



You should read this information form if you are one of the following:

- outside Australia and intend to apply for a Student Guardian visa
- in Australia as the holder of a student guardian visa, and intend to apply for a further Student Guardian visa
- a visitor, working holiday-maker or other temporary visa holder intending to extend your stay in Australia to reside with a student as their guardian.

The Student Guardian visa

The Student Guardian visa allows you to reside in Australia with a student as their guardian.

A student may require a guardian where they are under 18 years of age. There may also be exceptional circumstances where a student over 18 years of age, may require a guardian (for example, where there are compelling religious or cultural reasons).

Welfare arrangements for students under 18 years of age

The Department of Immigration and Citizenship (the department) bears no responsibility for welfare arrangements made on a student's behalf. It is the responsibility of the parents or legal custodians of a student under the age of 18 to ensure that the arrangements they make on the student's behalf provide appropriate welfare for the entirety of the student's stay in Australia while they are under the age of 18.

Form 157N *Nomination of a student guardian* must be completed and lodged together with form 157G *Application for a Student Guardian visa*.

Requirements for grant of a Student Guardian visa

To be granted a Student Guardian visa, you must be nominated by a student as their guardian on form 157N *Nomination of a student guardian*.

You must also meet a number of key requirements. These include a genuine temporary entrant requirement, your relationship to the student, your age, financial capacity, family composition and arrangements for any dependant family members, intention to comply with the conditions of your visa and any matters considered relevant to assessing your application.

To be granted a Student Guardian visa, you must also satisfy a number of general requirements. General requirements include you being of good character and sound health, and having acceptable health insurance and no outstanding debts to the Commonwealth of Australia.

Family unit members may only join you in Australia on a Student Guardian visa in very limited circumstances.

Detailed information can be found on the department's website.

See: www.immi.gov.au

Genuine Temporary Entrant requirement

Factors considered under this requirement include:

- your personal circumstances such as your potential circumstances in Australia and personal or financial commitments that may provide an incentive for you to return home
- your immigration history such as previous compliance with immigration laws.

Key requirements

You must meet each of the following key requirements:

- You have been nominated by a student as their guardian on form 157N *Nomination of a student guardian*.
- You are at least 21 years of age.
- Except in very limited circumstances, you are a parent, a person who has custody, or a relative of the nominating student. A relative is defined as a spouse, de facto partner, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece or nephew; or a step-child, step-parent, step-brother, step-sister, step-grandparent, step-grandchild, step-aunt, step-uncle, step-niece or step-nephew. Where a guardian is not a parent, person who has custody of the student, or a relative of the student, the grant must significantly benefit the relationship between the Australian Government and the government of another country.
- You intend to reside with the nominating student in Australia.
- The nominating student intends to reside with you in Australia, and does not intend to reside with any other student guardian visa holder other than a member of your family unit under six years of age, parent or custodian.
- You are able to provide appropriate accommodation, general welfare and other support to the nominating student if they are aged under 18 years of age.
- You have sufficient financial capacity to cover the cost of air fares and living costs for the duration of your stay in Australia. The period for which you must provide evidence of funds, the amount, type and source of funds considered acceptable, and the savings period for funds will vary with the assessment level of the student who has nominated you as their guardian. Further information is available from the department's website. See: www.immi.gov.au/students/
- You have no members of your family unit under six years of age unless:
 - the grant of your visa would significantly benefit the relationship between the Australian Government and the government of another country; or
 - the child under six years of age holds a passport that is subject to assessment level 1 or 2 for the Schools Sector (subclass 571) student visa **and** compassionate and compelling circumstances exist. Information on assessment levels is available from the department's website. See: www.immi.gov.au/students
- You have appropriate welfare arrangements in place for family unit members who have not turned 18 years and who are not in Australia on a student visa.

General requirements

General requirements you must meet include that:

- you are of good character
- you are of sound health
- you have acceptable health insurance through the Overseas Visitor Health Cover (OVHC) on page 3
- you have no outstanding debts to the Commonwealth of Australia, or have made arrangements acceptable to the Minister to repay such debts.

Applying in Australia

You must provide exceptional reasons for the grant of your visa in Australia if you:

- are applying in Australia
- do not already hold a Student Guardian visa
- the student nominating you as their guardian is subject to assessment level 2, 3, 4 or 5 for their student visa.

