

◎ワーキング・ホリデー制度に関する英国政府から日本国政府あての書簡及び
日本国政府から英国政府あての口上書

(略称) 英国とのワーキング・ホリデー査証取決め

平成二十年十月一日 ロンドンで(英国側)
平成二十年十月二十七日 東京で(日本側)
平成二十年十一月二十一日 告示
平成二十年十一月二十七日 実施
(外務省告示第六一四号)

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英国側書簡の概要

ワーキング・ホリデー制度に基づき、入国する者の権利

ワーキング・ホリデー制度に基づき、入国する者の制限

ワーキング・ホリデー制度への参加を希望する者が申請する必要がある基準

(二千八年十月一日付けの英国国境庁長官から在英日本大使あての書簡の概要)

若者の移動に関する制度 (Youth Mobility Scheme (YMS)、以下「ワーキング・ホリデー制度」という。)には、ワーキング・ホリデー制度への加入基準を満たす国であって、ワーキング・ホリデー制度への加入を決定するもの(以下「加入国」という。)の青少年が参加することができる。ワーキング・ホリデー制度においては、査証の取得が義務付けられている。査証は、インターネットにより申請することができるが、英国の査証発給所において取得する必要がある。

1 ワーキング・ホリデー制度に基づき入国する者の権利

- (a) ワーキング・ホリデー査証の所持者は、次のことを行うことができる。
 - (i) 二年を超えない期間英国に滞在すること。
 - (ii) 希望する場合には、滞在全期間において就労を行うこと(特定の場合を除き自営業を行うこと、プロのスポーツ選手として活動すること及び研修医として働くことを除く。)
- (b) ワーキング・ホリデー査証の所持者は、希望する場合には、私費で修学すること及びボランティア活動を行うことができる。

2 ワーキング・ホリデー制度に基づき入国する者に対する制限

- (a) ワーキング・ホリデー制度への参加は一度だけ認められる。他の滞在資格へ変更することはできない。被扶養者である子を有する者は参加できない。
- (b) 配偶者又はパートナーを有する者もワーキング・ホリデー制度に参加することができる。ただし、配偶者又はパートナーは、被扶養者として英国に入国することはできず、ワーキング・ホリデー査証又はその他の資格を取得して入国しなければならない。

3 ワーキング・ホリデー制度への参加を希望する申請者が満たす必要がある基準

- (i) 加入国の国民であること。
- (ii) 自国の政府が発給した有効な旅券を所持すること。
- (iii) 査証が有効となる時点の年齢が十八歳以上であり、かつ、査証申請時の年齢が三十歳以下であること。

(U.K. Note)

London, October 1, 2008

Your Excellency,

Further to discussions between UKBA officials and officials at the Japanese Embassy, I have the honour, on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, to formally invite you to confirm, on behalf of Japan, that your Government wishes to join the Youth Mobility Scheme (YMS) under the Points Based System (PBS).

Accompanying this letter is a document with the full terms of the YMS. I can confirm that, on the basis of data as at July 2008, Japan meets the Effective Returns and Low Risk eligibility criteria of the YMS. I can also confirm that your country is eligible under the terms of the YMS to join the Scheme with Deemed Sponsor (DS) status. Subject to your confirmation in your reply that your Government wishes Japan to join the YMS with that status, your country will be listed in the Immigration Rules when the YMS is launched as a DS country.

I would be grateful if you would formally confirm in your reply that the Japanese Government accepts the terms of the YMS, as set out in the accompanying YMS terms document, including the requirement that it accepts the status of sponsor for its nationals participating in the YMS. In addition, details of the reciprocal provisions with which your country will meet the YMS reciprocity criterion (set out in paragraph 4 (g) of the YMS terms document) should be set out in the proforma document which also accompanies this letter.

