

# Overseas Students Under 18 Policy

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## 1. Purpose

This document outlines how SIBT manages the assessment and approval of welfare and accommodation arrangements for overseas students under the age of 18.

## 2. Application

This policy outlines the general guidelines for accommodating, supporting and monitoring international students under 18 years of age who are studying at SIBT. This policy is designed to ensure compliance with Standard 5 of the Education Services for Overseas Students (ESOS) National Code, and the Department of Immigration and Border Protection (DIBP) in relation to students under 18.

This policy applies to all international students undertaking Foundation, Diploma, or Associate Degree level studies at SIBT who are under 18 years of age. It does not apply to students who have been granted permanent residency in Australia or Australian citizens.

The policy comes into effect in Australia 14 days before the commencement of the SIBT program and remains in effect until the student turns 18 or for 7 days after the end date of the eCoE, whichever is earliest.

## 3. Policy Statement

SIBT accepts the responsibility for approving the accommodation, support and general welfare arrangements for students under 18 as long as they will be 17 years of age when they proceed to the University for which they are packaged with.

## 4. Government Regulations

International students' study in Australia is regulated by Federal and State Government law, as well as industry codes to which SIBT subscribes.

Where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, registered providers ensure the arrangements made to protect the personal safety and social well-being of students are appropriate. Students who meet this criteria are required to stay in accommodation approved by SIBT.

SIBT will accept responsibility for approving student's accommodation, support and general welfare arrangements from specified dates, calculated as follows: 14 days before the commencement of the student's program at SIBT and until the student turns 18 or for 7 days after the end date of the eCoE, whichever is earliest.

DIBP defines 'suitable' relative as a person who is:

- a grandparent, brother, sister, aunt, uncle, niece, nephew, or a step-parent, step brother, step-sister, step-aunt, step-uncle, step niece or step nephew;
- nominated by a parent of the applicant or a person who has custody of the applicant;
- aged at least 21;
- of good character

Only a parent of the student or a person who has custody of the student is allowed to nominate a carer for the student who is under 18 years of age.

A person who has custody of the student is a person who has the right to have the daily care and control of the student and the right and responsibility to make decisions concerning this.

## **5. SIBT Approved Care Arrangements**

### **5.1 Accommodation**

At the time of application, all international students who will be under 18 years of age when they commence their studies, will be required to demonstrate to SIBT that they will be living with by completion of a Guardianship Form for Students Under 18 and providing the supporting documentation:

- a parent or a person who has custody of them; or
- a suitable relative aged at least 21 nominated by either the parent or the person having custody of them; or
- a home-stay family that has been approved by SIBT.

### **5.2 Living with a parent, custodian or relative**

If the student plans on living with a parent, custodian or suitable relative, a "Guardianship Form for Students Under 18" form must be returned to SIBT, completed and signed by the parent or custodian.

The relative that the student will be living with will be required by DIBP to provide evidence that they are of good character. Evidence required is a copy of their visa/passport (as proof of age and ability to reside in Australia); a copy of the student's birth certificate; and evidence of familial relationship.

Where a student elects to take up this option, a 'Confirmation of Appropriate Accommodation/Welfare Arrangements' (CAAW) is not provided by SIBT.

### **5.3 Living with an approved home-stay family**

If the student will not be living with a parent, custodian or suitable relative, SIBT will accept responsibility for the accommodation, support and welfare and accommodate the student with an approved home stay family under the following conditions:

- The student must be accommodated with a home stay family that has been approved by SIBT and their packaged University (if they are going to be Under 18 at the commencement of their University degree);
- SIBT recognises the following organisations as providing appropriate accommodation, support and general welfare to students: Homestay Network; Auzzie Families and Global Experience;
- The homestay parent will assume guardianship;
- The student's parent is responsible for the organisation of the Homestay arrangement and for completion of the SIBT Guardianship form;
- The student's parent/legal guardian has agreed in writing by completing and returning the 'Guardianship form for Students Under 18" form to SIBT;
- The student must live in SIBT approved home stay accommodation until 18 years of age or for 7 days after the end date of the student's COE, whichever is earliest;
- The student must be in home stay no later than the Monday of week 1;
- The student must have written approval from the student's parents or legal guardian and SIBT in order to stay overnight at an address other than the address of the home stay; and
- The student cannot apply for a transfer of provider while under this arrangement without written agreement from the parent or legal guardian.

SIBT will nominate the start and end dates of welfare responsibility and complete and sign the Confirmation of Appropriate Accommodation/Welfare Arrangements (CAAW) letter and provide a copy to the student. Students are not permitted to arrive in Australia before the nominated start date of the CAAW.

