



POLICY TITLE: YOUNGER INTERNATIONAL STUDENT POLICY

DEVELOPED / REVIEWED BY

Policy Committee
 Director of Business Services and Advancement
 Deputy Principal Wellbeing and Strategy
 Head of Admissions
 Risk and Compliance Manager
 Human Resources Manager

REVIEW SUMMARY

Policy to be presented to the Policy Committee for the first time at the May 2024 meeting. Policy to be reviewed in the first twelve months to ensure accuracy to current legislative components.

DOCUMENT DEVELOPMENT PROCESS

This document was first developed by Director of Business Services and Advancement and the Head of Admissions in 2024.

RATIONALE

Standard 5.1 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) requires that where the College enrolls an international student who is under 18 years of age, it must meet the Commonwealth, state, or territory legislation or other regulatory requirements relating to child welfare and protection appropriate to the jurisdiction(s) in which it operates.

DEFINITIONS

ESOS Act	Education Services for iStudents Act (2000)
CAAW	Confirmation of Appropriate Accommodation and Welfare
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
ELICOS	English Language Intensive Course for Overseas Students
National Code	National Code of Practice for Providers of Education and Training for Overseas Students (2018)
VRQA	Victorian Registration and Qualifications Authority The VRQA is a statutory authority established under the Education and Training Reform Act 2006 and is responsible for regulating education and training providers in Victoria



WWCC	Working with Children Check The Working with Children Check is a screening process for assessing or re-assessing people who work with or care for children
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PRINCIPLES / GUIDING PRINCIPLES

<p>It is the College's policy to ensure continuous compliance with Commonwealth and state or territory legislation and regulatory requirements, and common law requirements relating to child welfare, child protection and student duty of care requirements as they apply to our international students.</p> <p>The College meets our legal and regulatory student welfare and child protection obligations through our:</p> <ul style="list-style-type: none"> • Student Duty of Care Program and policies • Child Protection Program and policies. <p><u>Needs of Younger International Students</u></p> <p>The College is not registered on CRICOS to provide an ELICOS course.</p>

PROCEDURES

<p><u>Age-and-Culturally Appropriate Information</u></p> <p>Under Standard 5.2 of the National Code, the College must ensure that international students under 18 years of age are given age-and-culturally appropriate information on:</p> <ul style="list-style-type: none"> • who to contact in emergency situations, including contact numbers of a nominated staff member and/or service provider to the College • seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse. <p>In the event of an emergency, the College ensures that all international students under 18 years of age enrolled at the College are provided with emergency contact numbers for:</p> <ul style="list-style-type: none"> • the International Student Coordinator and/or their nominated delegate • the College's after hours emergency contact. <p>This emergency contact information, as well as information on how to seek assistance and report any incident or allegation involving actual or alleged sexual, physical or other abuse, is provided to our international students in an age and culturally appropriate way in our:</p> <ul style="list-style-type: none"> • Student handbook • Student Safety Card • Induction processes • Orientation booklet <p>The College also provides each younger international student with a Student Safety Card that includes:</p> <ul style="list-style-type: none"> • if the student is in homestay, the homestay accommodation provider's address, home telephone number and mobile numbers • the College's contact details including 24/7 contact details for the International Student Coordinator and/or their nominated delegate
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- a statement that Sienna College is regulated by the VRQA and that students can contact the VRQA at www.vrqa.vic.gov.au.

Accommodation, Support and General Welfare Arrangements

Under Standard 5.3, where the College takes on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who is under 18 years of age, the College:

- nominates the dates for which the College accepts responsibility for approving the student's accommodation, support and general welfare arrangements and advises the Department of Home Affairs of the dates in the form required
- ensures any adults involved in, or providing, accommodation and welfare arrangements to the student have appropriate Working with Children Checks in accordance with the College's Child Protection Program
- implements documented processes for verifying that the student's accommodation is appropriate to the student's age and needs, in accordance with our **Younger International Student Accommodation Arrangements Policy**
- includes, as part of the College's **International Student Critical Incidents Response Policy** under Standard 6 (International student support services), a process for managing emergency situations and when welfare arrangements are disrupted for students under 18 years of age
- maintains up-to-date records of the student's contact details outlined in Standard 3.5, including the contact details of the parent(s), guardian(s) or any adult responsible for the student's welfare in accordance with our **International Student Records Management and Retention Policy**
- advises the Department of Home Affairs, in the form required by the department:
 - as soon as practicable if the student will be cared for by a parent or nominated relative approved by the Department of Home Affairs and a CAAW is no longer required
 - within 24 hours if the College is no longer able to approve the student's welfare arrangements
- has documented policies and processes for selecting, screening and monitoring any third parties engaged by the College to organise and assess welfare and accommodation arrangements. For more information, refer to our **Welfare and Accommodation Selecting, Screening and Monitoring Policy**.

