

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

Procedure

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Related policies and documents:	Welfare for International Students Appendices 1-6: Form 1 Welfare Arrangement Confirmation Form 2 Accommodation Arrangement Form 3 Welfare and Accommodation Approval for International Students Under the Age of 18 Form 4 Statement of Intention (Under 18 Student) Form 5 Under 18 Student – Travel/Holiday Notification Form 6 Under 18 Student - Temporary Welfare Waiver (Onshore) Checklist for Homestay and Accommodation Providers Student Critical Incident Policy and Procedure Selecting, Screening and Monitoring Third Party Arrangements for International Students under 18 Policy Student Complaints, Grievances and Appeals Policy

Purpose

To ensure that William Angliss Institute (WAI), as an education provider listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), complies fully with the Education Services for Overseas Students (ESOS) Act 2000 (Clth) and Standard 5 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (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.

To ensure WAI compliance with state legislation and regulatory requirements relating to child welfare and protection.

Procedure

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

- Staying in Australia with a 'nominated guardian' approved by the Department of Home Affairs (DHA), who can be the student's parents, a person who has legal custody, or an eligible relative who is aged over twenty-one. The 'nominated guardian' must be eligible to remain in Australia until the international student turns eighteen and must be of good character.; or
- Having accommodation, support and general welfare arrangements that have been approved by WAI, where WAI accepts this obligation by issuing a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

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

International students under the age of 18 years 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 will not accept international students under the age of seventeen.

WAI does not accept international students who will turn eighteen more than six months after their course commencement. Exceptions may be granted based on the student's maturity assessed through an interview process and if WAI can schedule the student for daytime classes until they turn eighteen.

All students under eighteen must be timetabled for daytime classes by WAI.

Before an international student under the age of 18 can be accepted, the student's parents or legal custodian must complete William Angliss Institute's Form 1 Welfare Arrangement Confirmation, 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 /custodian must indicate that they will either:

1. **As parent(s) or legal custodian, be residing in Australia on a Student Guardian Visa (Subclass 590) and will be caring for and living with the student.**

If students have not turned 18 years of age by the commencement date of the course, the student must live in Australia with their parent(s) or legal custodian who must have a Student Guardian Visa (Subclass 590).

The parent(s) or legal custodian must complete Form 1 Welfare Arrangement Confirmation, provide the identification page and signature page of their passport and submit Form 2 Accommodation Arrangement 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 or step-parent, grandparent or step-grandparent, sibling or step-sibling, aunt, uncle, step-aunt or step-uncle; and
- nominated by a parent of the applicant or a person who has custody of the applicant; and
- aged at least twenty-one; 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 sixteen; and
- an Australian citizen, permanent resident or temporary visa holder and be eligible to remain in Australia until the under eighteen 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 the student's welfare arrangement:

- The identification page of their passport.

- Copy of their visa (if applicable) to show that the person is eligible to remain in Australia until the student turns eighteen.
- Proof of relationship with the student.
- Copy of an Australian National Police Check and Working with Children Check.
- Form 1 Welfare Arrangement Confirmation.
- Form 2 Accommodation Arrangement.

The Department of Home Affairs (DHA) will assess the nominated arrangements according to the Migration Regulations 1994 (Clth) 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 WAI as responsible for the student's accommodation, support and general welfare arrangements (a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter will be issued).

WAI 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 WAI accepts responsibility for the welfare arrangement for the under eighteen international student. Prior to issue of a CAAW letter, welfare services and accommodation must be approved by WAI.

WAI 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 fourteen calendar days prior to the commencement of student orientation and enrolment and will conclude 7 days after the end date of the course or the day when the student turns eighteen, 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 (DHA). If the international student is unaccompanied, WAI 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 letter commences.

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

- Provides WAI with all required documents.
- Informs, consults and contacts the WAI International Office regarding any changes to the approved accommodation and welfare arrangements.
- 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.
- Contacts the nominated employee of the Welfare Provider when required.

