



Underage Students (Minors) Policy

Policy Owner	Academic Director
Contact Officer:	Student Counsellor
Policy Number:	QMKPO002
Approved by:	PIBT Management Group
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Related Policies:	Progress and Attendance Policy Critical Incident Policy
Related Forms	Minors Pre-Approval Form (formerly Minors form A) Minors Confirmation Form (formerly Minors form C) Minors Pre-Visa Statement (formerly Minors form B) Local Carer Duty Statement (Homestay/Carer form) Police Clearance Working with Children Clearance

1. Overview

- 1.1. Australian Government regulations (ESOS National Code – revised 2007) require international students under the age of 18 to have approved accommodation and welfare arrangements while they undertake study in Australia, before a visa is granted.
- 1.2. This policy provides the operational guidelines for accommodation, support, monitoring and risk prevention for underage students.

2. Organisational Scope

- 2.1. This policy applies to all prospective and current students if under the age of 18 whilst studying at PIBT, except where otherwise stated.

3. Definitions

- 3.1. **DIAC:** Department of Immigration and Citizenship: The Australian government agency responsible for issuing students with visas.
- 3.2. **CoE:** Confirmation of Enrolment is a document registered with DIAC to confirm a student's acceptance into a particular course for a specified duration.
- 3.3. **CAAW:** Confirmation of Appropriate Accommodation/Welfare Arrangements is a statement signed by PIBT and sent to applicants to accompany their application for a student visa to study in Australia.
- 3.4. **Working with Children Clearance (WWC):** is a national criminal history record check required by people who work with children and young people in certain categories of "child-related" work in Western Australia. This is to protect children from harm.
- 3.5. **PRISMS:** The Provider Registration and International Student Management System is the database system used to process information given to the Secretary of DEST by registered providers.

4. Policy Principles

- 4.1. All international students who are underage must have accommodation arrangements which meet the PIBT criteria for approval and/or are deemed appropriate according to DIAC . Private rental accommodation without care arrangements in place is not permitted.
- 4.2. Non-related accommodation providers and staff who work with students in the course of their duties will be required to obtain a Working with Children (WWC) or Police Clearance (PC).
- 4.3. Local underage students are monitored by the Student Counsellor, but there are no requirements pertaining to their accommodation/care arrangements.
- 4.4. Under Australian law, PIBT may release details of an underage student's fees, study progress or any other relevant information to his/her parents or legal guardians at their request.

5. Policy Content

5.1. PIBT has in place procedures to:

- Ensure the college is compliant with ESOS legislation and the National Code;
- Monitor and report underage international students where they are deemed to be in breach of their visa conditions;
- Place international students in appropriate accommodation and care arrangements;
- Provide welfare support for underage students;
- Ensure employees working with underage students have submitted a Working with Children or Police clearance, as required.

5.2. PIBT Staff Working With Underage Students

All PIBT staff that have contact with underage students have a role in ensuring the welfare of the students is protected. These responsibilities are outlined as follows:

- All staff who have contact with underage students in the normal course of their duties are required to obtain a Working with Children clearance through Australia Post or Police Clearance as required.
- Lecturers are requested to complete and submit a Student At Risk form for any student, whom they regard as requiring intervention by PIBT staff. Intervention may include one or more actions including increased monitoring, welfare advice, counselling, academic support or formal warnings.
- The PIBT Student Counsellor is responsible for the following duties as they relate to underage students:
 - Exercise duty of care with regards to student arrangements,
 - Monitor student attendance, progress, and welfare arrangements
 - Offer intervention strategies to students at risk to facilitate corrective action
 - Alert Senior Management to any potential or actual critical incidents involving underage students
 - Report to DIAC students who are in breach of their visa conditions.

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- Liaise with carers and relatives in regard to underage (minors) student care.

5.3. International Students

The welfare of international students studying in Australia is legislated under the ESOS Act 2000. The granting of a study visa for underage students is dependant on a number of conditions being met by the student's legal guardians, the student and the education provider.

International students under 18 years of age must demonstrate to DIAC that they have parent or legal custodian approval to reside in Australia for the duration of the program in which they are enrolled, or until they become 18 years of age:

- With a parent or legal custodian (person who has legal custody of); or
- Living in Homestay accommodation arranged or approved by PIBT;
- Living with a relative who is over 21 years nominated by parents and approved by DIAC;
- Living with a local carer nominated by parents (to be approved by PIBT).

