



**Independent Schools  
Queensland**

choice & diversity

# **ISANA & IEAA Under 18 Masterclass series**

**7 OCTOBER: COMPLIANCE AND LEGISLATIVE REQUIREMENTS FOR  
UNDER 18 WELFARE ARRANGEMENTS**

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**Independent Schools  
Queensland**

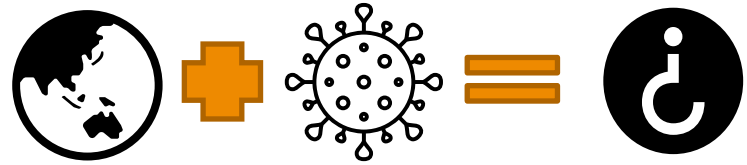
choice & diversity

**Independent Schools Queensland  
is the peak body representing  
Queensland's independent  
schooling sector.**

**Over 1,600 of the more than 128,000  
students enrolled in ISQ member  
schools are international students.**

# COVID-19 has changed our normal operating environment

Under 18 international students are studying on and offshore.



Some who are onshore want to stay over the summer break, when usually they would return home.

We don't know when those who are offshore will be able to travel to Australia.

Everyone is trying to decide what to do next.

How do we ensure we meet our obligations for under 18s while navigating these uncharted waters?

# Compliance and Legislative Requirements for Under 18 Welfare Arrangements

*OVERVIEW 7 OCTOBER WEBINAR:*

12-1pm AEDT

- Overview of requirements & obligations for under 18s
- Practical considerations & options
  - Students who do not want to return home over the summer break
  - When students can travel to Australia

1-1.30pm AEDT

- Under 18s in PRISMS
- PRISMS Q & A

# Requirements for overseas students under 18 years

## DEPARTMENT OF HOME AFFAIRS STUDENT VISA CONDITION 8532

8532 - Maintaining welfare arrangements for minors

If you are younger than 18 years of age, you must have accommodation and support, and your general welfare must be maintained for the duration

To maintain your welfare, you must stay in Australia with:

- your parent or legal custodian or
- a relative who has been nominated by your parents or custodians who is aged over 21 and is of good character or
- have accommodation, support and general welfare arrangements in place that have been approved by your education provider

You must not change your arrangements without the written approval of your education provider. If your welfare arrangements are approved by your education provider you must not travel to Australia until your welfare arrangements start

- current and previous 570-576 visa holders, [See the Regulations](#)
- 500 visa holders, [See the Regulation](#)

Parent or  
legal  
custodian

OR

Nominated  
relative

OR

Education  
provider  
(under a  
CAAW)

### Key links\*

- [Check visa details and conditions](#) (see 8352)
- [Education provider responsibilities](#) (see *Responsibilities for students under 18 years of age*)
- [Welfare arrangements for students under 18](#) (information for student visa applicants)
- [COVID-19 and the border](#)

\*Accessed from <https://immi.homeaffairs.gov.au> 06/10/20

# Requirements for overseas students under 18 years

## DEPARTMENT OF HOME AFFAIRS – Fact Sheet\*



### Welfare arrangements for students under 18 applying for a Student visa

This fact sheet covers the welfare arrangements accepted by the Department of Home Affairs in order to grant a Student (subclass 500) visa to an international student under 18 years of age.

The Australian Government is committed to ensuring the safety and wellbeing of younger international students. In order for a student under 18 to be granted a Student (subclass 500) visa, the student must demonstrate they will have adequate arrangements in place for their accommodation, support and general welfare for the duration of their stay in Australia, or until they turn 18.

Applicants can demonstrate they have adequate welfare arrangements in place by providing evidence of one of the following arrangements at the time they lodge their Student visa application:

#### 1. The student will live with a parent, person who has custody or a nominated relative

If the student will live with a parent, a person who has custody of the student (custodian), or a nominated relative while they are studying in Australia, they will need to provide a completed Form 157N Student guardianship arrangements.

The parent/custodian or nominated relative must be an Australian citizen or have a visa to stay in Australia for the duration of the student's visa, or until the student turns 18.

If the student will be in the care of a relative in Australia who has been nominated by a parent/custodian, the relative must be at least 21 and be of good character. If the parent/custodian or nominated relative does not have a visa allowing them to stay in Australia for the duration of the student's visa, they may be able to apply for a Student guardian (subclass 590) visa.