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

3.1 Welfare Service

WAI has formal agreements with selected Welfare Services Providers, and the under eighteen 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 under eighteen students. 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 information below:

- Form 1 Welfare Arrangement Confirmation.
- Form 2 Accommodation Arrangement Form.
- The identification page of the allocated welfare employee's passport.
- Proof that the allocated welfare employee is over 21 years of age.
- Proof that the allocated welfare employee is eligible to remain in Australia until the student turns eighteen.
- Copy of an Australian National Police Check and Working with Children Check.
- Letter of Confirmation for Welfare arrangement with the Welfare Provider.

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, or unexplained absences to the International Office in a timely manner.

3.2 Accommodation and Homestay Placement

WAI 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.

WAI 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.

The parents or legal custodian and/or the approved welfare provider must confirm the accommodation arrangement for the Under 18 student by completing and signing Form 2 Accommodation Arrangement.

Once WAI has received the confirmation of welfare and accommodation arrangement for the under eighteen student, the International Officer/s will verify the details by completing Form 3 Welfare and Accommodation Approval for International Students Under the Age of 18.

3.2.1 Homestay

Approval of accommodation is dependent on:

- Physical inspection of the property where deemed necessary.
- Phone (video) inspection and google map investigation.
- A Placement Letter from the Homestay Provider.

3.2.2 Non- Homestay accommodation:

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

The Provider will submit a Leasing Agreement for each student prior to arrival. WAI will conduct an accommodation review via zoom video calls after the student has arrived.

3.2.3 Accommodation monitoring

Accommodation monitoring includes:

- ongoing feedback from the student.
- the International Office completing the review part of Form 3 Welfare and Accommodation Approval for International Students Under the Age of 18, if there are concerns raised by the student.

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 Form 4 Statement of Intention (Under 18 Student) and return it to the International Office with the required documentation as stated on the WAI Offer Letter and Acceptance Agreement. WAI will not be responsible for the student's welfare arrangements and will cancel their COE if they arrive in Australia prior to their 18th birthday.

Leaving Australia/Holiday for under 18 International Students

Under 18 international students must complete and submit Form 5 Under 18 Student – Travel/Holiday Notification 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 leaving the country without notice will result in the cancellation of the CAAW letter by WAI, which may lead to cancellation of the Student Visa by DHA.

Changes to Arrangements

All welfare and accommodation arrangements confirmed on WAI's Form 1 Welfare Arrangement Confirmation and Form 2 Accommodation Arrangement are for the period until the student turns eighteen and cannot be changed without prior consent from WAI. Any changes to arrangements will need new forms to be signed by the parent(s) or legal guardian / 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 review any request for changes to the student's accommodation and welfare arrangements before any approval will be made in writing. WAI will advise DHA of any WAI approved changes to living arrangements.

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 WAI's Student Complaints, Grievances and Appeals Policy) have been exhausted, WAI is obliged to advise DHA. This may result in the student's visa being cancelled.

Transferring between registered providers

For an international student who is under the age of 18 with a CAAW letter who is transferring to or transferring from another registered provider, WAI 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 / custodian 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.

WAI 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 CAAW letters 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 (DHA) 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 guardian / custodian makes alternative welfare arrangements, such as nominating a guardian through the Department of Home Affairs (DHA). If an international student wishes to return to their home country during a gap between courses, WAI 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 benefitting both WAI and the international student.

Packaged courses

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

Disruption to welfare arrangements

WAI will activate the Student Critical Incident Policy and Procedure in emergency situations which may disrupt welfare arrangements without warning.

If WAI is unable to contact a student and has concerns for the student's welfare, WAI 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.

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

The Student Critical Incident Policy and Procedure includes:

- The action to be taken.
- Any immediate welfare arrangements in an emergency.
- Required follow-up by WAI.
- The requirement that records of the incident 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 (DHA) officials, the international student's parent or legal guardian / custodian, and other relevant authorities.

Support and Monitoring of an International Student under the age of eighteen.