Working with Children Checks

It is the College's policy that all adults, including parents and guardians, who provide international student accommodation or welfare arrangements, must hold a current WWCC. This requirement applies even if a person is not required by WWCC legislation to obtain a WWCC.

The College No Longer Provides Welfare Arrangements

Under Standard 5.4, if the College is no longer able to approve the welfare arrangements of an international student, the College must make all reasonable efforts to ensure that the student's parents/guardians are

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notified immediately. The College will notify the parents/guardians of the international student via email and phone if the College can no longer approve the welfare arrangements of an international student.

Missing Younger International Students

Standard 5.5 requires that, if the College is unable to contact a student and has concerns for the student's welfare, the College must make all reasonable efforts to locate the student, including notifying the Police and any other relevant Commonwealth, state or territory agencies as soon as practicable. For more information, refer to the Missing International Students section in the International Students Critical Incident Response Policy.

Welfare Arrangements After Suspension or Cancellation

Standard 5.6 requires that, where the College suspends or cancels the enrolment of the international student, the College must continue to approve the welfare arrangements for that student until:

- the student has alternative welfare arrangements in place approved by another College
- care of the student by a parent or nominated relative is approved by the Department of Home Affairs
- the student leaves Australia
- the College has notified the Department of Home Affairs under Standard 5.3.6 that it is no longer able to approve the student's welfare arrangements, or under Standard 5.5 that it has taken the required action after not being able to contact the student.

For more information about the suspension and cancellation of enrolment processes, refer to our **Deferring, Suspending or Cancelling an International Student's Enrolment Policy**.

Before terminating the CAAW for the student, the College must ensure that the student has new welfare arrangements formally in place. The student must provide a letter from another registered provider, or their parents/ guardians/eligible relatives confirming that they will take responsibility for the international student's welfare arrangements and the date from which the new arrangements will commence.

Where an international student's parent/guardian or eligible relative is planning to look after the international student for a short period of time, such as a holiday, the College may decide to continue their CAAW arrangements, rather than terminate the CAAW. The College may decide to terminate a CAAW where it can no longer take responsibility for the international student due to events, such as:

- the international student refuses their accommodation or leaves their accommodation without notice
- after the College has exhausted all possible avenues of assisting the international student to maintain appropriate arrangements
- the accommodation provider becomes unable to maintain arrangements
- the international student's enrolment is suspended or cancelled
- the international student goes missing from their accommodation and cannot be found or contacted, even after the College has implemented our **International Student Critical Incident Response Policy**.

In the situations listed above, the College must report the international student within 24 hours using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter in PRISMS. This may lead to cancellation of the international student's visa by the Department of Home Affairs for breaching visa condition 8532.

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If the Younger International Student Turns 18

If the international student turns 18 while enrolled at the College, the College's CAAW responsibility will cease.

Additionally, the requirements under Standard 5 of the National Code and this policy will no longer apply to the student.

If an international student turns 18 while enrolled in the final period of their course, the College may decide to apply a condition on enrolment in the course, requiring the international student to continue to reside in the approved accommodation until the completion of the course. This will need to be made clear in an amended and signed written agreement or individual enrolment contract signed by the parent/guardian.

Approval of Welfare Arrangements

Under Standard 5.7, if the College enrolls a student under 18 years of age who has welfare arrangements approved by another registered provider, the College must:

- negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap
- inform the student of their visa obligations to maintain their current welfare arrangements are approved or return to their home country until the new approved welfare arrangements take effect.

