

JOINT DECLARATION ON AGRICULTURE AND AGRIBUSINESS WORKERS

16 December 2021

The United Kingdom and Australia recognise the important contribution of agriculture and agribusiness workers from each country, and the benefit of transparency as regards the entry routes that allow agriculture and agribusiness workers to work in each country's territory.

To this end, and without prejudice to the right of the United Kingdom or Australia to regulate the entry of natural persons into, or their temporary stay in, its territory, the United Kingdom and Australia set out in the Annex to this declaration existing entry routes for agriculture and agribusiness workers.

Non-Binding Clarification on Entry Routes to the United Kingdom and Australia for Agriculture and Agribusiness workers

This sets out an outline of the current entry routes to the United Kingdom (UK) and Australia for agriculture and agribusiness workers. The UK and Australia reserve the right to change their immigration rules regarding agriculture and agribusiness workers at any time, and persons wishing to enter the UK or Australia for this purpose should consult the most up-to-date immigration rules before seeking entry. The UK's Immigration Rules can be found [here](#).¹ Guidance on working in Australia can be found [here](#).²

Entry Routes to the United Kingdom

The UK recognises the importance of facilitating the temporary movement of agriculture and agribusiness workers. To deliver this, the UK operates entry routes for workers, including those in agriculture and agribusiness sectors within its immigration system. These routes accommodate the requirements of agriculture and agribusiness workers and meet a range of different needs.

The main routes are:

- (a) The **Temporary Worker - Seasonal Worker route**, which is for workers to undertake seasonal work in the UK in edible horticulture for up to six months in any 12-month period; and
- (b) The **Skilled Worker route**, the UK's main route for workers with a UK job offer from an employer in a skilled position.

Other immigration routes with fewer or no employment restrictions can also accommodate agriculture and agribusiness workers. These include the Youth Mobility Scheme, the UK Ancestry route and some Family routes.

Detailed information:

Temporary Worker - Seasonal Worker route: This route is for temporary workers to undertake seasonal work in the UK in edible horticulture for up to six months in any 12-month period. Applicants must be sponsored by a licenced sponsor.

Edible horticulture means those growing:

- (a) Protected Vegetables – those grown in glasshouse systems;
- (b) Field Vegetables – those grown outdoors, including vegetables, herbs, leafy salads and potatoes;
- (c) Soft Fruit – those grown outdoors or under cover, e.g. in glasshouses or polytunnels (includes strawberries, raspberries, blackcurrants, blueberries and all ribes and rubus species);
- (d) Top Fruit (Orchard Fruit) – trees that bear fruit, e.g. apples, plums, cherries, apricots;
- (e) Vine and Bines – both twining or climbing flexible stems of certain plants, e.g. hops is a bine, and grapes is a vine; or
- (f) Mushrooms – typically covers *Agaricus bisporus* species but can also include more exotic species (typically grown indoors).

Activities permitted on this visa include:

- (a) crop maintenance;
- (b) crop harvesting;
- (c) tunnel construction and dismantling;

¹ <https://www.gov.uk/guidance/immigration-rules>

² <https://immi.homeaffairs.gov.au/visas/working-in-australia>

- (d) irrigation installation and maintaining;
- (e) crop husbandry;
- (f) packing and processing of crops on employer's premises;
- (g) preparing and dismantling growing areas and media;
- (h) general primary production work in edible horticulture; and
- (i) activities relating to supervising teams of horticultural workers.

This route is designed to support UK growers during peak production periods and visa allocations are reassessed yearly.

Skilled Worker route: The Skilled Worker route is for individuals who have been recruited by a UK employer for a specific job in the UK. Applicants must be sponsored by a licenced sponsor, have a job offer in an eligible skilled occupation and be paid the appropriate salary. Applicants on this route can bring their partners and dependent children under 18. The length of stay granted on this route is up to five years, with no limit on the number of extensions of stay subject to the requirements of the route being met. If a Skilled Worker has spent a continuous period of 5 years on this route (or on a combination of this route and another eligible route), they may apply for settlement.

A list of occupations covered by the Skilled Worker route is published. This includes all graduate occupations and many management-level jobs and skilled trades. In the agricultural sectors this includes farm managers, herd managers, nursery managers, vets and veterinary nurses.

Other farming related roles covered by the Skilled Worker route include:

- (a) farmers;
- (b) growers;
- (c) market gardeners;
- (d) nurserymen;
- (e) agricultural technicians; and
- (f) bee farmers.