International students who are not residing with a parent(s) or legal guardian / 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 eighteen. This is to monitor their academic progress, living arrangements, health, wellbeing and other personal matters.

WAI provides information to international students under the age of eighteen at student orientation, in accordance with any state and territory requirements, on:

- Who to contact in emergency situations, including contact numbers of nominated employees or service providers; and
- How to seek assistance and report any incidents involving sexual, physical or other abuse.

If WAI is unable to contact an under eighteen 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 arrangements approved by another provider.
- The student leaves Australia.
- Care of the student by parents, legal guardian / custodian 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 WAI's Student Critical Incident procedures).

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

WAI selects, screens and monitors the performance of the approved Welfare Services Providers, Homestay / Accommodation Providers in accordance with the service contract. WAI must ensure the employees of the third-party provider, who work directly with our international students, have been appropriately screened, selected and monitored. Please refer to the Selecting, Screening and Monitoring Third Party Arrangements for International Students Under 18 Policy.

Welfare Services Providers

The selection and screening process of Welfare Providers involves 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 eighteen.
- Insurance.
- Student and peer feedback.

Homestay / Accommodation Providers

The selection and screening process of Homestay / Accommodation Providers involves 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 eighteen.
- Policy and procedures including special welfare and overnight arrangements and procedures that apply to under eighteen students (e.g. Curfew, Safety, Critical Incidents).
- Age and gender appropriate facilities.
- Designated Under 18 Supervisory Employee.
- Student and peer feedback.

WAI reviews the above information and requests additional information when required. WAI 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 party must sign a service agreement with WAI and adhere to the terms and conditions of the agreement in providing services to international students under the age of eighteen and abiding to the reporting / monitoring requirements set out by WAI.

The monitoring process involves:

- Inspection of the Homestay /Accommodation Provider's property prior to approval.
- Reviews being conducted when concerns are raised by an under 18 student.
- WAI's International Office having regular contact with the Providers.
- The Providers' response in providing information for WAI's Checklist for Homestay and Accommodation Providers (for new students).
- Feedback from International Students.
- Curfew reports from Accommodation Providers.
- Welfare reports where there are concerns raised by Homestay / Accommodation Providers.

- Bi-annual or annual meetings with Homestay / Accommodation Providers as required.
- Any issues with Providers' standard of service will be investigated, recorded and actioned accordingly.

Suspension or cancellation of enrolment

Where WAI suspends or cancels the enrolment of an international student with a CAAW letter, WAI 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 (DHA); or
- the international student leaves Australia; or
- WAI has notified the Department of Home Affairs (DHA) through PRISMS that it is no longer able to approve the international student's welfare arrangements; or
- WAI has taken the required action under Standard 5.5 after not being able to contact the international student; or
- the international student turns eighteen.

Terminating responsibility for welfare arrangements

WAI'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, WAI will confirm that the new welfare arrangements are formally in place before terminating the WAI issued CAAW letter.

In the situation where an international student's parent, legal guardian / custodian, or eligible relative is planning to look after the international student for a short period, for example during a holiday, the student is required to complete Form 6 Under 18 Student - Temporary Welfare Waiver (Onshore). In this instance, WAI will not terminate the CAAW letter.

The second circumstance where WAI may terminate a CAAW letter 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 WAI 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 WAI has implemented its Student Critical Incident Policy.

In the above situations, WAI 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 (DHA) for breaching Student Visa condition 8532.

WAI may make all reasonable efforts to ensure the international student's parents or legal guardian / 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 WAI's CRICOS Provider Code who is holding a Student Visa.

- **Suitable nominated relative:** – a parent or step-parent, grandparent or step-grandparent, sibling or step-sibling, aunt, uncle, step-aunt or step-uncle who is over 21 years of age, 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 WAI to accept the responsibility for approving and arranging the accommodation, support and general welfare arrangements for an international student who has not turned eighteen.

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 Providers of Education and Training to Overseas Students 2018 (the National Code)
- Migration Regulations 1994 (Clth)
- 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)