### **Changes to living arrangements**

If a student in home stay wishes to change their living arrangements (other than to another home stay provider) after the Student Visa has been granted, they must apply to DIBP for approval. Students will be required to refer to DIBP and complete the necessary documentation for nomination of a student guardian.

Students wishing to change their accommodation, support or general welfare arrangements with another home stay provider must make an appointment with the Student Welfare Advisor.

SIBT is not permitted to approve a change to a student's living arrangements other than to another approved homestay provider.

### **Scheduling of classes and assessment**

In some cases, classes and assessment may be scheduled at night. In cases where a student under 18 feels they may be vulnerable to a degree of risk by having to attend an evening class or assessment activity, they should contact the Student Counsellor to make alternative arrangements.

### **Support and Monitoring Arrangements**

Under student visa condition 8532, all international students under 18 years of age are required to attend an appointment with the Student Counsellor. A regular meeting will take place each session. The purpose of the meeting is to give students an opportunity to discuss any concerns that they may have about their accommodation and welfare arrangements or academic progress. The Student Counsellor will also direct the student to access other support services where necessary and maintain regular contact with the homestay provider to ensure the student's needs are being met. SIBT will liaise with parents, person(s) who have custody, nominated relative or home-stay families regarding any issues that may be affecting the well-being of International students who are under 18 years of age.

### **Students who are Under 18 at the time of application**

Students who are Under 18 at the time of application and applying for their visa to study in Australia, but who will be 18 years when they arrive in Australia should complete a Statement of Intention (Under 18) form.

## **5. Reporting of Non-Compliance with Conditions 8532**

The student visa condition 8532 imposes an obligation on all international students under 18 to maintain accommodation, support and general welfare arrangements approved by DIBP for the duration of their studies or until they turn 18. SIBT will report students to DIBP via PRISMS who fail to comply with this condition.

In the event that SIBT terminates, suspends or cancels the enrolment of a student, SIBT will continue to check suitability of care arrangements until;

- the student is accepted by another registered provider who is willing to take on responsibility for approving the care arrangements;
- the student leaves Australia or other suitable arrangements are made;
- events have occurred that make it impossible for SIBT to continue to approve the arrangements for the student.

International Students under 18 years of age will be in breach of student visa condition 8532 if they:

- change their accommodation and support arrangements without seeking prior approval from DIBP; or

- do not comply with the guidelines that have been set out by SIBT.

Where SIBT can no longer approve the living arrangements for an Under 18 student and all other attempts to assist the student to maintain appropriate arrangements have been exhausted, the student's situation will be reported to DIBP. The breach of student visa condition 8532 will be reported to DIBP using the 'Non-Approval Appropriate Accommodation/Welfare arrangements' letter. This report to DIBP is likely to result in cancellation of the student's visa. This reporting mechanism should only be used when a student is refusing to maintain care arrangements which the provider is able to approve. Where a student has gone missing and all reasonable efforts have been made to contact the student, SIBT's Critical Incident policy will be implemented. The police and relevant agencies will also be contacted. If after a reasonable period a student has not been found, SIBT will report the student's breach of visa condition 8532 to DIBP via PRISMS. .

## 6. Students on a Package Offer

Under 18 students will only be accepted if the partner institute accepts students Under 18.

The SIBT Admission Team is responsible for determining whether a student will turn 17 by the completion of the SIBT program. In cases where a student will not have turned 17, SIBT will inform the parents in writing of the Partner Institute Policy prior to accepting the student.

SIBT will not take responsibility for the student beyond the end date specified on the SIBT eCoE.

## 7. Definitions

- *DIBP*  
Department of Immigration and Border Protection
- *Package Offer*  
An offer which includes more than one program.

## 10. Related Documents

Transfer and Release Policy & Procedures  
National Code St 5  
Confirmation of Appropriate Accommodation and Welfare (CAAW) letter  
Approval to Change Accommodation/Welfare Arrangements letter  
Non-Approval of Appropriate Accommodation/Welfare Arrangements letter.

Amendment History

<b>Department:</b>	Student Services	
<b>Approval Authority:</b>	SMT	
<b>Approval Date:</b>	13 May 2010	
<b>Date for Next Review:</b>	10 February 2020	
<b>Revision Date</b>		
<b>Revision Date</b>	<b>Version</b>	<b>Summary of changes</b>
13/05/2010	1	Formatted to new template
15/11/2013	2	Updated Reference from DIAC to DIBP
10/03/2016	3	Updated. Endorsed and approved by SMT.
10/02/2017	4	Updated to allow for packaged offers
20/4/2017	5	Updated to allow for WSU policy and packaged students