Applicants on the Skilled Worker route need to demonstrate that they meet a set of requirements for which they will score points. There are both mandatory and tradable types of points. The requirements include:

- (a) the job must be at or above the minimum skill level of RQF3 level (A-level or equivalent qualification). Workers will not need to hold a formal qualification - it is the skill level of the job they will be doing which is important. If their job is on the eligible list, they meet the skill level requirement;
- (b) 20 points are awarded if the job pays a minimum salary, which equals or exceeds all of the following:
 - i. £25,600 per year;
 - ii. £10.10 per hour (except those working in specified health or education roles); and
 - iii. the "going rate" for the particular occupation;
- (c) applicants can, however, make up these 20 points elsewhere and "trade" them to qualify for a visa at a lower salary, down to a minimum of £20,480 per year and (in some cases) a reduction to the "going rate". Applicants can score tradeable points for a job in a shortage occupation, a relevant PhD qualification, working in specified health or education roles, or being a "new entrant" to the labour market;
- (d) the applicant must also show that they are able to speak, read, write and listen to English to an acceptable standard (Australian nationals are deemed to meet this requirement automatically).

There are additional requirements that do not score points.

There is no overall cap on the number of migrants who can enter and stay in the UK on the Skilled Worker route.

Youth Mobility Scheme: The Youth Mobility Scheme (YMS) is a dedicated route available to young people aged 18 to 30 (inclusive) from participating countries and territories, including Australia, to experience life in the UK for up to two years. There are only a limited number of restrictions on the type of work and other activities that those on the route can undertake. Those on the YMS route can apply to switch onto other routes where they may be granted a longer length of stay, such as the Skilled Worker route.

In accordance with the mutual understandings reached between the UK and Australia in the side letter on mobility, the UK will be making changes to the YMS to allow Australian citizens aged 18 to 35 (inclusive) to apply for a visa for up to 3 years, and will continue to not require specific work to be undertaken.

UK Ancestry route: This route is for Commonwealth citizens who can provide evidence they have a grandparent born in the UK or Islands (including Guernsey, Jersey, or the Isle of Man). There is no limit on the number of places available on this route and applicants can bring their partner and dependent children aged under 18, if they meet the relevant requirements.

The length of stay granted on this route is 5 years, with no restrictions on the type of work that successful applicants (or their partner or children) can undertake in the UK. At the end of the 5-year period, those on the UK Ancestry route can apply to settle permanently in the UK, or to extend their stay for a further 5-year period. There is no limit on the number of times a person on the UK Ancestry route can extend their stay if they continue to meet the relevant requirements.

Sheep shearing concession: This temporary work concession recognises the cyclical nature of sheep shearing and allows the entry of sheep shearers from Australia between specific dates in each year that the concession is in place. The continuation of this arrangement is regularly reviewed. When it is in operation it enables consideration of a grant of permission, outside of the immigration rules, to enter and stay in the UK. The concession will be in place for the 2021 and 2022 seasons. Persons seeking to make use of this concession should ensure they consult gov.uk for the latest information on the terms and availability of the concession.

The earliest date shearers can enter the UK under this concession is 1 April; the latest date is 30 June. The maximum length of stay on this route is three months. Shearers on this route cannot switch to other routes at the end of their stay but are allowed to return to the UK each year that the concession is in operation, with no cooling-off period required between consecutive years. Applicants must have a contract from an employer(s) or contractor(s) confirming that they are coming to the UK to supply shearing services. Shearers must be paid at equivalent UK national minimum wage levels but no other skill or salary thresholds are placed on the role.

Entry Routes to Australia

Recognising the essential contribution of agriculture and agribusiness to Australia's economy, the Australian Government has introduced several visa pathways to facilitate mobility of agriculture and agribusiness workers to support the sector's growth and vitality. Visa pathways range across occupations, skill level, and duration of stay.

Relevant visa pathways include:

- Working Holiday Maker Program (subclass 417);
- Australian Agriculture Visa;
- Skilled Employer Sponsored Regional (provisional) (subclass 494);
- Skilled Work Regional (provisional) visa (subclass 491) - State or territory nominated;
- Temporary Skill Shortage (subclass 482) – Medium term stream;
- Employer Nominated (subclass 186);
- Skilled Nominated (subclass 190);
- Temporary Work (short stay specialist) (subclass 400); and
- Labour Agreements.

Other immigration routes include family visas and student visas. Training visas are also available in prescribed circumstances for those who wish to study and work in Australia.

Working Holiday Maker Program Visa (subclass 417)

The Working Holiday Maker Program visa is a dedicated route available to people from the UK aged 18 to 30 (inclusive) to have an extended holiday in Australia with work rights. The program's visa allows the working holiday maker to work anywhere in Australia and across all industries and is valid for 12 months. Second 12-month validity Working Holiday Maker Program visas can be granted where the applicant has undertaken specified work (including in agriculture). Those on Working Holiday Maker Program visas may apply for and, subject to meeting the relevant criteria, be granted other visas while they are in Australia.

In accordance with the mutual understandings reached between the UK and Australia in the side letter on mobility, Australia will make future changes to the Working Holiday Maker Program visa to allow UK citizens aged 18 to 35 (inclusive) to stay for up to 3 years, and to not require specific work to be undertaken.