The student will need to provide the following documentation with their student visa application to demonstrate they have adequate welfare arrangements in place:

- Form 157N Student guardianship arrangements, which can be found at: <https://immi.homeaffairs.gov.au/form-listing/forms/157n.pdf>, and
  - Evidence of the relationship with their guardian
  - Evidence that the guardian is of good character
  - Evidence of residency or citizenship status in Australia for the nominated guardian.
- The consent of a non-accompanying parent(s) or a person who has custody of the student is required to allow the grant of a visa to a child under the age of 18. Form 1229 Consent to grant an Australian visa to a child under the age of 18 years can be found at: <https://immi.homeaffairs.gov.au/form-listing/forms/1229.pdf>.

Note: This arrangement does not require a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter from the education provider.

### *Welfare arrangements for students under 18 applying for a student visa*

- Covers welfare arrangements accepted by the DHA in order to grant a subclass 500 student visa to an international student under 18 years
- Provides information for Secondary Exchange Students and Department of Foreign Affairs and Trade / Defence Sponsored Students
- Provides answers to FAQs by overseas parents.

\*Not publicly available. Will be emailed to participants.

# Requirements for overseas students under 18 years

## EDUCATION SERVICES FOR OVERSEAS STUDENTS (ESOS) LEGISLATIVE FRAMEWORK &

## NATIONAL CODE OF PRACTICE FOR PROVIDERS OF EDUCATION AND TRAINING TO OVERSEAS STUDENTS 2018 (NATIONAL CODE 2018)

Department of Education, Skills and employment (DESE) key links:

- [The ESOS legislative framework](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- [National Code 2018 Fact Sheets](#)
  - [Fact Sheet Standard 5: Younger overseas students](#)
- [Provider Registration and International Student Management System \(PRISMS\)](#)
- [COVID-19 \(Coronavirus\)](#)

# Requirements for overseas students under 18 years

## NATIONAL CODE 2018

### *Standard 5 Younger overseas students*

#### **Applies to ALL providers enrolling U18s:**

5.1 Meet all jurisdictional legislative, regulatory requirements relating to child welfare and protection.

5.2 Give age-and culturally-appropriate information on

- who to contact in emergency situations, including contact numbers of a nominated staff member and/or service provider to the registered provider
- seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.

5.7 Obligations of the receiving provider if an under 18 student is transferring from another provider that holds a CAAW

- negotiate the transfer date to ensure there is no welfare gap
- advise the student they must have /maintain current welfare arrangements / have alternative arrangements approved / return home until the new approved welfare arrangements take effect.

# Requirements for overseas students under 18 years

## NATIONAL CODE 2018

### *Standard 5 Younger overseas students*

#### **Applies to students under a CAAW\*:**

5.3 Where the provider issues a CAAW (but does not have guardianship as this is a legal relationship)

- nominate the welfare dates
- ensure adults involved in welfare / accommodation have all working with children clearances (or equivalent)
- have & implement processes for verifying accommodation is appropriate prior to approval & at least every 6 months after that
- have a process for managing emergencies & when arrangements are disrupted in CI policy
- keep up to date contact records for student, parents, adults responsible for welfare
- advise DHA asap if the student is cared for a parent / nominated relative; within 24 hours if welfare arrangements can no longer be approved
- have policies & processes for selecting, screening and monitoring any third parties engaged to organise and assess welfare and accommodation arrangements.

\*Letter of confirmation of approval of accommodation and welfare arrangements for a student under 18 years (issued in PRISMS - see [Provider User Guide](#)).

# Requirements for overseas students under 18 years

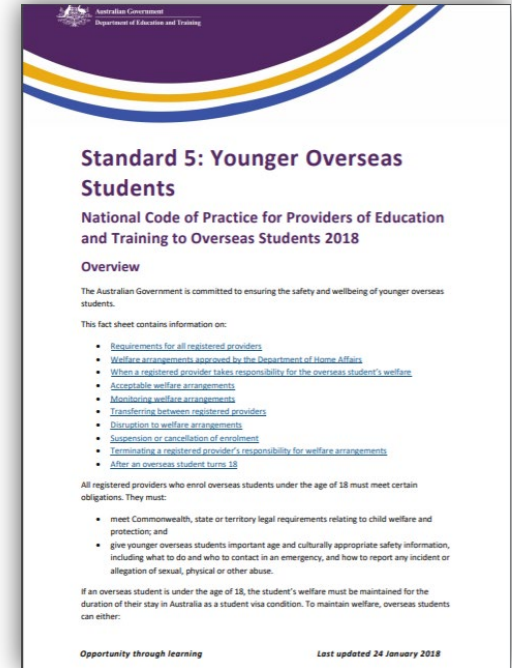
## NATIONAL CODE 2018

### Standard 5 Younger overseas students

#### Applies to students under a CAAW:

- 5.4 Notify parents / legal guardian immediately if welfare can no longer be approved
- 5.5\* Notify police & other relevant agencies if student can't be contacted and there are welfare concerns
- 5.6 Continue to approve welfare if enrolment is suspended / cancelled until student has alternative in place with another provider OR Immigration approves care by a parent/relative OR the student leaves Australia OR the provider reports to Immigration it can no longer approve welfare.

