.

Applicants must be recent university/ vocational school graduates or current students; specifically, they must have graduated from university or a post high school vocational course within the past year, or be currently enrolled in such a course (and have completed at least one year of the course). The application process is relatively simple, and can be completed within a matter of weeks (although the process may take a bit longer as the busy summer travel season approaches and wait times for visa appointments at foreign consular posts increase).

The working holiday visa is similar in some ways to the J1 intern visa which allows university students and recent graduates to come to the US for up to one year. The primary difference between the working holiday visa and the intern visa is that the working holiday visa allows the traveler the freedom to change employers. While the intern visa (like almost all other US working visas) is tied to a particular employer (and the intern would require special permission from their training program sponsor – an entity designated by the US Department of State to administer the internship program – to change employers), the working holiday visa is not employer specific. So, for example, someone on a working holiday visa could travel across the US, working as they go – a once in a lifetime road trip!

Another critical difference between the working holiday visa and the J1 intern visa (foodservice employers take note) is that working holidaymakers can fill any position, skilled or unskilled, related or unrelated to their education, whereas interns are limited in the amount of unskilled labor they can perform, and must be employed in a position that is related to their field of studies. This makes the working holiday visa an attractive alternative to the H2B seasonal worker visa, which has become largely unavailable to most seasonal hotel/restaurant businesses in the past few years due to the high demand and extremely limited supply.

The current working holiday visa is part of a pilot program and according to experts in the international exchange community, is likely to be folded into the existing J1 intern category once the pilot program expires on September 30 of this year. But young travelers from Australia and New Zealand still have another eight months to take advantage of this amazing opportunity.

If your company is interested in sponsoring young Australians and New Zealanders for temporary employment through the working holiday program, or if you know individual Australians and New Zealanders who would like to apply (an employer sponsor is optional), please contact our office for more information.



*Becki L. Young has been working in the field of immigration law since 1995. Ms. Young's practice focuses on employment-based immigration law. She has represented employers in a variety of industries, including investment banking and securities, information technology, health care, and hospitality, providing advice on work permits and related immigration issues, and is the co-editor of *Immigration Options for Essential Workers* published by the American Immigration Lawyers Association. To learn more or to schedule a personal consultation, call 202-232-0983 or e-mail [becki.young@blylaw.com](mailto:becki.young@blylaw.com).*

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