



FACT SHEET

**ACCOMMODATION
AND WELFARE
REQUIREMENTS
FOR OVERSEAS
STUDENTS IN
AUSTRALIA**



Australian Government
Australian Trade Commission



Australia
FutureUnlimited

Accommodation and welfare requirements for overseas students under 18 years of age WITH A STUDENT VISA studying with an Australian education provider.

ACCOMMODATION & WELFARE REQUIREMENTS

In order for the Department of Immigration and Border Protection (DIBP) to approve a student visa application from a student under 18 years of age, DIBP needs to be satisfied that the student will be well looked after while in Australia. Therefore, one of the visa requirements is that there must be acceptable arrangements for the student's accommodation, support and general welfare for the duration of his/her student visa, or until he/she turns 18 (whichever happens first), that are approved by the DIBP. There are only three options for acceptable welfare arrangements, or ways the student can be looked after.

OPTION 1

The student will live in Australia with a parent or legal custodian.¹



In this case, DIBP will need evidence of the relationship between the student and the carer and evidence that the parent or legal custodian has a right to remain in Australia for the period of the student's stay, or until the student turns 18, whichever happens first.



In Option 1, the following will be required to accompany the student's visa application:

- Confirmation of Enrolment (CoE) from the student's education provider (eg school or college)
- **Form 157N Nomination of a student guardian.**

¹ "Custody" is defined in Australia's Migration law as the right to have the daily care and control of the child and the right and responsibility to make decisions concerning the daily care and control of the child. A "legal custodian" is a parent, step-parent, adoptive parent, or any other person who has been granted custody under Australian or foreign law.

OPTION 2

The student will live in Australia with a relative over 21 years of age and of good character, who has been nominated by a parent or legal custodian and approved by DIBP.²



In this case, DIBP will need evidence of the following:

- the guardian's relationship to the student
- he/she is at least 21 years of age
- police clearance/s for the relative
- the relative has the right to remain in Australia for the period of the student's stay, or until the student turns 18, whichever happens first.



In Option 2, the following will be required to accompany the student's visa application:

- Confirmation of Enrolment (CoE) from the student's education provider (eg school or college)
- **Form 157N Nomination of a student guardian.**

OPTION 3

The student will live in Australia under accommodation and welfare arrangements that have been approved by the student's education provider, for example, living in a school boarding facility or with an approved homestay host.



In this case, the student's education provider will need to confirm approval of all arrangements for the student's accommodation, support and general welfare requirements for the period of the student's stay, or until the student turns 18, whichever happens first. Individual education providers may also have additional requirements after a student turns 18 years.



In this case, the following will be required from the student's education provider (eg school or college) to accompany the student's visa application.

- Confirmation of Enrolment (CoE), and
- Confirmation of Accommodation and Welfare (CAAW) form.

² The DIBP definition of "a relative" includes a "brother or sister, stepbrother or stepsister, grandparent, step-grandparent, aunt or uncle, step-aunt or step-uncle, niece or nephew, step-niece or step-nephew, de facto partner and spouse".

Parents of students under 18 years of age can choose one of the three options for accommodation and welfare arrangements.

If Option 1 or 2 is not applicable to the parents and the student, the student's education provider will be responsible for decisions about the student's accommodation and welfare and for issuing a Confirmation of Accommodation and Welfare (CAAW) form to meet the accommodation and welfare requirements necessary for student visa application and approval. Under Option 3, parents do not need to appoint a person in Australia to be responsible for their child's accommodation and welfare. This is not a requirement of the Australian Government. See "Additional Notes for Option 3" below for more details.

DIBP must always be notified of any changes to the approved arrangements for any of these options.

Education providers are required to have a record of a student's current residential address while the student is in Australia and enrolled with the education provider.

ADDITIONAL NOTES FOR OPTION 3

- › If the student is not going to live with a parent, a legal custodian of the student, or an approved relative, the education provider must approve the student's accommodation and welfare arrangements. The education provider confirms this by issuing a welfare letter or Confirmation of Accommodation and Welfare (CAAW) form for the student.
- › If a parent wishes to nominate a third party in Australia to provide additional support or advice to a student, for example, a cousin or a family friend, the parent should discuss this with the education provider. Under Option 3, the education provider is always responsible for approving any arrangements or decisions regarding the student's welfare or accommodation. Any arrangements approved by an education provider must meet all legislative requirements, including child protection legislation.
- › A third party such as an education agent or other service provider or entity cannot make decisions related to a student's accommodation or welfare arrangements under Option 3.
- › Students living in arrangements approved by their education provider must not change those arrangements without written approval of their education provider.

FURTHER INFORMATION

- › DIBP requirements for “Students under 18 years of age” – see under “Eligibility” at: www.immi.gov.au/students/students/571-4/eligibility-student-18.htm
- › For students in Australia at the time of visa application, see information at: www.immi.gov.au/students/students/welfare-arrange.htm
- › Fact Sheet – Changes to the Migration Regulations relating to student visa holders under 18 years of age: www.immi.gov.au/students/_pdf/Changes-to-migration-regulations-students-under-18.pdf

STUDENTS ENROLLED IN AUSTRALIAN SCHOOLS

Many students under 18 years of age with a student visa will be enrolled in Australian schools. Providing all school students with high-quality education opportunities and a safe environment is the main priority of Australian schools. Parents should not hesitate to contact schools for further information about school accommodation and welfare arrangements for students under 18 years of age, or to contact a school if there are any concerns held for a student’s welfare or progress at a school at any time. Australian schools welcome parent participation.