This letter and a satisfactory reply from your Government, together with the YMS terms document and the completed proforma with details of the provisions with which your country will meet the YMS reciprocity criterion, will

英国とのワーキング・ホリデー査証取決め

三三〇

(iv) 英国への入国の時点から収入を得始めるまでの期間、自らの生活を維持することができる資力を有すること（英国への到着後最初の二箇月間のための十分な資金を所持することを証明する必要がある。）。

(b) 申請は、英国の出入国管理規則に基づき拒否されることがある。

4 ワーキング・ホリデー制度からの加入国の除外

次のいずれかの場合には、加入国は、ワーキング・ホリデー制度から除外される。

- (i) 当該国が加入基準を満たさなくなったとき。
- (ii) 当該国がワーキング・ホリデー制度への加入を望まなくなったとき。
- (iii) 英国の公の政策上の理由によるとき。

5 一時停止

英国政府は、運用上の理由により、ワーキング・ホリデー査証の発給を一時的に停止することができる。

6 通知決定

4及び5の措置をとるとの決定は、英国政府職員から関係国に対し時宜を得た方法で通報される。

constitute the arrangement between our two Governments confirming Japan's acceptance for inclusion in the YMS with effect from the date of the YMS launch.

Once this arrangement is satisfactorily concluded, UKBA officials will be pleased to discuss details for the implementation of the YMS with officials at your Embassy, including sponsorship arrangements and your allocation of places for your first year of participation.

(Signed) Liam Byrne

His Excellency
Mr. Shin Eihara
Ambassador Extraordinary
and Plenipotentiary of Japan

ワーキング・ホリデー制度からの加入国の除外

一時停止

通知決定

The **Youth Mobility Scheme (YMS)** is a culturally-based youth mobility provision under Tier 5 of the Points Based System (PBS) for managing migration in the United Kingdom (UK). The YMS is open to the young nationals of countries which meet the criteria for inclusion in the YMS, and which decide to join it. Entry clearance is mandatory under the YMS, and eligible nationals of countries participating in the YMS can apply online for entry clearance under the terms of the YMS. Applicants will need to obtain their entry clearances at entry clearance posts in accordance with the Immigration Rules. A person holding a YMS entry clearance is known as a YMS temporary migrant.

1. Entitlements for entrants under the YMS

- (a) A YMS entry clearance will allow the holder to:
- (i) enter the UK for a period of up to 2 years; and
 - (ii) engage in work¹ (except for business, professional sport or work as a doctor in training) for the whole of their stay if the holder wishes.
- (b) YMS temporary migrants may also engage in privately-funded studies if they so wish as well as undertake any voluntary work of choice.

2. Restrictions for entrants under the YMS

- (a) YMS temporary migrants will be entitled to benefit from the provisions of the YMS only once. YMS temporary migrants will not be entitled to switch into any of the other Tiers of the PBS or into the visitor category. YMS temporary migrants must not have any dependent children.
- (b) YMS applicants who have spouses or partners may participate in the YMS. Spouses or partners of YMS temporary migrants may not enter the UK as dependants, but may enter if they qualify and obtain an entry clearance under the YMS in their own right, or if they qualify for entry in another capacity.

3. Criteria needing to be met by applicants wishing to participate in the YMS

¹ All work undertaken must comply with UK laws.

(a) YMS applicants will need to have the following attributes in order to be eligible. They must:

- (i) be nationals of countries listed in the Immigration Rules as participating in the YMS, and
- (ii) be sponsored by their Governments i.e. hold valid national passports issued by their governments and, where required to do so, pursuant to paragraph 5, also hold valid certificates of sponsorship for the YMS, issued by their Governments; and
- (iii) be aged 18 or over when their entry clearances becomes valid for use, and under the age of 31 on the date their applications were made; and
- (iv) have the means to support themselves from the point at which they enter the UK until they begin earning i.e. applicants will need to demonstrate sufficient funds for the first two months following arrival in the UK (current maintenance requirement is set at £1600 – subject to revision over time).

(b) YMS applicants will also need to meet the following requirements:

- (i) have no dependent children; and
- (ii) have not previously spent time in the UK as a Working Holidaymaker or a YMS temporary migrant.