*\*Appears to apply to students under a CAAW – see NC 2018 Fact Sheet for St 5.*



# Requirements for overseas students under 18 years

## NATIONAL CODE 2018

### *Standard 2 Recruitment of an overseas student*

2.1.10 - Provide information prior to enrolment about policy and process for approving accommodation, support and general welfare arrangements... (in accordance with St 5).

### *Standard 6 Overseas student support services*

Note in particular:

- 6.1 - provide age and culturally appropriate information/orientation program
- 6.9 - advise students how to seek assistance for /report an incident that significantly impacts on wellbeing, including critical incidents.

### *Standard 7 Overseas student transfers*

7.3 if student is under 18

- Parents must confirm support for transfer in writing
- Receiving provider must confirm acceptance of welfare obligations in accordance with St 5.

# Flexibility during COVID-19

## DEPARTMENT OF HOME AFFAIRS

### Provider update 24/04/20\*



Edition 18 | 24 April 2020

Provider Update – Student Visa Program

### Welfare arrangements for under 18 Student visa holders

Under 18 student visa holders must have adequate welfare arrangements in place while they are in Australia. **Whilst the Department understands there may be necessary changes to the welfare arrangements of student visa holders at this time, it is important that Education providers ensure that appropriate welfare arrangements are maintained...**

#### 2. Students whose welfare is arranged by their education provider (through a Confirmation of Appropriate Accommodation and Welfare – CAAW)

- **Education Providers should continue to maintain responsibility for student's welfare at this time (under a CAAW agreement).**
- **If under this agreement, the student cannot reside in their usual accommodation arrangement, the student can temporarily reside in alternative accommodation, for example, with a relative. Education providers must approve the temporary welfare arrangements. The student does not need to seek approval from the Department.**
- **If students are moved to an alternative accommodation arrangement, it is important that this accommodation is consistent with Standard 5 of the National Code.**
- **If a provider suspends or cancels the enrolment of a student, the provider must continue to provide the welfare arrangements for that student until other arrangements for welfare are approved, or until the student departs Australia.**
- **If a provider is no longer able to approve a student's welfare arrangements, they must advise the Department through PRISMS within 24 hours.**

\*Not publicly available. Available to education providers on request.

# Options for overseas students under 18 years

## DEPARTMENT OF HOME AFFAIRS – Fact Sheet FAQs\*



Welfare arrangements for students under 18 applying for a Student visa

This fact sheet covers the welfare arrangements accepted by the Department of Home Affairs for a Student (subclass 500) visa to an international student under 18 years of age.

Are these some options?

A provider can approve a relative, or family friend under a CAAW, but they are not obliged to do so

Can my child live with someone such as a cousin or family friend?

If your child's education provider is approving the accommodation and welfare arrangements, please discuss the details of the proposed arrangement with the education provider. The education provider will let you know if these arrangements can be approved, and if there are any conditions for doing this. If approved by the education provider, the Confirmation of Appropriate Accommodation and Welfare (CAAW) letter will specify the welfare arrangements will be provided by the cousin/family friend.

**Note:** Education providers are not obliged to approve friends or other relatives as an accommodation provider for you. Any person or entity providing accommodation and welfare must meet the education provider's requirements.

Parents can change provider approved arrangements for a student to live with a relative

BUT the relative must meet DHA criteria for a nominated relative AND the parent must lodge the required documentation 6-8 weeks in advance. (REQUEST DETAILS)

My child's school approved their accommodation and welfare arrangements, can I change these arrangements?

If your education provider has approved your child's accommodation and welfare arrangements, but you wish to change them, you must have the approval of the education provider before you do so. You must also seek approval from the Department of Home Affairs. The student must submit Form 157N with supporting documents to request a change to their welfare arrangements. Information on how to seek approval from the Department of Home Affairs can be found at <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/welfare-arrangements-students-under-18>.

What relative can my child live with while studying in Australia?

If your child will live with a parent/custodian or nominated relative while they are studying in Australia, you must complete Form 157N *Student guardianship arrangements*. A person who can be approved by the Department of Home Affairs to provide welfare for a student under 18 includes:

- A parent or a person who has custody of the student; or
- A nominated relative including a grandparent, or step-grandparent; aunt or uncle, step-aunt or step-uncle; a sibling or step equivalent; niece or nephew, step-niece or step-nephew. The nominated relative must be at least 21, of good character and must have Australian citizenship, permanent residency or a visa that allows them to be in Australia for the duration of the student's visa or until the student turns 18.

