



# Welfare arrangements for Under 18 international students – information for international students and education providers

## Who is responsible for a student’s welfare arrangements during a school holiday period?

When applying for a student visa, students under 18 must provide evidence that they have welfare arrangements in place, by either nominating a guardian via [Form 157N Nomination of a student guardian to your application \(214KB PDF\)](#) or having a Confirmation of Appropriate Accommodation and Welfare (CAAW) approved by the principal registered education provider. The approved CAAW arrangements remain in place for the duration of the student visa, including during school holiday periods, unless alternative arrangements are approved or until the student turns 18.

## I would like to transfer my CAAW from an education provider to a family member for the school holiday period, what must I do?

Education providers can amend the arrangements set out in the CAAW temporarily during a holiday period, by approving an alternative arrangement in accordance with Standard 5 of the National Code. This could include a home stay with a family friend, or a family member that does not meet the Department of Home Affairs’ definition of an eligible relative. Education providers will need to reflect any changes in welfare arrangements in the [PRISMS system](#). For providers who need guidance on how to reflect changed welfare arrangements in PRISMS please refer to the [PRISMS news item](#).

Throughout the duration of these temporary arrangements, the provider retains responsibility for the student and the CAAW.

Alternatively, if the student’s welfare is to be provided by an eligible relative, students can apply to the Department of Home Affairs for a change of welfare arrangements via Form 157N for a temporary period. The Department of Home Affairs will also require supporting documentation, including evidence of the student’s relationship with the guardian and evidence of Australian residency for the guardian. Nominated guardians will also need to provide relevant police clearances to meet the character requirement.

A letter from the education provider should also be provided, advising the CAAW is not available for the interim holiday period and that the student is unable to return to their home country. This letter should also advise the Department of Home Affairs of their knowledge of who the nominated guardian will be.

[Form 157N Nomination of a student guardian to your application \(214KB PDF\)](#) and supporting documents should be sent via email to [Adelaide.studentcentre@homeaffairs.gov.au](mailto:Adelaide.studentcentre@homeaffairs.gov.au). The email subject line should include 'change of welfare'.

Education providers and parents/guardians should note that this process may take a minimum of 6-8 weeks so completed applications should be submitted well in advance.

Only eligible relatives can be approved by the Department of Home Affairs to provide welfare. Eligible relatives include: a parent, spouse, de facto partner, a child, brother or sister of the applicant, step-child, step-parent, step-brother or step-sister of the applicant, grandparent, grandchild, aunt, uncle, niece or nephew, or a step-grandparent, step-grandchild, step-aunt, step-uncle, step-niece or step-nephew of the applicant. Any nominated relative must be over 21 years of age.

Any change of welfare arrangements made via Form 157N for a temporary period will only be applicable while the under 18 student is holding a student visa.

More information is on the Department of Home Affairs website:

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/welfare-arrangements-students-under-18>.

## **Can my CAAW be transferred to another education provider for the duration of the holiday period?**

If a student is studying with a different education provider over the holiday period, then the new education provider should negotiate a transfer date for welfare arrangements with the releasing education provider to ensure that there is no gap in welfare arrangements (in accordance with Standard 5.7 of the National Code). At the end of the holiday period the student will need to ensure that they have appropriate welfare arrangements in place, which may require a transfer of welfare arrangements back to the initial education provider. Approved welfare arrangements must remain in place until the student turns 18.

## **My student visa expires over the school holiday period, and the associated welfare arrangements will no longer be in place. What are my options if I wish to remain in Australia prior to commencing a tertiary course next year?**

Students whose visas are expiring and who are unable to return home should ensure they retain a lawful immigration status and should apply for a new visa (such as a visitor visa or a temporary activity COVID-19 pandemic event visa) prior to their existing student visa expiring. Students will be eligible for a bridging visa to remain lawful in Australia while their new application is being processed.

Students who are intending to undertake tertiary study the following year can apply for a new student visa while in Australia with a Letter of Offer, if they have not received a Certificate of Enrolment (CoE) yet. A CoE must be provided before the application can be finalised. Evidence of welfare must be provided at time of lodgement if the student is under 18 years.