(c) Applications can also fall for refusal under General Grounds for Refusal under the Immigration Rules.

4. Eligibility criteria for countries applying for or participating in the YMS:

Effective Returns:

(a) To meet the returns criterion for the YMS, a country needs to meet the following definition for effective returns arrangements:

“States where the UK Government is satisfied that there is an effective means of enforced return and which, in a spirit of partnership and cooperation,

- *accept EU letters for the purposes of returns, and/or*
- *re-document their nationals swiftly, at a level commensurate with demand, and*
- *receive their nationals in a timely and appropriate manner.”*

Some countries accept standard EU letters for the purpose of the return of their nationals, while others will only accept their own national passports, including Emergency Travel Documents, for the purpose. Either practice is equally acceptable under the terms of the returns definition.

(b) Countries will be assessed in relation to the above definition by UK officials responsible for policy and operational matters concerning returns arrangements. Where the UK has agreed a Memorandum of Understanding (MOU) on returns with a country, this assessment will also include an evaluation of whether the country is meeting the terms of that agreement.

Low Risk:

(c) To meet the risk criterion of the YMS, a country needs to satisfy the following requirements in relation to risk. It must:

- (i) *not* be a country subject under United Kingdom immigration controls to a mandatory visa regime (if a country which has not been subject to a visa regime, and otherwise meets the YMS eligibility criteria, has a visa regime imposed on it by the UK government, that country will be informed that it is no longer eligible to join/participate in the YMS – as provided in paragraph 9 (a) (i) (ii) below); and
- (ii) have an **Overall Risk Value (ORV)** under the risk formula developed specifically for the YMS that is within the risk level limit set by the UK Government to be eligible for the YMS.

(d) The YMS risk formula will not be published but will be applied consistently to all applicant countries and countries participating in the YMS. Each country will be assessed for inclusion in the YMS on the basis of its most recent ORV assessment.

(e) If after a country has joined the YMS its ORV after the end of any year of participation exceeds the permitted ORV limit which applies at that time, UK officials will advise the

country's officials, and agree an action plan with the aim of bringing the country's risk value back within the limits for the YMS. If the country's annual ORV assessments exceed the permitted limit² for a total of three (3) consecutive years the country will be removed from the YMS at the end of that 3rd year. (For countries which have joined the YMS with eligibility for DS status, the above process will only be applied after their first 5 years of participation in the YMS – pursuant to paragraph 5 (c) (i) and (ii) below.)

(f) If a country participating in the YMS presents an unacceptably high risk, it will be removed from the YMS immediately.

Reciprocity:

(g) To meet the reciprocity criterion of the YMS, a country needs to provide, from a date no later than its date of entry to the YMS, youth mobility arrangements for UK nationals that allow:

- (i) a minimum stay of 12 months;
- (ii) a minimum period of 12 months work;
- (iii) engagement in a variety of employment of any type (with some minor restrictions³), without participants or their prospective employers having to obtain official approval for the employment concerned;
- (iv) participation by UK nationals aged from 18 to at least 30 years inclusive at the date their application is made with no requirement that such nationals must be graduates or undergraduates; AND/OR
- (v) participation by UK nationals who are required to have undergraduate or graduate status, including those aged 18 to 30 years; and
- (vi) an annual minimum of 1000 UK nationals to enter under those arrangements (if a country chooses to limit the total annual number of UK nationals permitted under their reciprocal arrangements).

Public Policy

² The ORV limit approved for each individual year.
³ Countries may impose minor restrictions to prohibit certain types of work for their own reasons (as in the same way the UK prohibits business, professional sport and work as a doctor in training), but participants in the reciprocal schemes should otherwise be able to engage in any paid employment of choice.

(h) Where for reasons of public policy the UK Government does not wish to admit a country to the YMS, that country will be deemed to be ineligible for the YMS.

