



PP-17 Under 18 International Student Policy and Procedures

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Policy

1. This Policy supports Standard 5 of the ESOS National Code 2018 - Younger Overseas Students. This standard sets the framework for Australian Institute of Science and Technology (AIST)'s obligations where responsibility is accepted for the accommodation, support and general welfare of international students under 18 years of age. Australian Institute of Science and Technology (AIST) is required to:
 - a. nominate the dates for which responsibility is accepted for approving the student's accommodation, support and general welfare arrangements;
 - b. advise Department of Home Affairs in writing of the approval and approved dates using the specified PRISMS pro-forma letter;
 - c. ensure any adults involved in or providing accommodation and welfare arrangements to the student have a current working with children check;
 - d. have and implement documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements;
 - e. ensure accommodation, support and general welfare arrangements are appropriate to the student's age and needs both prior to the accommodation being approved and at least every six months thereafter;
 - f. have and implement the process for managing emergency situations and when welfare arrangements are disrupted for students under 18 years of age;
 - g. maintain up-to-date records of the student's contact details, including contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare;
 - h. advise Department of Home Affairs in writing of any change in these living arrangements; and



- i. continue welfare responsibility where a student's enrolment is terminated, suspended, or cancelled, until:
 - the student is accepted by another registered provider who takes responsibility for the accommodation, support and student welfare;
 - care of the student by a nominated guardian is approved by Department of Home Affairs in writing;
 - the student leaves Australia; or
 - Australian Institute of Science and Technology (AIST) reports to Department of Home Affairs in writing, that it can no longer approve the student's welfare arrangements or it has taken the required action after not being able to contact the student.
2. Australian Institute of Science and Technology (AIST) in enrolling international students under the age of 18 must meet Commonwealth and State legal requirements relating to child welfare and protection:
 - Migration Regulations 1994 (Cwlth) require international student visa applicants to have suitable arrangements for accommodation, support and welfare if under 18 years of age (student visa condition 8532).
 - Children, Youth and Families Act 2005 (Vic.) is the statutory framework for the protection of children in Victoria and Australian Institute of Science and Technology (AIST) in enrolling a student who is under the age of 18, commits to the main principle of the Act that the safety, wellbeing and best interests of a child are paramount.
 - Working with Children Act 2005 (Vic) requires people seeking work with children in a paid, voluntary or self-employed capacity to undergo a criminal history check - the 'working with children check'. However, as per the [Education and Training Reform Act 2006](#), this requirement does NOT apply to AIST employees, as quoted from Section 48.1 (b): "...but does not include— (b), a TAFE institute or an adult education institution within the meaning of the Education and Training Reform Act 2006— even if that university, college or institution has a student under 18 years of age".
3. The Department of Home Affairs will issue a student visa if one of the following welfare arrangements has been made for the student:
 - a. Nominated guardian approved by Department of Home Affairs:
 - i. Under 18 students is to live in Australia with their parent or legal custodian as the nominated guardian,
 - ii. Under 18 students is to live in Australia with an eligible relative over 21 years of age who is nominated by their parent or legal custodian as the nominated guardian, **or**
 - b. Australian Institute of Science and Technology (AIST) approved welfare arrangement.

Department of Home Affairs requires a relative who is the nominated guardian to be aged over 21 years of age, be of good character and be eligible to remain in Australia until the applicant's visa expires or they turn 18. A relative is defined by Department of Home Affairs as a spouse, de facto partner, brother, sister, stepbrother, stepsister, step-parent, grandparent, step-grandparent, aunt, uncle, step-aunt, step-uncle, niece, nephew, step-niece or step-nephew. Any changes to these definitions will be detailed on the Department of Home Affairs website.
4. The approved welfare arrangements must be maintained while the student remains under the age of 18 as a student visa condition. If the 'nominated guardian' leaves Australia, Department of Home Affairs must approve alternate welfare arrangements of a replacement 'nominated guardian' or Australian Institute of Science and Technology (AIST) approved welfare arrangement.
5. Australian Institute of Science and Technology (AIST) will accept responsibility for the accommodation, welfare and support of international students commencing their programs under the following conditions:
 - a. the student is under 18 years of age and is enrolled at Australian Institute of Science and Technology (AIST);
 - b. the student's parent/legal custodian has agreed in writing to Australian Institute of Science and Technology (AIST) accepting responsibility for their son or daughter's welfare by completing and signing the Under 18 International Student Agreement;
 - c. the student is to live in Australian Institute of Science and Technology (AIST) approved accommodation until 18 years of age and not change that accommodation unless written agreement is obtained from the parent/legal guardian and Australian Institute of Science and Technology (AIST).