## **I am an international student returning to my home country for the school holiday period, what happens to my welfare arrangements?**

The approved CAAW arrangements remain in place for the duration of the student visa, including during school holiday periods, unless alternative arrangements are approved. This includes cases where a student leaves Australia. If an international student chooses to return to their home country for a holiday period, they should be aware of border closures due to COVID-19 and the potential risk of not being able to return to Australia to resume their studies in person. Up to date travel and visa advice can be found at <https://covid19.homeaffairs.gov.au/> and general advice for international students at [Coronavirus FAQs for international students](#).

## **I am a student guardian visa holder and my visa is expiring soon. I am unable to return home, what are my options?**

Student guardian visas are generally granted until 31 December in the year the associated under 18 student turns 18 or until the same period the associated student's visa expires.

For example, a student visa holder turns 18 on 24 October 2020 and their visa ceases 15 March 2021. A student guardian visa holder will hold a visa that ceases on 31 December 2020. Student guardian visa holders should check their visa grant letter or use Visa Entitlement Verification Online (VEVO) to determine their visa expiry date.

Student guardian visa holders in Australia cannot make a valid application for a substantive visa while they remain in Australia due to visa condition 8534 (no further stay). The Department of Home Affairs can waive this condition in limited circumstances. More information is on the Department of

Home Affairs website: <https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/waivers-and-permissions/no-further-stay-waiver>. If the no further stay condition is waived, the student guardian may be able to apply for another visa (such as a visitor visa or a temporary activity COVID-19 pandemic event visa) to remain in Australia.

## **If I'm studying offshore as an international student, am I required to have a CAAW arrangement?**

Under the Standard 5 of the National Code, for students under 18 years a registered provider must nominate the dates for which they accept responsibility for a student's accommodation, support and general welfare arrangements. For students that are already enrolled, have a student visa and welfare arrangements in place, approved CAAW arrangements would continue, even if a student returns to their home country to study.

Otherwise, at the time of applying for a student visa under 18 students must provide evidence of welfare arrangements. This is to ensure the student has appropriate welfare arrangements in place once they arrive in Australia.

Any changes to a CAAW after a student visa is granted and prior to arrival in Australia, are a matter for the education provider.

## **Can Year 11 and 12 students apply for an individual exemption to the current travel restrictions?**

The Commissioner of the Australian Border Force and decision makers may grant an individual exemption for international students if you are a student completing year 11 and 12, with support from the relevant Australian State or Territory government health authority and education department

State and territory governments will be able to seek exemptions from the Australian Border Force Commissioner to COVID-19 travel restrictions for year 11 and 12 international school students.

Students and schools can not apply directly to the Australian Border Force or to Commonwealth Department of Education, Skills, and Employment. All exemptions for Year 11 and 12 international students must be made through the state or territory government process and have the support of the relevant state or territory health authority and education department.

Schools should contact their state or territory authority for details as to how this process will be applied in their jurisdiction and to determine their international students' eligibility before providing students' details to the Commonwealth.

International students should contact their education provider in the first instance if seeking an exemption. If applying for an individual exemption, an overseas student will be required to apply for a student visa and provide details of their welfare arrangements.

## **What holiday programs can an overseas student undertake?**

CRICOS registered schools may offer overseas students to participate in holiday programs that are an extracurricular activity, or other programs or activities that support students' learning.

The holiday program can be delivered by another provider under an arrangement with the CRICOS registered provider.

## **Disclaimer**

The Department of Education, Skills and Employment provides general information and assistance to registered providers and overseas students on the National Code and the *Education Services for Overseas Students Act 2000*.

However, such information or assistance should not be relied on as legal advice or as a substitute for legal advice. Overseas students and education providers should seek independent legal advice as appropriate.

The fact sheet is designed to give registered providers practical guidance in day to day operations. Registered providers should note that compliance will be measured against the requirements of the ESOS Act and National Code, not against the fact sheets.