

Under 18 International Student Welfare Management

Written Direction No. WDCSG20317

Approved by: Chief Operating Officer

Approval Date: 26 May 2020

Effective From: 3 June 2020

1. Introduction

The subject of this procedure is the welfare arrangement prior to and during the enrolment of an international student under 18 years of age, at TAFE NSW.

2. Purpose

The purpose of this procedure is to support effective management of TAFE NSW compliance with the relevant legislation framework when arranging accommodation and ensuring the welfare and protection of International students under 18 years of age, based on the requirements set out in the Education Services for Overseas Student Act 2000 (ESOS Act) and the National Code of Practice for the Providers of Education and Training to Overseas Students 2018 (The National Code) - Standard 5 and the ELICOS Standards 2018, in accordance with International Student Management Policy.

3. Scope

International students under the age of 18 years who are studying under student visa conditions and TAFE NSW staff, involved with International students' welfare arrangements.

4. Procedure

All registered providers enrolling overseas students under 18 must meet the relevant Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection appropriate to the jurisdiction in which the provider operates.

<https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines/legislation>

These requirements include:

- a. Ensuring WWCCs are conducted for all staff and homestay providers, adhering to regulation in regards to reporting child abuse by teachers, availability of counsellors or other support personnel, adherence to any additional state or territory regulatory requirements, for example 'Child Safe Standards'; and minimum age for enrolment of overseas students in homestay accommodation.
- b. TAFE NSW will provide international students under the 18 years of age, with age and culturally appropriate information about the contacts for emergencies, including contact numbers of nominated staff members or service providers and seeking assistance and reporting any incidents involving sexual, physical or other abuse.

4.1 Student's welfare arrangements not organised by TAFE NSW

If an international student under 18 years of age is not residing in Australia with a parent or legal custodian, or in accommodation approved by TAFE NSW, the Department of Home Affairs must approve the student's welfare arrangements before the student visa will be granted. According to the department (www.homeaffairs.gov.au), the student can reside with a relative who is:

- a. grandparent, brother, sister, aunt, uncle, niece or nephew, or a step-grandparent, step-brother, step-sister, step-aunt, step-uncle, step-niece or step-nephew, as defined by the Department of Home Affairs
- b. nominated by a parent of the applicant or a person who has custody of the applicant
- c. aged at least 21
- d. of a good character demonstrated 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
- e. an Australian citizen, permanent resident or be eligible to remain in Australia until the overseas student's visa expires or the overseas student turns 18 years of age (whichever happens first).

TAFE NSW International Student Unit does not assess if the 'relative' is genuine, as the Department of Home Affairs uses its own processes to determine the authenticity of relationships in the arrangements it approves. Student advises TAFE NSW that they are residing with an **approved** relative and this will align with their visa grant.

TAFE NSW International Student Unit is not involved in this process and must not issue a CAAW letter.

TAFE NSW International Student Unit is not obliged to follow up on the arrangements put in place by Department of Home Affairs.

TAFE NSW International Student Unit does have a duty of care for the student and will contact Department of Home Affairs, if they become aware the student is not receiving proper care.

TAFE NSW International Student Unit requires the name, address, home and mobile telephone numbers and email address of the guardian, which must be included on the electronic confirmation of enrolment (CoE) and kept up to date.

4.2 Student's welfare arrangements organised by TAFE NSW

TAFE NSW manages its responsibilities for the accommodation and welfare of the students under 18 years of age through its Homestay Provider Agreement. The Agreement sets out the responsibilities of the Homestay Provider and hosts to ensure compliance with the requirements of the National Code 2018.

A copy of the Homestay Service Provider Agreement can be requested from TAFE NSW international.secretariat@tafensw.edu.au

If TAFE NSW, as the education provider, is approving the accommodation, support and general welfare arrangements, the TAFE NSW International Student Unit must:

- a. Nominate the dates for which responsibility is accepted for approving the student's accommodation, support and general welfare arrangements; a minimum of the length of the electronic confirmation of enrolment (CoE) plus seven days at the end, at a minimum. TAFE NSW responsibility with respect to this paragraph is until the student turns 18.
- b. Advise the Department of Home Affairs in writing of the arrangements and any changes to them using the specified PRISMS pro forma letter;
- c. Ensure all adults involved in or providing accommodation and welfare arrangements to the student have current WWWC (Working With Children Check). This responsibility forms part of the Homestay Provider under their Agreement with TAFE NSW;

- d. Have in place and implement documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements prior to the accommodation being approved and at least every six months thereafter (including a physical site visit, a student interview, a student survey). With regards to verifying on-going suitability of arrangements as per under 18 students are contacted each term to check if they are in the approved accommodation and if they have any issues with the arrangements. Any issues are followed up with the Homestay Provider. This is cross checked with the approved Homestay host;
- e. Have in place a process for managing emergency situations and a process for intervention, when the welfare arrangements are disrupted. This is part of the Homestay Agreement (refer 6.3 of the Agreement) and TAFE NSW emergency contacts are provided at orientation;
- f. Continue welfare responsibility where a student's enrolment is terminated, suspended, or cancelled, until:
 - i. the student is accepted by another registered provider who takes responsibility for the accommodation, support and student welfare;
 - ii. the student leaves Australia;
 - iii. the provider appropriately reports it can no longer approve arrangements for the student;
 - iv. alternative arrangements are made in accordance with Australian Migration Regulations; who have documented processes for selecting, screening and monitoring any third party agreements engaged by the provider to organise and assess student's welfare and accommodation.
- g. In the event TAFE NSW is unable to contact a student and has concerns for the student's welfare, the registered provider must make all reasonable efforts to locate the student, including notifying the police, Department of Homeland Affairs and the relevant ESOS Agency.