.A 'suitable relative' to be nominated as a carer means a brother, sister, step-parent, step-brother, step-sister, grandparent, aunt, uncle, niece or nephew, step-grandparent, step-aunt, step-uncle, step-niece or step-nephew who is at least 21 years of age and is considered to be of good character.

Students applying from countries classified by DIAC as Level 3 or 4 will be required to obtain pre-visa approval (PVA). Such applicants will be provided with the necessary Minors Pre-visa Statement with their Offer Letter.

A 'suitable local carer' is someone who is deemed suitable by the college and is, in most cases, over 21 years of age. Local Carers will be required to submit a Police Clearance and Local Carer Duty Statement before approval can be granted.

Processes for Minors according to Living Arrangements nominated by Parents

Parents (or legal custodians) who have decided to accept an offer from PIBT, need to take the following steps to confirm accommodation arrangements for their child whilst studying with PIBT.

Living with parents or legal custodian

- Parents must complete and sign a Minors Pre-Approval Form (formerly Minors form A), indicating that the student will be living with them or a legal custodian;
- Parents/Agent/Student need to return this signed form to PIBT;
- Parents/Agent/Student will be provided with a "Confirmation of Appropriate Accommodation/Welfare Arrangements" statement, by PIBT which must to be attached to the Confirmation of Enrolment (CoE) for a Student Visa.
- Underage students, at the commencement of their course, are required to attend an information session and submit a Minors Confirmation Form (formerly Minors form C)
- Students must advise the Student Counsellor as soon as possible of any change to care arrangements. All changes will be subject to approval.

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Living in Homestay accommodation arranged or approved by PIBT

- Parents must complete and sign a Minors Pre-Approval Form, indicating that the student will be living in a Homestay arrangement;
- Parents/Agent/Student need to return this signed form to PIBT;
- Parents/Agent/Student need to contact a Homestay provider to arrange placement with an Homestay family;
- Parents/Agent/Student will be provided with a “Confirmation of Appropriate Accommodation/Welfare Arrangements” statement by PIBT, which must be attached to the CoE for a Student Visa.
- Underage students, at the commencement of their course, are required to attend an information session and submit a Minors Confirmation Form;
- The Student Counsellor will monitor the suitability of the accommodation placement

Living with relative who is over 21 years nominated by parents and approved by DIAC

- Parents must complete and sign a Minors Pre-Approval Form, indicating that the student will be living with a suitable relative nominated who is over 21 years approved by parents
- Parents/Agent/Student need to return this signed form to PIBT;
- Parents/Agent/Student will be provided with a “Confirmation of Appropriate Accommodation/Welfare Arrangements” statement, by PIBT which must be attached to the CoE for a Student Visa;
- The Student Counsellor contacts the nominated relative or local carer and requests Police Clearance and a Local Care Duty Statement (LCDS).
- Underage students, at the commencement of their course, are required to attend an information session and submit a Minors Confirmation Form.
- Student Counsellor will monitor suitability of accommodation placement and will follow up with Carer’s any outstanding requirements.
- Students must advise the Student Counsellor as soon as possible of any change to care arrangements. All changes will be subject to approval..

Living with a local carer nominated by parents (to be approved by PIBT)

- Parents must complete a Minors Pre-approval Form, indicating that the student will be living with a nominated local carer;
- Parents/Agent/Student need to return this signed form to PIBT;
- Parents/Agent/Student will be provided with a “Confirmation of Appropriate Accommodation/Welfare Arrangements” statement by PIBT, which must be attached to the CoE for a Student Visa;
- The Student Counsellor will contact the nominated relative or local carer and request a Police Clearance and provide a Local Care Duty Statement for him/her to complete.
- Underage students, at the commencement of their course, are required to attend an information session and submit a Minors Confirmation Form.
- Student Counsellor will monitor suitability of accommodation placement and will follow up with Carer’s any outstanding arrangements.
- Students must advise the Student Counsellor as soon as possible of any change to care arrangements. All changes will be subject to approval.