5. Sponsorship

(a) All countries participating in the YMS will need to accept sponsorship responsibility, as outlined in this document, both for their nationals who apply under the YMS and for those who are accepted to participate in it. Countries will need to provide their nationals with **YMS certificates of sponsorship (CoSs)**, which will be valid for a period of up to 3 months, to confirm this. An exception to the requirement to hold a valid CoS will be made for those YMS applicants who are nationals of countries participating in the YMS which are listed in the Immigration Rules as having **Deemed Sponsorship (DS)** status. Such nationals will be deemed to be sponsored by their possession of valid national passports from such countries.

(b) The Government of a country which is not eligible for DS, or one which is eligible for DS status but which chooses to play an active role in sponsoring its nationals for the YMS, must issue YMS CoSs to its nationals for the purpose of applying for YMS entry clearances. The Government of such a country will be licensed to issue YMS CoSs up to the maximum figure set for its annual allocation of places on the YMS (as set out in paragraph 6 below). This task may be performed by officials of the Government concerned, or be delegated to a body authorised to operate under the authority of that Government. A country should only issue YMS CoSs to those of its nationals which it considers likely to be eligible for YMS entry clearances, and may, if it wishes, impose additional requirements of its own that need to be met before it will issue CoSs.

(c) Countries will be eligible for DS status where the UK has experience of operating successful reciprocal youth mobility provisions with them and if they also have an ORV under the YMS risk formula which is low enough to fall within the more restricted risk level set by the United Kingdom for DS status. Information on eligibility for DS will be provided to countries that request it.

(i) If during the first 5 years of its YMS participation a country eligible for DS status is assessed in any year/s as exceeding the ORV limit for DS status, it will be advised accordingly by the UK, but will normally retain its eligibility for DS status during this

period. The only exception to this will be where such a country presents an unacceptably high risk pursuant to paragraph 4 (f) above, in which case it may be removed from the YMS immediately.

(ii) If, after the initial five year period has elapsed, such a country's ORV assessment at the end of any year of participation exceeds the ORV limit for DS status it will be informed of the situation. It will be permitted two further years of participation with eligibility for DS status (unless its ORV is unacceptably in excess of the ORV for inclusion in the YMS – as provided in sub-paragraph 4(f)) to allow it time to take steps to bring itself back within the DS limit. If, at the end of that period, the country's annual ORV assessments have exceeded the permitted limit for DS status for a total of 3 consecutive years, that country will lose its eligibility for DS status at the end of the 3rd year.

(iii) A country that loses its eligibility for DS status (pursuant to paragraph 5 (c) (ii) above) will receive a YMS allocation of 1,000 CoSs (as set out in paragraph 6 below) and will also need to perform sponsorship functions as described in sub-paragraph 5 (b) above. It will then remain ineligible for DS status unless or until its ORV is again within the limit for DS status (as assessed annually). If or when it is again within the ORV limit for DS status, it will be eligible for DS status at the start of the next calendar year, and will receive a YMS allocation in accordance with the allocations formula for DS countries (as set out in paragraph 6 below).

(d) Countries participating in the YMS which are licensed to issue CoSs for that purpose (pursuant to sub-paragraph 5 (b) above) will need to issue their total annual allocation of CoSs by a date which is no later than nine months after the beginning of that year of operation of the YMS, so that all entry clearance applications supported by those CoSs, which are valid for three months from their date of issue, can be made within that year of operation of the YMS.

(i) CoSs may only be issued by a country participating in the YMS while the YMS remains in operation with that country (i.e. while that country remains listed in the Immigration Rules as participating in the YMS, and provided that no temporary suspension has been imposed by the UK Government on the issuing of YMS entry clearances at entry clearance posts in that country).