- d. the student is to be met on arrival at the airport by an Australian Institute of Science and Technology (AIST) approved representative or Australian Institute of Science and Technology (AIST) approved homestay provider;
 - e. the student commences their stay in Australian Institute of Science and Technology (AIST) approved accommodation immediately upon arrival;
 - f. the student is not to stay overnight from Australian Institute of Science and Technology (AIST) approved accommodation address without written approval from the student's parent or legal custodian and Australian Institute of Science and Technology (AIST);
 - g. the student cannot transfer between Australian Institute of Science and Technology (AIST) approved accommodation without written agreement from the parent/legal guardian; and
 - h. the student must act responsibly and not partake in risk-taking behaviour.
 - i. The student must attend orientation, and meet Student Support Officer in the first week after my arrival in Australia and every two weeks and meet with the trainer at the end of each study period to discuss my academic progress
6. The CEO is responsible for evaluating the suitability of homestay provider applications and selecting all Australian Institute of Science and Technology (AIST) approved accommodation prior to an under 18-year student residing in that accommodation and at least every six months where an under 18-year student remains in that accommodation, the CEO provides documentation and training for approved accommodation providers housing under 18 students.

Procedures

Enrolment

1. All students under 18 years of age at the commencement of their studies will have appropriate welfare arrangements in place. Students who do not apply for these welfare arrangements through Department of Home Affairs and do so through Australian Institute of Science and Technology (AIST) must meet the requirements of Australian Institute of Science and Technology (AIST).
2. If the student making the application is under 18 years of age and requires a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter, both Accommodation and Guardianship arrangements must be selected on the International Student Application Form. (If the student making the application is over 18 years, guardianship arrangements do not apply). Student and student's parent/legal guardian have to complete the following forms:
 - Homestay Application Form
 - Under 18 Student Guardianship Form
3. Before completing the Under 18 International Student Agreement, the student will apply for their welfare arrangements with Australian Institute of Science and Technology (AIST) approved guardianship services provider. The guardianship company will email the Student Support Officer with a confirmation letter that specifies the student details and the duration of the guardianship arrangement.
4. Upon receipt of the signed Homestay Application form, the Student Support Officer will process the applicant's criteria to find a suitable Accommodation and once the accommodation was accepted by student's parent/legal custodian, a Letter of Confirmation of Student Accommodation Placement will be sent to student/agent.
5. Once all guardianship and accommodation arrangements are processed, the Under 18 Student Guardianship Form has to be completed and signed by student's parent/legal custodian and sent back to Australian Institute of Science and Technology (AIST). Student Support Officer will send the Confirmation letters to the Accommodation and Guardianship Provider and the Student/Agent within 2 weeks prior the commencement date. Student Support Officer will notify the Marketing Manager to issue eCoE and CAAW letter.



6. Australian Institute of Science and Technology (AIST) nominates the start and end dates of welfare responsibility by completing and signing the Confirmation of Appropriate Accommodation/Welfare Arrangements (CAAW) letter generated from PRISMS. The student visa start and end dates will correspond with the dates in this letter, except if the student turns 18 during studies, when the standard visa end date will apply. Australian Institute of Science and Technology (AIST) will provide the student with a signed CAAW letter and CoE to include with their student visa application. The student cannot arrive in Australia before the nominated start date of the CAAW.
7. Where a student has a package arrangement of offers with multiple providers, each provider must complete the CAAW with nominated start and end dates. Any gap in welfare arrangements will result in the student visa only being granted for the period of continuous care arrangements. Students under 18 cannot remain in Australia unless the student is able to provide confirmation of acceptable welfare arrangements as stated in Policy Point 3 above.
8. For students on a 'package offer' with Australian Institute of Science and Technology (AIST), the nominated start date on the CAAW will be negotiated between the two providers to ensure no gap in care.

Arrival and Orientation

All under 18-year students are to be met on arrival at the airport by an Australian Institute of Science and Technology (AIST) approved representative or Australian Institute of Science and Technology (AIST) approved homestay provider.

During the orientation process the student will be provided with:

- contact details of a nominated staff member and/or service provider of Australian Institute of Science and Technology (AIST) for emergency situations and after hours;
- information on how to seek assistance and report any incident or allegation involving actual or alleged sexual, physical or other abuse;
- welfare support including physical and psychological support;
- information about Australian Institute of Science and Technology (AIST)'s roles and responsibilities and the student's roles and responsibilities;
- curfew times and the process if curfew is missed;
- compulsory orientation activities for international students;
- enrolment and academic support; and
- information regarding homestay requirements as applicable.

Monitoring

1. The Student Support Officer is to monitor the welfare of the under 18 international students, and liaise with the Marketing Team in relation to student arrival details. Where applicable, the Marketing Team sends an introductory letter to the homestay family and coordinates the arrival of the student.
2. The student is to meet with the Student Support Officer within one week of arrival and every two weeks thereafter, unless it is deemed that more regular visits are required. The student is to discuss academic progress with the trainer at the end of each study period or upon turning 18, whichever comes first. These meetings must occur until:
 - the student turns 18 years of age, or
 - the student leaves Australia, or
 - another registered provider accepts responsibility for accommodation, support or welfare, or
 - the student's parent, relative or legal custodian accepts responsibility in accordance with Department of Home Affairs regulations, or
 - Australian Institute of Science and Technology (AIST) ceases provision of or is unable to continue to approve the welfare arrangements as advised to Department of Home Affairs. In such circumstances Australian Institute of Science and Technology (AIST) is to make all reasonable efforts to ensure the student's parents or legal guardians are notified immediately.