Welfare Arrangements Approved by the Department of Home Affairs

If an international student enrolled at the College is under the age of 18, a parent/guardian or eligible relative can be nominated to take responsibility for the international student's accommodation and welfare arrangements. The parent/guardian, or eligible relative must have an appropriate visa or have applied for a Student Guardian visa (subclass 590). An eligible relative can be:

- a parent, spouse, de facto partner, brother, sister, stepparent, stepbrother, stepsister, grandparent, aunt, uncle, niece or nephew, or step-grandparent, step-aunt, step-uncle, stepniece or step-nephew; and
- nominated by the parent of the applicant or a person who has custody of the applicant, and must be:
 - aged at least 21; and
 - of good character, and shows this by providing 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; and
 - an Australian citizen, permanent resident or is eligible to remain in Australia throughout the duration of the international student's visa.

The College is not obliged to follow up where a nominated guardian has been approved by the Department of Home Affairs. However, the College will contact the Department of Home Affairs and the VRQA if they become aware that the international student is not being appropriately cared for.

Arrangements Accepted by the College

The College accepts responsibility for the welfare arrangements of all international students who are under the age of 18. These students must only stay in accommodation approved by the College.

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The College will not approve an international student's parent, guardian or eligible relative as an appropriate welfare arrangement in a CAAW – they must be approved by the Department of Home Affairs.

If the parent, guardian or eligible relative wants to care for an international student on a CAAW, they should apply to be the international student's nominated guardian through the Department of Home Affairs. They must be granted a Student Guardian visa through the Department of Home Affairs.

Monitoring Welfare Arrangements

The College will monitor the welfare arrangements of international students, including the welfare arrangements where the student is living with an eligible relative under a Student Guardian visa, by conducting regular:

- student interviews
- physical site inspections.

The monitoring of welfare arrangements is conducted by the International Student Coordinator and/or another delegated staff member. For more information, refer to our **Younger International Student Accommodation Arrangements Policy**.

Disruption of Welfare Arrangements

The College must activate our critical incident policy in emergency situations which may disrupt welfare arrangements without warning. For more information, refer to our **International Student Critical Incidents Response Policy**.

Records of any critical incident notifications must be maintained in accordance with the **College's International Student Records Management and Retention Policy**.

Record Keeping

The College maintains evidence of compliance with this policy by maintaining records of CAAWs and any actions or activities undertaken by the College in relation to this policy. Records will be maintained in accordance with our International Student Records Management and Retention Policy.

RESPONSIBILITY

- Principal
- Deputy Principal Wellbeing and Strategy
- International Student Coordinator
- Head of Admissions

RELATED LEGISLATION

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Education Services for Overseas Students Act 2000 (Cth)
- Migration Regulations 1994

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- Education Services for Overseas Students Regulations 2001 (Cth)
- Migration Act 1958 (Cth)

RELATED SIENA COLLEGE POLICIES

- Younger International Student Accommodation Arrangements Policy
- International Student Critical Incidents Response Policy
- International Student Records Management and Retention Policy
- Welfare and Accommodation Selecting, Screening and Monitoring Policy
- Deferring, Suspending or Cancelling an International Student's Enrolment Policy

RISK

In the Committee's deliberations it is important to consider the College's main strategic processes and the identification of associated risks. Some sample questions are included for referral. Answers are to be documented as part of the policy.

1. **Faith and Catholic Identity.** Identify any risks to Catholic Identity or Dominican charism of the College. How will this policy harm or enhance either?
2. **Reputation.** Identify if there are any reputational risks to the College. How will this policy impact Siena and wider communities?
3. **Financial.** Identify any financial risks to the College. How will this policy impact the financial stability of the College?
4. **Contemporary Learning and Teaching.** Identify any risks to learning and teaching. How will this policy impact the academic performance of the College?
5. **Wellbeing.** Identify any risks to safety and wellbeing. How will this policy impact the mental and physical wellbeing of the College community?
6. **Community Engagement.** Identify any risks to building community engagement. How will this policy impact community relationships?
7. **Governance and Leadership.** Identify any risks to governance and leadership in the College. How will this policy affect the strategic direction of the College?

Do any risks identified above warrant changes to the proposed policy? If so the policy should be referred back to the developer/s.

NEXT REVIEW

May 2025

POLICY LOCATION

<https://sienacentral.siena.vic.edu.au/homepage/3452>
www.siena.vic.edu.au

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