6. YMS allocations

- (a) The minimum annual allocation of places for the YMS for participant countries will be 1000. This will also be the annual allocation for all countries which do not meet the requirements to be eligible for DS status (as set out in paragraph 5 above), and for countries that join the YMS which have not previously operated provisions which meet the YMS reciprocity criterion set out in paragraph 4(g).
- (b) Countries participating in the YMS which are eligible for DS status, and which have also operated provisions that meet the YMS reciprocity criterion for a minimum of a year, will receive, each year, annual YMS allocations to match, (rounded up to the nearest 500 places) the most recent annual figure for initial visas issued to UK nationals under their relevant reciprocal provisions. (This will apply to all such countries, whether they choose to issue CoSs for their nationals (pursuant to paragraph 5 (b) above) or not.)
- (c) If a country participating in the YMS, which is eligible for YMS allocations as set out in paragraph 6 (b) above), decides to apply a cap on UK entries under its reciprocal provisions for a forthcoming year, and that cap is at a lower level than the most recent annual figure for initial visas issued under its reciprocal provisions, the country will receive a YMS allocation for the forthcoming year to match that cap.
- (d) The Governments of countries participating in the YMS will be required to provide statistics showing the annual issue of visas (both initial visas and those extending stay) under their reciprocal provisions, and will be advised each year of their YMS allocations by UKBA officials. (The relevant figure for the calculation of allocations will be for the issue of initial visas, not the figure for visas issued for the purpose of extending participants' periods of stay under the reciprocal provisions).

7. Annual information

- (a) By 30 June each year, the governments of countries participating in the YMS will be required to provide UKBA officials with information on any changes to the terms of their reciprocal provisions, and data on numbers of UK applicants, grants of visas and refusals of visas under those provisions in the previous calendar year. UK officials will also provide

similar information in relation to the YMS to the Governments of countries participating in the YMS.

(b) All countries participating in the YMS will be given opportunities to discuss any issues or changes relating to the terms of the YMS, sponsorship arrangements and/or YMS allocations with the UK Government.

8. Inclusion of Countries in the YMS.

(a) The YMS year will operate from 1 January to 31 December.

(b) A country that applies and is eligible to join the YMS pursuant to the criteria set out in paragraph 4 will be accepted onto the YMS, and listed in the Immigration Rules as a country participating in the YMS.

(c) Subject to any change of policy and immigration legislation in the United Kingdom, a country participating in the YMS will remain on the YMS provided that there are no reasons for its removal from the YMS as set out in paragraph 9 below.

(d) Any country that has previously been assessed and did not meet the criteria for acceptance onto the YMS may seek reassessment at any time.

9. Removing Countries from the YMS.

(a) A country participating in the YMS will be removed from the YMS if any of the following circumstances apply:

(i) **if it no longer meets the eligibility criteria** for inclusion in the YMS in relation to returns, risk and reciprocal provision as set out in paragraph 4. In practice, this means:

(i) if the country withdraws co-operation on removals, or if an effective means of enforced return of its nationals is no longer operating, or if a country removes its reciprocal provisions for UK nationals. In such cases, it will be removed from the YMS immediately. The country will be alerted as soon as such a situation arises (pursuant to paragraph 7 (b) above)

(11) if a mandatory UK visa regime is imposed on the country it will no longer be eligible for the YMS and will be removed from it at the end of the calendar year;

(11) If, after a country has joined the YMS, that country's ORV at the end of any year exceeds the permitted ORV limit for participation in the YMS which applies at that time, UK officials will advise the country's officials, and agree an action plan with the aim of bringing the country's risk value back into the limits for the YMS. If the country's annual ORV assessments show that its ORV has exceeded the permitted limit for a total of three (3) consecutive years, the country will be removed from the YMS at the end of that 3rd year. (For countries which have joined the YMS with eligibility for DS status, the above process will only be applied after their first 5 years of participation in the YMS.)

(1V) If a country presents an unacceptably high risk, it will be removed from the YMS immediately – as provided for in paragraph 4(f) above.

(ii) **if it no longer wishes to be included in the YMS:** A country participating in the YMS that wishes to be removed from the YMS will need to give three months' written notice of this fact to the Government of the UK.

(iii) **for reasons of UK public policy:** In these circumstances, the country may be removed from the YMS immediately.