Critical Incidents

1. All Australian Institute of Science and Technology (AIST) staff, homestay and other approved accommodation providers must report all critical incidents involving an international student under the age of 18 to the CEO, while ensuring at all times there are appropriate ongoing welfare arrangements in place.
2. The Critical Incident Policy and Procedures outline the reporting requirements and the process for managing student critical incidents.

Transfer to another registered provider

1. An under 18 student seeking to transfer to another CRICOS registered provider must:
 - complete the Application for Withdrawal Form; and
 - obtain parental/legal custodian approval; and
 - provide the approval of the other provider if they are taking responsibility for the student's accommodation, welfare and support arrangements.
2. If the student is sponsored, the sponsor must also provide their written approval.
3. Australian Institute of Science and Technology (AIST) is to liaise with the prospective provider to ensure there is no gap in welfare arrangements and advise the student of their visa obligations in relation to maintaining welfare arrangements throughout the transfer period.
4. Australian Institute of Science and Technology (AIST) will complete the required pro-forma as required by Department of Home Affairs on PRISMS.

Transfer from another registered provider

1. Where an under 18 student is seeking to transfer to Australian Institute of Science and Technology (AIST) from another CRICOS registered provider Australian Institute of Science and Technology (AIST) must:
 - negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap; and
 - inform the student of their visa obligations to maintain their current welfare arrangements until the transfer date; or
 - have alternate welfare arrangements approved; or
 - return to their home country until the new approved welfare arrangements take effect to ensure there is no gap.
2. Australian Institute of Science and Technology (AIST) will complete the required pro-forma as required by Department of Home Affairs on PRISMS.

Missing Students

1. In the event that an Under 18 students is missing from approved accommodation and cannot be contacted, the Critical Incident Policy and Procedures is to be implemented.
2. In the case where a student cannot be contacted, Australian Institute of Science and Technology (AIST) must make all reasonable efforts to locate the student, including notifying the police, as soon as practicable.
3. If the student has not been found, Australian Institute of Science and Technology (AIST) must complete a Non-Approval of Appropriate Accommodation/ Welfare Arrangements letter on PRISMS as soon as practicable.
4. The Student Support Officer will also liaise with the agent and parents regarding any action to be taken.

Student Leaves Australia

An under 18 student planning to leave Australia is to advise the Student Support Officer who will inform and provide flight details to the student's parent/legal guardian and Australian Institute of Science and Technology (AIST) approved accommodation provider. The Student Support Officer is to ensure that the student is escorted to the airport by an Australian Institute of Science and Technology (AIST) representative, PRISMS is updated as required, and that Department of Home Affairs is advised.



Withdrawal of Accommodation, Welfare and Support

1. All reasonable efforts are to be made by Australian Institute of Science and Technology (AIST) to assist under 18 students with difficulties impacting their welfare arrangements. Australian Institute of Science and Technology (AIST) approval for accommodation, welfare and support will be withdrawn on the basis of one or more of the following grounds:
 - a student refuses to comply with standards of behaviour as outlined in the Student Code of Conduct and Homestay Policy;
 - the student refuses to maintain Australian Institute of Science and Technology (AIST) approved accommodation arrangements;
 - the student stays overnight at an address other than Australian Institute of Science and Technology (AIST) approved accommodation address, without parental/legal guardian and AIST approval;
 - the student's enrolment is cancelled by Australian Institute of Science and Technology (AIST).
2. The student is to be notified in writing of the grounds for intended withdrawal of Australian Institute of Science and Technology (AIST) supported welfare arrangements by the CEO. A copy will be forwarded to the student's parent/legal custodian.

Appeals of Decision to Withdraw Accommodation, Welfare and Support

1. Students who are not satisfied with the decision to withdraw accommodation, welfare and support made by Australian Institute of Science and Technology (AIST), are able to lodge an appeal in accordance with Australian Institute of Science and Technology (AIST)'s Complaints and Appeals Policy and Procedures.
2. If the appeal outcome is unsuccessful, or the application for appeal is not received within 10 working days of notification of the decision, the student's parent/legal custodian will be notified that Australian Institute of Science and Technology (AIST) is withdrawing approval for accommodation, support and welfare arrangements. Alternative welfare arrangements for the student in accordance with Policy Point 2 above will be requested.
3. Where the ground for Australian Institute of Science and Technology (AIST) withdrawal of support is due to the student refusing to maintain Australian Institute of Science and Technology (AIST) approved accommodation arrangements, Australian Institute of Science and Technology (AIST) will complete the Non-Approval of Appropriate Accommodation/Welfare Arrangements letter on PRISMS. Provision of this letter signifies a breach of student visa condition 8532 and is likely to result in visa cancellation.
4. Where the parent/legal custodian or alternative provider has provided written confirmation that they will be accepting responsibility for the student, the PRISMS Approval to Change Accommodation/Welfare Arrangements letter will be completed.