

## Care of International Students Under the Age of 18 Policy

### 1. Preamble

- 1.1 The primary aim of this policy is to provide guidance and instruction on the arrangement and approval of the accommodation, support and general welfare arrangements for students under the age of 18 who are not being cared for by a parent or a suitable relative in Australia and who Deakin College has taken responsibility under the *Migration Regulations 1994* for approving the accommodation, support and general welfare arrangements.
- 1.2 Subclause 8532(a) and 8532(b) of condition 8532 in Schedule 8 to the *Migration Regulations 1994* requires that the students under the age of 18 must maintain suitable accommodation, support and general welfare arrangements in Australia. They may stay with a parent or suitable relative or, if that is not possible, they may stay in accommodation approved by their education provider.
- 1.3 Standard 5 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code 2007) clarifies the requirement that appropriate accommodation, support and general welfare arrangements be in place where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, registered providers must ensure that the arrangements made to protect the personal safety and social well-being of those students are appropriate. This policy adheres to the requirements under standard 5.
- 1.4 In those instances where the Deakin College *Critical Incident Policy* is implemented, this policy adheres to the requirements under standard 6 of the National Code 2007.

### 2. Scope

- 2.1 This policy applies to overseas students under the age of 18 years who are not being cared for by a parent or a suitable relative in Australia and who Deakin College has agreed to accept responsibility for the accommodation, support and general welfare arrangements.
- 2.2 This policy does not apply to overseas students under the age of 18 years who are cared for by a parent or a suitable relative in Australia.
- 2.3 The Manager Student Services is responsible for the implementation of this policy.

### 3. Definitions

Key Term or Acronym	Definition
CAAW	<i>Confirmation of Appropriate Accommodation and Welfare</i> letter. A letter downloadable through PRISMS stating the commencement and end dates for approval of welfare arrangements by an education provider, which is lodged with a student visa application.

Key Term or Acronym	Definition
CoE	Confirmation of Enrolment. A document registered with the Australian Government confirming a student's acceptance into a course for a specified duration.
DUELI	Deakin University English Language Institute.
ESOS Act 2000	The <i>Education Services for Overseas Students Act</i> . This Act regulates the delivery of education services to overseas students.
Guardianship Service	A legal entity established to provide the service of caring for an overseas student under the age of 18 whilst that student is studying and living in Australia and to arrange accommodation for the student, usually through a host family.
Host Family	The family appointed to provide accommodation, meals and care for an international student.
National Code 2007	The <i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</i> established under section 33 of the ESOS Act 2000.  The National Code 2007 provides nationally consistent standards and procedures for providers who deliver international educational services.
Nominated Period	Where Deakin College has agreed to accept responsibility for approving the accommodation, support and general welfare arrangements of students under the age of 18 years, this is usually a period commencing 14 days prior to the commencement of the Deakin College course and 14 days after the completion of their course, or when the student turns 18, whichever comes first.
PRISMS	<i>Provider Registration and International Student Management System</i> . A database developed by the Australian Federal Government for the purposes of compliance with the ESOS Act.
Suitable Relative	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 who is aged at least 21 years and of good character.

## 4. Policy Statement

### 4.1 Acceptance of an International Student Under the Age of 18

- 4.1.1 Prior to the acceptance by Deakin College of an international student under the age of 18 years, the parents or the legal guardian of the student must complete the Deakin College *Minor Form* advising whether the student will be residing in Australia with a parent, a legal guardian, a suitable relative, or whether Deakin College will be required to take responsibility for the accommodation, support and general welfare arrangements for the student.
- 4.1.2 A suitable relative includes 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. A suitable relative must be over the age of 21 and provide the Department of Immigration with evidence that they are of good character.
- 4.1.3 Where Deakin College agrees to accept responsibility for the accommodation, support and general welfare arrangements, the nominated dates will be reported through the Provider Registration and International Student Management System (PRISMS) using the Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.
- 4.1.4 Where information is provided to Deakin College by a parent or legal guardian about a student's illness, impairment or disability, Deakin College will assess whether reasonable adjustments or reasonable accommodation will be required for that student.
- 4.1.6 Where Deakin College has elected to take responsibility for approving the accommodation, support and general welfare arrangements for that student, Deakin College's obligation to continue this responsibility ceases once that student turns 18 years of age.

### 4.2 Parents / Legal Guardians' Obligations

- 4.2.1 The parents or legal guardians confirm that they are the persons legally and properly entitled to act as guardians to the student.
- 4.2.2 The parents or legal guardians confirm that Deakin College will be legally entitled to act as the guardian to the student and delegate their parental or legal guardianship powers to Deakin College during the course of the guardianship arrangement.
- 4.2.3 The parents or legal guardians confirm the medical section of the *Minor Form*, confirming any allergies or medical conditions, including those which would affect that student's medical treatment.
- 4.2.4 Should the student require urgent medical treatment and Deakin College is unable to obtain consent from the parents or legal guardians due to language difficulties, time constraints or otherwise, Deakin College will therefore be under no instruction to obtain any such consent from the parents or legal guardians.

