

Welfare and Accommodation Arrangements for International Students Under the Age of 18

Procedure

Code and version control:	INT002/26-08-2021
Procedure owner:	Manager International Office
Date approved by CEO:	26 August 2021
Scheduled review date:	26 August 2024
Related policies and documents:	Welfare Arrangement Form; Accommodation Arrangement Form; Welfare Responsibilities Statement; Statement of Intention (Under 18 Student); Living Australia/Holiday Form (Under 18 Student); Critical Incident Procedure

Purpose

As an education provider listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), this procedure ensures that the Institute complies fully with ESOS Act and Standard 5 of the National Code 2018 in the arrangement and approval of accommodation, support and general welfare arrangements for international students who are under the age of 18. The Procedure also ensures compliance with state legislation and regulatory requirements relating to child welfare and protection

If an international student is under the age of 18, the student's welfare must be maintained for the duration of their stay in Australia as a student visa condition by either:

- stay in Australia with a “nominated guardian” approved by the Department of Home Affairs (DHA), who can be the student's parents, person who has legal custody, or an eligible relative who is aged over 21 and is of good character; or
- stay in accommodation, support and general welfare arrangements that have been approved by the Institute. The Institute accepts this obligation by issuing a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

Procedure

Approval of welfare arrangements for an International Student under the age of 18

International students who are under the age of 18 years and who will be studying on a student visa are required by the Department of Home Affairs (DHA) to have acceptable arrangements for their accommodation, support and general welfare for the duration of the student visa or until they turn 18 (whichever happens first).

WAI does not accept International students who are under 17 years of age.

Prior to the acceptance of an international student under the age of 18, the parents or the legal custodian of the student must complete the William Angliss Welfare Confirmation Form confirming that appropriate arrangements have been made for the student's accommodation, care and general welfare during their stay in Australia.

The parent or legal guardian must indicate that they will either:

1. As parent(s) or legal custodian, they will be residing in Australia on a Student Guardian Visa (Subclass 580) and will be caring for and living with student.

If students have not turned 18 years of age by the commencement date of the course, they must live in Australia with their parent(s) or legal custodian on a Student Guardian Visa (Subclass 580).

The parent(s) or legal custodian must complete the Welfare Arrangement Form, provide the identification page and signature page of passport and submit the Accommodation Arrangement Form to confirm these arrangements.

WAI is not involved and will not issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

2. Nominate a relative approved to be responsible for welfare and support.

If the student is going to reside in Australia with a suitable nominated relative approved by a parent or legal custodian, the nominated relative must fulfil the following requirements and submit certified documents to show that they are:

- a parent, spouse, de facto partner, brother, sister, step-parent, step-brother, step-sister, grandparent, aunt, uncle, niece or nephew, or a step-grandparent, step-aunt, step-uncle, step-niece or step-nephew; and
- nominated by a parent of the applicant or a person who has custody of the applicant; and
- aged at least 21; and
- of good character, and show this by providing a police clearance from the countries in which they have lived for more than 12 months in the past 10 years after the age of 16; and
- an Australian citizen, permanent resident or be eligible to remain in Australia until the under 18 international student's visa expires or the student turns 18 years of age (whichever happens first).

They must also submit the following documents on approval and acceptance of student's welfare arrangement:

- The identification page of passport
- Copy of visa (if applicable) to show that the person is eligible to remain in Australia until the student turns 18
- Proof of relationship with student
- Copy of an Australian National Policy check and Working with Children Check
- Welfare Arrangement Form
- Accommodation Arrangement Form

The Department of Home Affairs will assess the nominated arrangements according to the Migration Regulations 1994 and, if approved, the parent, legal custodian or eligible relative will be the international student's 'nominated guardian'.

WAI will not issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

3. Nominate the Institute as responsible for student's accommodation, support and general welfare arrangements (a Confirmation of Appropriate Accommodation and Welfare (CAAW) will be issued).

The institute will take responsibility for the accommodation, support and general welfare arrangements during the nominated period provided.

A CAAW letter is created at the same time as a Confirmation of Enrolment (CoE) to confirm the Institute accepts responsibility for the welfare arrangement for the under 18 international student. Prior to issue of CAAW, welfare services and accommodation must be approved by the institute.

The Institute will approve and sign a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter via Provider Registration and International Student Management System (PRISMS) to indicate approval of the accommodation arrangements to facilitate the application for a student visa. The CAAW Letter will commence 14 calendar days prior to the commencement of Orientation and Enrolment and will conclude 7 days after the end date of the course or the day when the student turns 18, whichever date is the earliest.

