



WORKING HOLIDAY VISA (WORK REQUIREMENTS)

This fact sheet answers questions about an AAT review of a decision made by the Department of Home Affairs to refuse a **second working holiday visa** on the basis that you did not meet specified work requirements.

What does the AAT need to decide?

The AAT needs to decide whether you satisfied the 'specified work' requirement under the *Migration Regulations 1994*.

To do this, the AAT will look at:

- whether you carried out a period of specified work in regional Australia on your first working holiday visa
- whether the total period of work is equivalent to at least 3 months full time work
- whether you have been paid for your work according to Australian Fair Work legislation and the relevant award scheme.

How does the AAT decide if my visa should be extended?

The AAT looks at:

- the nature and duration of your work
- details of your work
- frequency of your attendance
- details of your employer and colleagues
- whether you have been paid for your work.

What information can I give the AAT to support my review?

You can give us any information that supports your case. You are not limited to the information listed below.

Examples of the most helpful information to give us include:

- Proof of travel to and from your work place, such as bus/train tickets and travel receipts
- Proof of accommodation in or around the location of your work place, such as a lease agreement, rental details, bills
- Reference or detailed written statement from your employer about your work and attendance
- Payslips, timesheets that record your attendance at work and are signed by your employer, PAYG summaries
- Evidence that relates to your employment, such as bank statements showing deposits and withdrawals, phone records, receipts
- Information from third parties that contain relevant facts that support your situation
- Any other information or documents that prove your circumstances.

This fact sheet provides general information only. It is not legal advice about your case. If you have a question about the law or how it applies to your case, you should seek legal advice.

When should I give my information to the AAT?

You should give us the information as soon as possible.

If the AAT is satisfied with the information you give us, a favourable decision might be possible without the need for a hearing.

Giving evidence at a hearing

If you are required to attend a hearing, an AAT Member will ask you about your application and consider all of the information that you present. Generally, this will include the documents you have given us about your case. You should give us any information no later than 7 days before the hearing, or if we ask you to give us any information earlier, by the date we tell you.

Any information you present to the AAT Member is important evidence. Preparing this evidence well in advance of the hearing can assist you to present your case and help the AAT Member to make a decision.

CONTACT US IF YOU HAVE ANY QUESTIONS

- Telephone: **1800 228 333**
- Email: mrdivision@aat.gov.au
- www.aat.gov.au
- National Relay Service www.relayservice.gov.au
- Translating and Interpreting Service (TIS): 131 450

When this Fact Sheet refers to "You" it means the applicant, and includes his or her nominee, representative or support person. When it refers to "We" or "Us" it means the AAT.