- 4.2.5 The parents or legal guardians will ensure that the student complies with all policies, terms and conditions and enrolment conditions of Deakin College, including all reasonable requirements made by Deakin College.

### **4.3 Guardianship Arrangements**

- 4.3.1 Parents or the legal guardians of the student will be required to nominate a guardianship service from a list of Deakin College -approved guardianship services.
- 4.3.2 Parents or legal guardians cannot approve any other guardianship arrangements which are not on its list of approved guardianship services.
- 4.3.3 In addition to 4.3.2, to avoid any doubt, Deakin College will not approve guardianship arrangements with family friends or relatives who are not suitable relatives under subsection 4.1.2.
- 4.3.4 Deakin College will review any request for changes to the student's accommodation and welfare arrangements before any approval (if any) will be granted. This may require inspection of the premises by Student Services and, if applicable, police checks.
- 4.3.5 Guardian service providers will sign an agreement with Deakin College that they will advise Deakin College of any change in circumstances during the time that they are caring for the under 18 student, and that any incident, accident, prolonged or unexplained absence will be promptly reported to Deakin College.
- 4.3.6 A copy of carer/guardian responsibilities and student obligations will be forwarded to the carer/guardian and the student.

### **4.4 Nominated Period**

- 4.4.1 Deakin College will assume responsibility for the accommodation, support and general welfare arrangements 14 days prior to the commencement of the Deakin College course and 14 days after the completion of the Deakin College course, or when the student turns 18, whichever comes first. The nominated dates will be specified in the CAAW letter.
- 4.4.2 Where 4.1.3 applies and the student is on a package with a Deakin University English Language Institute (DUELI) and/or Deakin University Bachelor program, Deakin University will need to make its own assessment and agree to accept full responsibility for the accommodation, support and general welfare arrangements of that student under its own policies and procedures.
- 4.4.3 Where 4.3.3 applies and Deakin University has agreed to accept responsibility for the accommodation, support and general welfare arrangements, Deakin College will assume responsibility 14 days prior to the commencement of the Deakin College course (after the completion of the DUELI course) and 14 days after the completion

of the Deakin College course, or when the student turns 18, whichever comes first. The nominated dates will be specified in the CAAW letter.

- 4.4.4 Where 4.1.3 applies and Deakin College and/or Deakin University have agreed to accept responsibility for the accommodation, support and general welfare arrangements of a student, that student is not permitted to arrive in Australia before the commencement of the nominated period as the student visa may be liable for cancellation.

#### **4.5 Support and Monitoring**

- 4.5.1 Students will be required to attend an interview with Student Services on at least one occasion in each trimester so that Deakin College can monitor academic progress, living arrangements, welfare and any other support matters.

#### **4.6 Changes to Accommodation, Support and Welfare Arrangements**

- 4.6.1 As a condition of their enrolment, students are required to maintain the approved arrangements by Deakin College.
- 4.6.2 Deakin College will advise the Department of Immigration of any changes to living arrangements which Deakin College approves.
- 4.6.3 In addition to 4.6.1, where a student refuses to maintain accommodation, support and welfare arrangements which Deakin College has approved, and where all attempts for resolution have been exhausted, Deakin College will be obliged to report this non-approval to the Department of Immigration using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter. This is likely to result in cancellation of the student's visa.

#### **4.7 Cancellation or Suspension of Enrolment**

- 4.7.1 In the event that a student's enrolment is cancelled or suspended by Deakin College following the outcome of any appeals, Deakin College will continue to check and approve the suitability of arrangements for the student until:
- i. the student is accepted by another provider and that provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements;
  - ii. the student leaves Australia;
  - iii. other suitable arrangements are made that satisfy the *Migration Regulations 1994*; or
  - iv. Deakin College reports to the Department of Immigration that it can no longer approve the arrangements for the student using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter.

4.7.2 In the event of a student missing from Deakin College or the approved accommodation and cannot be found within a reasonable time, despite implementation of its critical incident procedures, Deakin College will report this to the Department of Immigration through the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter.

<b>Policy Title</b>	Care of International Students Under the Age of 18 Policy	
<b>Policy Owners</b>	Quality and Compliance Manager	
<b>Contact Persons</b>	Stase Kaintatsis, Quality and Compliance Manager (stasek@deakin.edu.au)	
<b>Key Stakeholders</b>	All prospective and current students of Deakin College under the age of 18 years; Parents and legal guardians.	
<b>Approval Body</b>	Deakin College Executive Committee	<b>Agenda item and meeting date approved</b> Item 10.1 Meeting 16-2013
<b>Relevant Legislation</b>	Education Services for Overseas Students Act 2000 (ESOS Act); The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code 2007); Migration Act 1958; Migration Regulations 1994.	
<b>Related Policies</b>	Critical Incident Policy; Grievance Procedures Relating to Academic Matters; Grievance Procedures Relating to Non-Academic Matters.	
<b>Related Guidelines</b>	N/A	
<b>File information</b>	<b>File number</b> N/A	<b>Version number</b> V4.2 - 10/09/2015
<b>Date Effective</b>	N/A	<b>Next Review Date</b> 30/06/2015