Australian Agriculture Visa

Australia has announced the establishment of the Australian Agriculture visa. This visa will be available to low-skilled, semi-skilled and skilled workers across a broad range of agriculture industries, including fishing and forestry. It will be extended to applicants from a range of countries through bilateral agreements. In this Declaration, Australia offers to commence discussions with the UK on participation by UK citizens in this visa.

Skilled Employer Sponsored Regional (provisional) visa (subclass 494)

This visa enables regional employers to sponsor skilled workers where employers are unable to source an appropriately skilled Australian worker. Visa holders must live, work and study in designated regional areas of Australia for five years. This visa allows visa holders to travel to and from Australia. A permanent residency pathway is available through the Permanent Residence (Skilled Regional) (subclass 191) visa.

Visa applicants must be nominated to work in an occupation on the relevant skilled occupation list, have at least three years relevant work experience in the nominated occupation, and have a relevant skills assessment. Visa holders must be under 45 years of age and meet minimum standards of English language proficiency.

The **Skilled Work Regional (provisional) visa (subclass 491) - State or territory nominated** has similar requirements to the 494 visa, but visa applicants are nominated by a state or territory government agency, and

are invited to apply for the visa, after nomination and passing the points test. Visa holders must find their own employment in a regional area. Visa holders also have a pathway to permanent residence through the Permanent Residence (Skilled Regional) (subclass 191) visa.

Temporary Skill Shortage Visa (subclass 482)

This visa enables skilled visa holders to stay for up to four years to work in an eligible skilled occupation. This visa allows visa holders to study and travel to and from Australia. There are no age requirements for this visa. Permanent residency pathways are available.

Key requirements for visa applicants are that they must be nominated to work in an occupation on the list of eligible skilled occupations, as well as have at least two years relevant work experience, have a relevant skills assessment (if applicable), and meet the minimum standards of English language proficiency.

Employer Nominated Scheme (subclass 186)

This visa lets skilled workers, who are nominated by an employer, live, work and study in Australia permanently. Usually, applicants must be under 45 years of age to apply. The visa allows applicants to sponsor eligible relatives to come to Australia, enrol in Australia's public health care scheme and apply for Australian citizenship, if eligible. Visa holders can also travel to and from Australia on this visa.

Key requirements for visa applicants are that they must have an occupation that is on the list of eligible skilled occupations, have at least three years' experience (unless exempt), have a positive skills assessment (unless exempt), and have at least competent English.

Skilled Nominated visa (subclass 190)

This visa lets nominated skilled workers under 45 years of age live and work in Australia as permanent residents. This visa allows visa holders to work and study anywhere in Australia.

Visa applicants must have an occupation on the relevant skilled list, have a suitable skills assessment for the occupation, and be invited to apply for the visa once nominated by a state or territory government. Visa applicants must also be able to obtain a score of 65 points to be invited to apply for the visa, as this visa is a points-tested visa.

Temporary Work visa (Short Stay Specialist) (subclass 400)

The Highly Specialised Work stream of this temporary visa lets applicants undertake short-term, highly specialised work in Australia. It is suitable if applicants have specialised skills, knowledge or experience.

This visa is for non-ongoing work and allows up to six months stay in any twelve-month period, depending on the circumstances. Visa applicants will need to show that they have the skills, knowledge or experience to do the specified work.

Occupations for the above visas may include, but are not limited to:

- Agricultural consultant;
- Agricultural scientist;
- Aquaculture farmer;
- Arborist;
- Farrier;
- Flower grower;
- Livestock farmer;
- Horse Breeder;
- Horse Trainer;
- Crop farmers;
- Cotton grower;
- Forester;

- Mixed crop farmer;
- Wine maker;
- Master fisher; and
- Shearer.

Labour Agreements

Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available. Labour agreements are developed between the Australian Government (represented by the Department of Home Affairs) and employers.

There are five types of labour agreements:

- Company Specific labour agreements;
- Designated Area Migration Agreements (DAMAs);
- Industry labour agreements;
- Project agreements; and
- Global Talent Employer Sponsored (GTES) agreements.

Further information on Designated Area Migration Agreements

Designated Area Migration Agreements (DAMAs) are tailored agreements that enable designated areas to respond to their unique economic circumstances and workforce shortages by accessing overseas workers for skilled or semi-skilled vacancies. Employers are able to sponsor workers, via a DAMA Labour Agreement, under temporary, provisional or permanent visas (depending on the circumstances), with a range of concessions not available under the standard visa programs. Some standard requirements, including payment of the Skilling Australians Fund (SAF) levy and demonstration of genuine labour market need, must be met.

DAMAs may provide access to a wide range of skilled and semi-skilled agricultural occupations, based on the needs of the defined area. There are currently seven DAMAs in place, in:

- the Northern Territory;
- the Goldfields region in Western Australia;
- the Great South Coast region in Victoria;
- Adelaide City;
- regional South Australia;
- the Orana region in New South Wales; and
- Far North Queensland.