TAFE NSW International Student Unit 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 and created at the same time as a Confirmation of Enrolment (CoE).

TAFE NSW International Student Unit signs a CAAW to confirm they are placing an overseas student into approved homestay arrangements. 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. The Department of Home Affairs is not involved in this process.

TAFE NSW International Student Unit can use a third party service to assist in arranging accommodation for overseas students, but it is the TAFE NSW's responsibility to ensure the accommodation meets the requirements of the National Code, refer 4.2.d.

TAFE NSW continues to verify on going suitability of arrangements to meet with Standard 5.3.3. Under 18 are contacted each term to verify they are in the approved accommodation and if they have any issues with the arrangements. If any issues are reported TAFE NSW meets with the H/Provider; this is cross checked with the approved Homestay host. Any changes/issues with the arrangement are continually followed up and documented.

TAFE NSW International Student Unit must advise the Department of Home Affairs in the form required by that department:

- as soon as practicable if the student will be cared for by a parent or nominated relative approved by Immigration and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required

- within 24 hours if it is no longer able to approve the student's welfare arrangement

If TAFE NSW International Student Unit enrolls a student under 18 years of age who has welfare arrangements approved by another registered provider, TAFE NSW as the receiving registered provider must:

- negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap in providing welfare arrangements for the student;
- inform the student of their visa obligation 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.

4.3 TAFE NSW's responsibility for welfare arrangements can only be terminated in two circumstances

- a. if alternative welfare arrangements have been put in place. TAFE NSW should confirm that the new welfare arrangements are formally in place before terminating the CAAW.
- b. if the student's parent, legal custodian, or eligible relative is planning to care for the overseas student for a short period, TAFE NSW should continue their CAAW arrangement rather than terminate it.

TAFE NSW can no longer take responsibility for the overseas student due to events, such as:

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

4.4 Visa requirements

Condition 8532 of the Student Visa Regulations requires all international students under the age of 18 years of age to maintain accommodation and welfare arrangements approved by the Department of Home Affairs or TAFE NSW either for the period for which TAFE NSW is willing to undertake responsibility for approving the arrangements or until the student turns 18 years of age.

This visa condition will be in breach if the student:

- a. changes their accommodation and guardianship arrangements without seeking prior approval; or
- b. fails to comply with TAFE NSW procedures.

TAFE NSW ISU will report students to the Department of Home Affairs who fail to comply with these requirements via PRISMS.

When the student's enrolment has been cancelled or suspended by TAFE NSW the student's welfare arrangement must be maintained by TAFE NSW International Student Unit until:

- a. The student is accepted by another registered provider and that registered provider takes over responsibility for approving the student’s accommodation, support and general welfare arrangements;
- b. The student leaves Australia;
- c. Other suitable arrangements are made that satisfy the Migration Regulations; or
- d. TAFE NSW reports that it can no longer approve the arrangements for the student.

In the above situations, the student must be reported within 24 hours using the ‘Non-Approval of Appropriate Accommodation/Welfare Arrangements’ letter through PRISMS.

This report may lead to cancellation of the overseas student’s visa by the Department of Home Affairs for breaching visa condition 8532.

TAFE NSW must make all reasonable efforts to ensure the overseas student’s parents or legal custodians are notified immediately, if it can no longer take responsibility for the overseas student’s welfare

TAFE NSW CAAW responsibility for an overseas student under the age of 18 will cease when the overseas student turns 18 years of age.

5. Responsibilities

Position	Responsibility
Chief Operating Officer	The Chief Operating Officer is the Approver for this Procedure.
Head of International	Head of International is responsible for this Policy
International Secretariat	Provides administrative support to the Head of International
All Employees of TAFE NSW	Employees of TAFE NSW who manage, process or advise on applications from international students who are under 18

6. Definitions

Term	Meaning
International/Overseas Students	A person (whether within or outside Australia) who holds a student visa, other than one exempted by the ESOS Regulations 2001. Students on other classes of visa are not included. Note: International Students in the context of this policy are limited only to those students subject to the ESOS Act, that is, on a student visa.
The National Code 2018	National Code of Practice for and Providers of Education and Training to Overseas Students 2018 (The National Code 2018). The National Code is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
WWWC	Working With Children Check (WWCC) is a requirement for anyone who works or volunteers in child-related work in NSW. It involves a National Police Check (criminal history record check) and a review of reportable workplace misconduct
Provider	(as defined in the ESOS Act) An institution or other body or person in Australia that provides or seeks to provide courses to overseas students. To provide courses, a provider must comply with State or Territory approval requirements and become registered on CRICOS.
Student Visa	A visa granted under the Migration Act 1958 to overseas students. The Department of Home Affairs administers the Act and issuing of visas.

Term	Meaning
CAAW	Confirmation of Appropriate Accommodation/Welfare Arrangements

7. Related documents

This procedure should be read in conjunction with the following related documents:

- a. [Policy – International Student Management](#)
- b. [Homestay Service Provider Agreement](#)
- c. [Orientation Information for Students Under 18](#)

8. Contacts

Accountable Officer Chief Operating Officer
 Written Direction Officer International Secretariat

9. Document information and review

This policy document will be reviewed at least every eighteen months or in line with legislative changes.

Record No. DOC20/64378
 Review Due: 3 DECEMBER 2021

Approval History

No	Effective	Approved by	Amendment
1.0	n/a – not published	Chief Education & Training	Initial Procedure
2.0	3 JUNE 2020	Chief Operating Officer	Version 2.0. Amended Accountable Officer and Approver from CETO to COO.