If an international student wishes to arrive in Australia earlier than their CAAW commencement date, he or she must be accompanied by a nominated guardian approved by the Department of Home Affairs. If the international student is unaccompanied, the Institute will extend its approved welfare arrangements to cover the international student from the date of their arrival or the student must not travel to Australia until the CAAW commences.

WAI will only issue a CAAW and a Confirmation of Enrolment (COE) on the condition that the student:

1. Provides William Angliss Institute with all required documents
2. Inform, consult and contact the Angliss International Office of any changes to the approved accommodation and welfare arrangements.
3. Attends weekly meetings with an International Officer for the first month and fortnightly meetings thereafter until the student has completed the course or until the student turns 18 years of age.
4. Attends the scheduled meetings with the nominated staff of the Welfare Provider until the student turns 18 years of age

WAI will withdraw the CAAW for the student if the student does not maintain the arrangements agreed upon. Withdrawal of the CAAW may result in cancellation of the student visa.

3.1 Welfare Service

The Institute has formal Agreements with select Welfare Services Providers, and the under 18 student must only enter into an Agreement with WAI approved welfare, homestay or accommodation providers.

The Welfare Services Provider will need to provide WAI with documents to confirm Welfare arrangements for the under 18 student. It will also sign an Agreement with the student (approved by the parent or legal custodian) and advise the International Office of the welfare details by submitting the below:

- Welfare Arrangement Form including the identification page and signature page of passport,
- Accommodation Arrangement Form,
- The identification page the allocated welfare staff's passport,
- Proof that the allocated welfare staff are over 21 years of age,
- Proof that the allocated welfare staff is eligible to remain in Australia until the student turns 18.
- Copy of an Australian National Police Check and Working with Children Check

The International Office will verify the documents and complete the Pre-Approval Welfare and Accommodation for Under 18 Form to approve the Welfare arrangement.

The Welfare Service Provider will also advise the International Office of any change in welfare for those students under their care and report any accident, incident, unexplained absences to the office in a timely manner.

3.2 Accommodation and Homestay Placement

The Institute works with approved Accommodation and Homestay Providers to identify and provide suitable accommodation for Under 18 international students appropriate to the student's age and needs.

The Institute ensures that the Accommodation and Homestay Providers provide comprehensive reporting and documentation for each homestay placement to confirm that the student is residing in appropriate accommodation.

3.2.1 Homestay:

Prior to Approval of Homestay arrangements, the Homestay Provider must complete and submit the Homestay Placement Report to the International Office for each of the Under 18 international student.

Approval of accommodation is dependent on:

- physical inspection of the property where deemed necessary
- phone (video) inspection and google map investigation.

The International Office will verify the details provided by the Providers and complete *Pre-Approval Welfare and Accommodation for Under 18 Form*.

Review and Monitoring of accommodation will be undertaken by:

- Ongoing feedback from the student.
- *Review of Welfare and Accommodation for Under 18 Form* must be completed prior to 6 months of Welfare and Homestay/Accommodation approval.

3.2.2 Non- Homestay accommodation:

International Students must live in one of the Institute-approved Accommodation Providers. Each of the Institute-approved Accommodation Providers has been assessed and meets the requirements of the institute for international students under 18 years of age.

The Institute will conduct the initial physical site visit to verify the accommodation, prior to the accommodation being approved and at least every six months thereafter for review.

The Provider will submit a Leasing Agreement for each student prior to arrival.

The International Office will verify the details provided by the Providers and complete *Pre-Approval Welfare and Accommodation for Under 18 Form*.

The Institute continue to monitor accommodation arrangements by:

- physical inspection at the property where deemed necessary
- phone (video) inspection and google map investigation.
- Ongoing feedback from the student.
- *Review of Welfare and Accommodation for Under 18 Form* must be completed prior to 6 months of Welfare and Homestay/Accommodation approval

Issuing COE for under 18 students who will arrive in Australia after their 18th birthday

International students who are currently under the age of 18, and intend to arrive in Australia after their 18th birthday are required to complete the Statement of Intention (Under 18 Student) and return to the International Office with the required documentation as stated on the offer letter and acceptance agreement. WAI will not be responsible for their welfare arrangements and will cancel their COE if they arrive in Australia prior to their 18th birthday.

Leaving Australia/Holiday Form (Under 18 Student)

Under 18 International students must complete and submit the Leaving Australia Holiday Form (Under 18 Student) to the International Office one week prior to their travel. It is the student's responsibility to provide evidence and parental authorisation of their return flight bookings and to inform WAI of any changes to accommodation. Failure to report changes or leave the country without notice will result in the cancellation of the CAAW form by WAI, which may lead to cancellation of student visa by DHA.