Frequently Asked Questions

What accommodation and welfare options are there if my child is under 18 years of age and wants to apply for a student visa to study in Australia?

There are 3 options:

- › **OPTION 1:** living in Australia with a parent or legal custodian
- › **OPTION 2:** living in Australia with a relative over 21 years of age who is nominated by a parent or legal custodian and approved by DIBP
- › **OPTION 3:** living in Australia under accommodation and welfare arrangements that have been approved by the student’s education provider. For example, living in a school boarding facility or with an approved homestay host.

If a student under 18 years of age is NOT living with a parent, legal custodian or relative approved by DIBP, he/she must obtain a Confirmation of Accommodation and Welfare (CAAW) form at the same time as a Confirmation of Enrolment (CoE) from the education provider to accompany his/her visa application.

Who is a “legal custodian”?

Custody laws differ across countries. For visa purposes, a legal custodian is generally a parent (including a step-parent), an adoptive parent or any other person who has been granted custody under an Australian or foreign law.

How do I get welfare and accommodation arrangements approved by DIBP for my child?

- › If your child intends to reside in Australia with a parent or a legal custodian, DIBP will need evidence of the relationship (such as birth certificate or proof of custody) and evidence the parent or legal custodian has a right to remain in Australia for the period of your child's stay, or until your child turns 18, whichever is first (such as an Australian citizenship certificate or visa grant details). You will also need to complete a **Form 157N – Nomination of a student guardian**.
- › If your child intends to reside in Australia with a relative, DIBP will need evidence of the family relationship (such as birth certificates or family books), evidence that the relative is at least 21 years old, police clearance/s for the relative and evidence that the relative has the right to remain in Australia for the period of your child's stay, or until your child turns 18, whichever is first (such as an Australian citizenship certificate or visa grant details). You will also need to complete a **Form 157N – Nomination of a student guardian**.
- › If a parent, legal custodian or relative needs a visa to accompany your child, he or she may apply for a Student Guardian (Subclass 580) visa. Information on the Student Guardian (Subclass 580) visa can be found on the DIBP website at www.immi.gov.au/Visas/Pages/580

- › If your education provider is approving welfare and accommodation arrangements for your child, you must obtain a Confirmation of Accommodation and Welfare (CAAW) form as well as a Confirmation of Enrolment (CoE) from the provider to submit for your child's student visa application.

Note: If you are using an agent to assist with your child's visa application, always make sure you keep copies of all documents submitted on your behalf.

If I want my child to live with someone like a cousin or family friend, can I do this? Are there any rules?

If the person you want your child to live with is not a relative approved by DIBP under Option 2, above, then discuss the details of the proposed arrangement with the education provider. The education provider will let you know if these arrangements can be approved, and if there are any conditions for doing this.

Please also see information from the DIBP website: www.immi.gov.au/Visas/Pages/571.aspx

Note: Education providers are not obliged to approve friends or other relatives as an accommodation provider for you. A person or entity providing accommodation and welfare must meet the education provider's requirements. Please see: Explanatory guide for Standard 5 of the National Code: internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD5.aspx

What do I do if I want to change the accommodation or welfare arrangements for my child?

Whether current arrangements are made under Option 1, 2, or 3, if you want to change these accommodation or welfare arrangements for your child, you should always first contact your current education provider to request the proper procedure to follow, including reporting any changes to the DIBP.

Under Option 3, can I appoint an education agency or an Australian service company to arrange my child's accommodation and welfare? Are there any rules?

Under Option 3, the student's accommodation and welfare arrangements while living in Australia must be approved by his/her education provider.

The education provider will be responsible for decisions about your child's accommodation and welfare and for issuing a Confirmation of Accommodation and Welfare (CAAW) form. If you wish to appoint an education agency or Australian service provider for your child's accommodation and welfare, you must discuss this with your child's education provider to obtain approval.

Please note neither the education agency nor an Australian service company can decide on your child's accommodation and welfare arrangements.

If Option 1 & 2 do not apply to me, under Option 3, do I have to appoint a person in Australia to be my child's guardian so that his/her visa can be approved?

No. As answered in Explanatory guide for Standard 5 of the National Code, this is not a requirement of the Australian Government. Please see: internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD5.aspx

What is required by the Australian Government is the student must have suitable accommodation and welfare requirements in place at the time of the student visa application. Parents can choose either Option 1, 2 or 3. If Option 1 & 2 do not apply, only the education provider can be responsible for decisions about your child's accommodation and welfare arrangements.

Are there any other laws about welfare for my child while he/she is studying in Australia?

Each state and territory in Australia has its own child protection laws which also apply to overseas students under the age of 18. All schools in Australia have child protection and safety policies. You can ask your education provider to give you more information about state or territory child protection laws or policies if you wish.

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