\*Not publicly available. Will be emailed to participants.

# KEY TAKEAWAYS

- DHA requirements remain the same:
  - There must be adequate welfare arrangements in place while U18s are in Australia.
  - Options are in the care of a parent, legal custodian or relative approved by DHA OR the education provider holds welfare responsibilities under a CAAW.
- National Code 2018 requirements remain the same. Responsibilities are not transferable.
- There is some regulatory flexibility to managing arrangements for students offshore, learning online or suspending enrolment, etc, but onshore obligations relating to accommodation and welfare are unchanged.
- Every student's situation will be unique, their welfare will be of primary concern in decision making about arrangements that are out of the ordinary.
- Providers can contact their regulators for advice, or jurisdictional authorities for advice on child protection requirements.
- Managing PRISMS records will be covered in PRISMS presentation.

# Considerations: Students who do not want to return home over the summer break

What are the options?

- Living with a parent / legal custodian or relative approved by DHA
- Living & welfare arrangements approved by a registered provider (CAAW)
  - Homestay
  - Boarding facilities
  - PBSA
  - Other provider approved arrangements (e.g., living with a family friend or other relative)
  - Supervised activities.

# Considerations: Students who do not want to return home over the summer break

What are some of the issues?

- Currently approved arrangements are not possible for some or part of the time
- Students or parents want to change approved arrangements
- Communications may be limited over the holiday period. Someone will need to be contactable at any time.
- Provider staff, homestays, other caregivers will need a break from 24h care duties
- Conditions / current restrictions may change over the holiday break – for better or worse
- There may be an emergency – a student needs to return home urgently, or may be involved in a CI onshore
- Co-ordination will be needed across different role responsibilities – welfare, counselling, activities, accommodation, etc.
- Every student's situation will be different.

# Considerations: Students who do not want to return home over the summer break

What are education providers looking at doing?

- Upcoming ISANA-IEAA webinars in U18 Masterclass series
  - 14 Oct Accommodation Options for Under 18 students
  - 21 Oct E-safety: teaching and engaging online
  - 28 Oct Student Welfare and Online Support
- ISQ's approach
- Let's hear from some state departments of education
- If you have **A COMPLIANT** proposal / solution to offer, please enter a link or contact details into CHAT to share with others.

# Considerations: When students can travel

What are the options?

- Students are approved to enter Australia as part of an approved “pilot”
- Students can enter Australia under an approved “exemption” – current exemption for Year 11s & 12s from China, or a future exemption if allowed by the Australian Government and approved by state/territory governments
- Travel restrictions are relaxed, students are able to return (may have conditions).

# Considerations: When students can travel

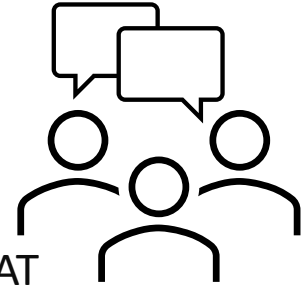
## What are the issues?

- “Pilots” for students to “return” must have state government support and approval of First Ministers & CHOs as a preliminary step to Australian Government approval
  - States / territories determine timing, student cohorts, institutions that can participate, etc.,
  - Focus is to be small numbers of returning students with existing visas from diverse source countries
  - State borders must first be open to domestic travel from other jurisdictions (with some flexibility)
  - Must be no cost to Australian Government
  - Compliance required with health requirements for screening, quarantine, transport, contact tracing, etc.
  - Students and their families need to be well prepared for any quarantine experience.
  - Mental health of students must be well supported during quarantine period.

# Considerations: When students can travel

Where is this up to?

- IEAA & media updates
- Let's hear from you...
  - Enter what you know from your sector / location into CHAT
- Revisit this topic closer to the end of the year.



# Under 18s in PRISMS

## PLEASE WELCOME

**The Assistant Director & PRISMS Help Desk member, ESOS Systems and Support Team from the Department of Education, Skills and Employment, to give an overview of the PRISMS system and to answer questions on under 18 PRISMS records management.**



## **MORE INFORMATION**

Please email any unanswered questions to [danielle.hartridge3@gmail.com](mailto:danielle.hartridge3@gmail.com) . Danielle will seek answers for you, and will email all participants copies of this presentation, the DHA Under 18s Fact Sheet, and links for shared information that have been provided today via CHAT.

Thank you for your participation and interest. Remember to register for the other webinars in this series.