Changes to Arrangements

All welfare and accommodation arrangements confirmed on the WAI Welfare Confirmation Form are for the period until the student turns 18 and cannot be changed without prior consent from WAI. Any changes to arrangements will need a new form to be signed by the parent(s) or legal custodian.

WAI will consider changes to arrangements in the following scenario:

- Failure on the part of the caregiver/accommodation provider to provide appropriate services (as determined by WAI) to the student.
- A parent arriving in Australia on a guardianship visa in order to resume care arrangements.

WAI may insist on a change of arrangement in the following situation:

- Dishonest or inappropriate behaviour by the welfare/ accommodation provider.

WAI will advise DHA of any changes to living arrangements which WAI approves and will review any request for changes to the student's accommodation and welfare arrangements before any approval will be made in writing.

Where a student refuses to maintain accommodation, support and welfare arrangements which WAI has approved or changes their arrangements without approval, and where all other attempts for resolution (according to the Institute's grievance policy) have been exhausted, WAI is obliged to advise DHA. This may result in the student's visa being cancelled.

Transferring between registered providers

If an international student who is under the age of 18 on a CAAW is transferring to or transferring from another registered provider, the Institute must liaise with the other provider to ensure that the international student has appropriate welfare in place at all times (no gap) and a CAAW letter is issued to cover the transition from one arrangement to another.

An International student's parent or legal guardian must provide written approval to support the transfer or release application. The receiving provider must accept responsibility for approving the student's accommodation, support and general welfare.

The Institute will negotiate a common date when the first registered provider's approval will cease and the new registered provider will take responsibility for the welfare arrangements. These arrangements are made and confirmed through the provision of CAAWs prior to the international student applying for a visa. It is important that the student maintains their current welfare arrangements until the transfer date. The Department of Home Affairs will only issue a visa for the length of study where continuous welfare arrangements are in place. This is unless the international student's parent or legal custodian makes alternative welfare arrangements, such as nominating a guardian through the Department of Home Affairs. If an international student wishes to return to their home country during a gap between courses, the institute will issue a CAAW letter to cover the period the international student will be abroad. This arrangement will mean the international student does not need multiple visa applications and should benefit both the Institute and the international student.

Packaged courses

When an international student is undertaking a package of courses, the Institute will ensure that the international student must have adequate welfare arrangements during any gap period between courses.

Disruption to welfare arrangements

The Institute will activate the critical incident policy and procedure in emergency situations which may disrupt welfare arrangements without warning.

If the Institute is unable to contact a student and has concerns for the student's welfare, the Institute will make all reasonable efforts to locate the student, including notifying the police and any other relevant Commonwealth state or territory agencies as soon as practicable.

The Institute will make all efforts to contact a younger international student's parent or legal custodian immediately if they can no longer approve the international student's welfare.

The critical incident policy includes:

- the action to be taken;
- any immediate welfare arrangements in an emergency;
- required follow-up by the Institute;
- records of the incident to be kept for at least two years after the international student ceases to be an accepted student; and protocols for informing authorities such as the police, the Department of Home Affairs officials, the international student's parent or legal custodian, and other relevant authorities.

Support and Monitoring of International Student Under the age of 18.

International Students who are not residing with a parent(s) or legal custodian or nominated relative are required to attend weekly meetings with an International Officer for the first month and fortnightly meetings thereafter until they have completed their course or until they turn 18. This is to monitor their academic progress, living arrangements, health, wellbeing and other personal matters.

The Institute provide information to international students under the age of 18, at Orientation, in accordance with any state and territory requirements, on:

- who to contact in emergency situations, including contact numbers of nominated staff members or service providers; and
- how to seek assistance and report any incidents involving sexual, physical or other abuse.

If the Institute is unable to contact an under 18 student and has concerns for their welfare, the International Office will make all reasonable efforts to locate the student including visiting accommodation, notifying police, and contacting appropriate government agencies as required.

WAI will continue to check monitor and approve the suitability of arrangements for the student until:

- The student turns 18 years of age.
- The student has alternative welfare arrangement approved by another provider.
- The student leaves Australia.
- Care of the student by parents or nominated relative is approved by DHA.
- WAI reports to DHA when it can no longer approve the welfare arrangements or when the student cannot be contacted (despite implementation of the Institute's critical incident procedures).

Selection and Monitoring of Third Party Welfare Services and Homestay/ Accommodation Providers

The Institute selects, screens and monitors the performance of the approved Welfare Services Providers, Homestay/ Accommodation Providers in accordance with the contract of service.

The Institute must ensure the staff of the third-party provider, who work directly with our international students, have been appropriately screened, selected and monitored.

