

# Welfare for International Students Under the Age of 18

## Procedure

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Related policies and documents:	WAI Guardianship Confirmation Form; Accommodation and Welfare Arrangement Form; Guardian Responsibilities Statement; Statement of Intention (Under 18 Student); Living Australia/Holiday Form (Under 18 Student);

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## Purpose

As an education provider listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), William Angliss Institute (WAI), this policy and procedure ensures that it complies fully with ESOS Act and Standard 5 of the National Code in the arrangement and approval of accommodation, support and general welfare arrangements for international students who are under the age of 18.

## Policy

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. The Institute takes all practical steps to ensure welfare is maintained at all time by:
  - WWCCs or Criminal Record Checks for staff and any adults involved in providing overseas student accommodation or welfare arrangements;
  - regularly verify that overseas student accommodation is appropriate to the student's age and physical needs;
  - notify the police and any other relevant agencies as soon as practicable if unable to contact an overseas student and there are concerns for the overseas student's welfare;
  - report through Provider Registration and International Student Management System (PRISMS) if the registered provider is no longer able to take responsibility for the overseas student's welfare;
  - make all efforts to contact a younger overseas student's parent or legal custodian immediately if they can no longer approve the overseas student's welfare;

- provide age and culturally appropriate information on who to contact in emergency situation including contact numbers of nominated staff and how to seek assistance and report any incidents involving sexual, physical or other abuse.

## **Procedure**

### Acceptance of 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.

### Guardianship Confirmation

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 Guardianship Confirmation Form confirming that appropriate arrangements have been made for the student's accommodation, care and general welfare during their stay in Australia.

They must show that they will either:

1. Live in Australia with their parent(s) or legal custodian on a Student Guardian Visa (Subclass 580).

WAI does not accept International students who are under 17 years of age. 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 Guardianship Confirmation Form, provide the identification page of passport and submit the Accommodation and Welfare Arrangement Form to confirm this arrangement.

2. Live in Australia with a suitable nominated relative approved by their parent or legal custodian.

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:

- Over 21 years of age- eligible to remain in Australia until the student turns 18
- A suitable relative as defined by DHA. DHA defines a 'suitable relative' as a person who is: A grandparent, brother, sister, aunt, uncle, niece or nephew, or a step-grandparent, stepbrother, step-sister, step-aunt, step-uncle, step-niece or step-nephew

They must also submit the following documents on approval and acceptance of student's guardianship 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 the federal police check and working with children check
- Accommodation and Welfare Arrangement Form

- Carer/Guardian Responsibilities Statement

It is the nominated relative's responsibility to inform WAI of any changes to the approved/existing welfare arrangements.

3. Live in Australia under a welfare arrangement approved by the Institute.

If the student is under 18 years of age and over 16 years of age, and is not residing with their parent(s) or legal custodian or suitable nominated relative, WAI will accept responsibility for the accommodation, support and general welfare arrangements during the nominated period provided that the parent or legal custodian is required to nominate one of the guardianship services approved by the Institute.

### 3.1 Guardianship Service

The Institute has formal arrangements with approved Guardianship Services Company and Homestay Provider, and the under 18 student must only enter into agreement with WAI approved guardianship and homestay provider. The Institute communicates and monitors the performance of the approved Guardianship Services Company and Homestay Provider on a regular basis.

The Guardianship Service will need to provide WAI Confirmation document to confirm guardianship arrangement. It will also sign an agreement with the student (approved by the parent or legal custodian) and advise the International Office of the accommodation and welfare details by submitting the below:

- Accommodation and Welfare Arrangement Form
- The full name and residential address of the carer.
- The identification page the carer's passport.
- Proof that the carer is over 21 years of age.
- Proof that the carer is eligible to remain in Australia until the student turns 18.
- Copy of the federal policy check and working with children check
- Carer/Guardian Responsibilities Statement
- Accommodation and Welfare Arrangement Form;

The Guardianship Service 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 Homestay Provider and Accommodation Placement

The Institute works with the Guardianship Service Company and the Homestay Providers to approve the accommodation of the student to ensure that the accommodation is appropriate to the student's age and needs. The Institute ensures that the Homestay Provider provides appropriate reporting and documentation for each homestay placement to confirm that the student is residing in appropriate accommodation.

If the student is not staying with homestay, they must live in one of the Institute-approved accommodation. 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 must conduct the initial physical site visit to verify the accommodation, prior to the accommodation being approved and at least every six months thereafter.

### 3.3 Confirmation of Appropriate Accommodation and Welfare (CAAW)

If the student is under 18 years of age and over 16 years of age, and is not residing with their parent(s) or legal custodian or suitable nominated relative, WAI will accept responsibility for the welfare arrangements by issuing the CAAW under the provision that the parent or legal custodian nominates one of the guardianship services 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.

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. Attend the scheduled monthly meetings 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.

### 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 18<sup>th</sup> 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 guardianship and welfare arrangements confirmed on the WAI Guardianship 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 guardian or 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 guardian or caregiver/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.

## Support and Monitoring

International Students who are not residing with a parent(s) or legal custodian or nominated relative are required to attend monthly meetings with an International Officer to monitor their academic progress, living arrangements, health and other personal matters until they have completed their course or until they turn 18.

The parent(s)/legal custodian (s) of the student must also give permission to WAI to release information (including the student's contact details, academic performance and results and attendance) to the Australian Government to ensure that they are meeting their visa conditions.

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 is accepted by another registered provider.
- The student leaves Australia.
- Other suitable arrangements are made that satisfy the Migration Regulations.
- WAI reports to DHA when it can no longer approve the welfare arrangements or when the student has gone missing (despite implementation of the Institute's critical incident procedures).

## **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 (Cth).
- Education Services for Overseas Students Regulations 2001 (ESOS Regulations) (Cth).
- 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 (Cth).