5.3.1.Changes to living arrangements

Underage students must keep the college informed with respect to changes to their accommodation arrangements. Students should discuss any proposed changes with the Student Counsellor wherever possible. The Receptionist or Client Services Officer should refer all students under 18 to the Student Counsellor when they are notified of changes.

PIBT will advise DIAC as soon as possible in the event that the under 18 year old student has changed his or her living arrangements or no longer approves the arrangements for the student using the DIAC pro forma letter available through PRISMS.

5.3.2. International Student Complaints regarding unsuitability of accommodation/welfare arrangements

Underage students who are experiencing problems or have concerns about the suitability of their accommodation/welfare arrangements should inform the Student Counsellor of their concerns. The Student Counsellor will investigate the student's claims and respond within 5 working days.

5.3.3. Approving arrangements for semester breaks

Underage international students who are residing in Australia in any of the above situations may be allowed to temporarily change their accommodation arrangements (other than returning home) during a semester break or during semester, provided the following conditions are met:

- Students must complete and submit a Temporary Accommodation Change Form with the Student Counsellor at least four weeks prior to the end of semester;
- Parents or legal custodian of the student must approve the temporary arrangements.
- Students must not be identified as at risk of poor academic progress or poor attendance;

PIBT will look more favourably on students who will be accompanied by a suitable relative or local carer who has submitted a police clearance and duty statement.

PIBT reserves the right to refuse an application where it feels the student's welfare will be put at risk by the change.

Overseas students who change their accommodation arrangements without the necessary approvals will be regarded as breaching their student visa conditions and may be reported to DIAC as a result.

5.3.4. Period of PIBT Responsibility for Accommodation and Welfare Arrangements

For international students with 'single course offers' (only studying at PIBT), who will stay with a local carer either nominated or approved by parents, a Confirmation of Appropriate Accommodation/Welfare Arrangements letter will be issued for which the nominated period of responsibility will be at least 7 days beyond the CoE date.

For students with 'packaged offers' which involve other providers (eg Edith Cowan University), PIBT's responsibilities under this policy commence one week prior to orientation and cease when the student turns 18, withdraws from the course, is reported for breach of visa conditions, transfers to another provider or matriculates to ECU (whichever is sooner and provided the new provider has accepted responsibility for the student). Where a student does not commence study with ECU, their parents need to inform PIBT of their intentions. Under circumstances deemed appropriate by PIBT, this responsibility may be extended as required.

5.3.5. Reporting Students who fail to maintain approved accommodation arrangements

Where PIBT can no longer approve the accommodation and welfare arrangements for an underage student and all other attempts to assist the student to maintain

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appropriate arrangements have been exhausted, the student may be reported to DIAC using the 'Non-approval of Appropriate Accommodation/Welfare Arrangements' form on PRISMS. Prior to reporting, the student will be sent an Intention to Report to DIAC letter giving them 20 working days in which to appeal the decision.

If a student is regarded as missing from the approved accommodation and cannot be contacted, this will result in the provider implementing its documented critical incident policy. Under such circumstances PIBT reserves the right to disclose limited personal information about a student to the necessary authorities (including but not limited to DIAC) where it is considered to be in the best interests of the student. Actions may include contacting the student's parents and/or DIAC and filing a missing persons report with the police and/or children's services agencies. If, after a reasonable period, the student has not been found, PIBT will report the student's breach of visa condition 8532 by submitting the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter.

5.4. Homestay Providers (Homestay Placement Agents) Responsibilities

Homestay providers will be informed of their responsibilities with regards to placement of underage students. Homestay Providers will be requested to assure PIBT that they understand their duties and responsibilities in this regard and can demonstrate that they meet all compliance conditions required by PIBT. (Refer to individual provider contracts)

6. Administrative procedures

- 6.1. Underage students will be informed about this policy at the point of offer. They will also be informed about the Underage Student Management policy at the information session which takes place at the commencement of their course.
- 6.2. Staff will be informed about this policy at induction where it is related to their duty statement. An information session for all staff on this policy will be provided (at least) on an annual basis.
- 6.3. Policy will be accessible via the PIBT homepage by clicking on the Policy Library at <http://www.pibt.wa.edu.au>