Welfare Services Providers

The selection and screening process of Welfare Providers involve gathering, verifying and recording the following information:

- working With Children Check
- proof of personal identity and residential address
- relevant history and work experience involving providing support services to students under the age of 18.
- Insurance
- student and peer feedback

Homestay/Accommodation Providers

The selection and screening process of Homestay/Accommodation Providers involve gathering, verifying and recording the following information:

- working With Children Check of Staff
- proof of personal identity and residential address
- relevant history and work experience involving providing support services to students under the age of 18.
- policy and procedures including special welfare and overnight arrangements and procedures that apply to under 18 students (e.g. Curfew, Safety, Critical Incidents)
- age and gender appropriate facilities
- designated Under 18 Supervisory Staff
- student and peer feedback

The Institute reviews the above and request additional information and when required. The Institute must be satisfied that the third party has rigorous processes in place for verifications of hosts, accommodation and welfare support to ensure the international student is residing in appropriate accommodation and has appropriate welfare support.

The third parties must sign a service agreement with the Institute and adheres to the terms and conditions of the agreement in providing services to international students under the age of 18 and abides to the reporting/monitoring requirements set out by the Institute.

The monitoring process involves:

- Physical inspection at the accommodation property of Homestay/Accommodation Providers prior to the accommodation before approved and every six months thereafter
- WAI's International Office Staff regular contacts with the Providers.
- The Providers' response in providing information for the WAI's Checklist for Homestay and Accommodation Providers (for new students)
- Feedbacks from International Students
- Curfew reports from Homestay/Accommodation Providers
- Monthly welfare report sent to the institute
- Bi-annual meetings with the Institute

Any issues with Providers' standard of service will be investigated, recorded and actioned accordingly.

Suspension or cancellation of enrolment

Where the Institute suspends or cancels the enrolment of an international student on a CAAW, the Institute will continue to check the suitability of care arrangements until one of the following occurs:

- the international student has alternative welfare arrangements approved by another registered provider; or
- the international student has a nominated guardian approved by the Department of Home Affairs; or
- the international student leaves Australia; or
- the Institute has notified the Department of Home Affairs through PRISMS that it is no longer able to approve the international student's welfare arrangements; or
- the Institute has taken the required action under Standard 5.5 after not being able to contact the international student; or
- the international student turns 18.

Terminating responsibility for welfare arrangements

The Institute's responsibility for welfare arrangements can only be terminated in two circumstances.

The first is if alternative welfare arrangements have been put in place. In this circumstance, the Institute will confirm that the new welfare arrangements are formally in place before terminating the CAAW.

In the situation where an international student's parent, legal custodian, or eligible relative is planning to look after the international for a short period, for example during a holiday, the student is required to complete the Temporary Welfare Waiver Form (onshore) but will not terminate the CAAW.

The second circumstance where the Institute may terminate a CAAW is where they can no longer take responsibility for the international student due to events, such as:

- the international student refusing their accommodation or leaving their accommodation without notice, even after the Institute has exhausted all possible avenues of assisting the international student to maintain appropriate arrangements;
- the accommodation provider becoming unable to maintain arrangements;
- the international student's enrolment being suspended or cancelled;
- the international student going missing from their accommodation and cannot be found or contacted, even after the Institute has implemented its critical incident policy.

In the above situations, the Institute will report the international student within 24 hours using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter through PRISMS.

This report should be used as a last resort, as it may lead to cancellation of the international student's visa by the Department of Home Affairs for breaching visa condition 8532.

The Institute may make all reasonable efforts to ensure the international student's parents or legal custodians are notified immediately if it is no longer able to approve the welfare arrangements of a student.

Definitions

- **International student:** – a student enrolled in a course registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) under the Institute CRICOS Provider Code who is holding a Student Visa.
- **Suitable nominated relative:** – a brother or sister, step-brother or step-sister, step-parent, grandparent, step-grandparent, aunt or uncle, step-aunt or step-uncle, niece or nephew, step-niece or step-nephew, spouse who is over 21 years of age, be eligible to remain in Australia until the international student turns 18 and be of good character definition.
- **CAAW:** - Confirmation of Appropriate Accommodation and Welfare letter issued by the Institute to accept the responsibility for approving and arranging the accommodation, support and general welfare arrangements for a student who has not turned 18.

Legislative and/or Institute Management Context

This policy enables WAI to comply with regulatory and management instruments including but not limited to:

- Education Services for Overseas Students (ESOS) Act 2000 (Clth).
- Education Services for Overseas Students Regulations 2019 (ESOS Regulations) (Clth).
- Standard 5 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code).
- Migration Legislation Amendment (Overseas Students) Act 2000 (Clth).
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Working with Children Act 2005 (Vic.)
- Children, Youth and Families Act 2005 (Vic.)
- Child Protection (Working with Children) Act 2012 (NSW)