(b) Except as otherwise provided for in this paragraph, once a country is removed from the YMS, no YMS entry clearances will be issued to that country's nationals. Where, at the date when a country is removed from the YMS, a national of that country already holds a valid YMS entry clearance, or has had his/her YMS application accepted and is subsequently granted a YMS entry clearance, he/she will be permitted to enter the United Kingdom in accordance with the terms of that entry clearance. Once a country has been removed from the YMS pursuant to paragraph 9 (a) (i) (1) or (1V), or 9 (a) (iii) above, Entry Clearance Officers will not accept CoSs issued on the authority of that particular country, and no entry clearance applications will be granted on the basis of any existing CoSs.

(c) Except in the case of a country barred from the YMS for reasons of public policy, any country that seeks readmission to the YMS will be reinstated provided that it meets the terms of the YMS.

10. Temporary Suspensions

The UK Government may temporarily suspend issuing YMS entry clearances at specific entry clearance posts for **operational reasons**. In these circumstances, any national of a country participating in the YMS who has already been issued with an entry clearance at a post where an operational suspension is imposed, or has had his/her YMS application accepted at such a post and is subsequently issued with a YMS entry clearance, will be permitted to enter the United Kingdom in accordance with the terms of that entry clearance.

11. Communicating Decisions

Any decision to remove a country from the YMS, or to impose a temporary suspension on the issuing of YMS entry clearances at posts in a country participating in the YMS, and the date upon which such actions will take effect, will be communicated by UK officials to the country concerned in a timely manner.

YOUTH MOBILITY: RECIPROCAL ARRANGEMENT

NAME OF COUNTRY	
TITLE OF PROVISION/SCHEME	
Permitted duration of stay	
Permitted duration of work*	
Work permitted without prior arrangement or approval	YES/NO
Details of any restrictions on types of work	
Permitted age range	
Is scheme restricted to undergraduates/graduate	
Annual number of UK nationals permitted on scheme	
Link to Govt website for further information	

*Information on the permitted duration of work should refer to the total period during which participants are permitted to engage in work – it is not necessary to specify any time limits that apply to individual jobs.

英国とのワーキング・ホリデー査証取決め

(日本国外務省から在本邦英国大使館あての口上書)

口上書

外務省は、在本邦英国大使館に敬意を表するとともに、英国市民の日本国への入国に関する二千年二月二日付け口上書欧西2第百九十四号に言及し、二千年十一月二十七日から前記の口上書を次のように改めることを在本邦英国大使館に通報する光栄を有する。

二千年
二月二日
付け口上
書修正
1(iii)の

1 1 (iii)を次のように改める。

1 (iii) 査証申請時の年齢が十八歳以上三十歳以下であること。

2 8を次のように改める。

8 日本国政府は、1にいう査証を、毎年千を上限として発給する。

外務省は、以上を申し進めるに際し、ここに重ねて在本邦英国大使館に向かって敬意を表す。

二千年十月二十七日に東京で

二千年
二月二日
付け口上
書修正
8の

— — — — —

(Translation)

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to Her Britannic Majesty's Embassy and has the honour to refer to its Note Verbale No. 194/EUV-2 dated second of February 2001, with respect to the entry of the British citizens into Japan, and to inform the Embassy that the said Note Verbale will be amended as follows as from the twenty-seventh of November 2008:

1. Subparagraph (iii) of paragraph 1 will be deleted and replaced by the following:

" (iii) Be aged between eighteen (18) and thirty (30) years both inclusive at the time of application for the said visa."

2. Paragraph 8 will be deleted and replaced by the following:

"The Government of Japan will issue annually up to one thousand visas mentioned in paragraph 1 above."

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Her Britannic Majesty's Embassy the assurance of its highest consideration.

Tokyo, October 27, 2008

(参考)

この取決めは、平成十三年四月十六日から実施した英国とのワーキング・ホリデー査証取極（平成十三年二国間条約集参照）について、英国政府は新たな措置をとること、日本国政府は措置の一部を修正することを内容とするものである。