Visa validity

Your visa will generally be for the same period as the visa of the student who, as part of your visa application, nominated you as guardian. If the student is less than 18 years of age, your visa would be granted until the student turns 18 if this is a shorter period.

Student Guardian visa conditions

If you are issued a Student Guardian visa, some conditions will be attached to the grant of the visa. The most common conditions are:

- You must reside in Australia, staying with the nominating student to whom your visa relates. You must also provide appropriate accommodation, general welfare and other support arrangements for the nominating student.
- You must not depart Australia without the nominating student to whom your visa relates unless you have provided evidence to the department that there are compassionate or compelling circumstances and that you have put in place alternative arrangements until your return for the nominating student's accommodation, general welfare and support. Where the nominating student is less than 18 years, the alternative arrangements must be approved by the nominating student's education provider.
- You must not engage in work in Australia.
- You must not engage in any studies or training, for more than three months. You are able to study English Language Intensive Courses for Overseas Students (ELICOS) for less than 20 hours per week for the duration of your visa.
- You must maintain your OVHC while in Australia.
- You will be subject to a 'no further stay' condition. This means that after entering Australia, you may not be granted any other visa while you remain in Australia, other than a further Student Guardian visa, or a Protection visa.
- You must continue to be a person who would satisfy the primary criteria for the grant of the Student Guardian visa.

Detailed information on student guardian visa conditions is available on the department's website. **Breaching a visa condition may result in cancellation of your visa.**

If the student visa of your nominating student is cancelled then your visa may also be cancelled.

Members of your family unit

A member of the family unit is your partner (spouse or de facto) or a dependent child of you or your partner who is not married, not in a de facto relationship and who has not turned 18.

Members of your family unit may only accompany you to, or join you in, Australia on a Student Guardian visa if:

- they are under six years of age
- they hold a passport that is subject to assessment level 1 or 2 for a Schools Sector (subclass 571) student visa
- compassionate and compelling circumstances are found to exist.

A child who comes to Australia on a Student Guardian visa will need to apply for a student visa once they are six years of age.

All members of your family unit must be declared on your application whether or not they intend to travel to Australia at any time. Your visa may be subject to cancellation if you do not declare all family unit members.

How to lodge your application

You must apply for your student guardian visa on form 157G *Application for a Student Guardian visa*.

If you are applying in Australia you should lodge your application at the nearest office of the department.

If you are applying outside Australia, you should lodge your application at the same time and place as the student. If the student is already in Australia as the holder of a student visa, you should lodge your application at your nearest Australian Government office.

Lodgment of applications by Chinese student in mainland China or New Zealand

If you hold a Chinese passport in mainland China (that is, excluding Special Administrative Regions) or New Zealand and are applying outside Australia, you must either mail your application to:

Student Visa Centre (South Australia)
Department of Immigration and Citizenship
GPO Box 1393
ADELAIDE SA 5001

Or by courier to:

Student Visa Centre (South Australia)
Department of Immigration and Citizenship
4th Floor
55 Currie Street
ADELAIDE SA 5000

Applications lodged at an Australian Embassy in mainland China or New Zealand cannot be accepted.

Residential address

You must provide the address where you intend to live while your application is being dealt with. Failure to give a residential address will result in your application being invalid. A post office box address will not be accepted as a residential address.

Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

Visa Application Charge

You are required to pay the Visa Application Charge. Payment must accompany your application and is generally not refunded if the application is unsuccessful.

Fee may be subject to adjustment at any time. Visa Application Charges may be subject to adjustment on 1 July each year. This may increase the cost of a visa.

Check the amount of this charge with your nearest office of the department or Australian Government office. The charge is also listed in form 990i *Charges* which is available from the department's website.

See: www.immi.gov.au/allforms/

Method of payment

In Australia

To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

Outside Australia

Before making a payment outside Australia, please check with the Australian Government office where you intend to lodge your application as to what methods of payment and currencies they can accept and to whom the payment should be made payable.

Supporting documents you need to provide with your application

You must provide all of the documentation needed to support your application (certified or notarised copies) and declare in your application form that you have attached all the required documents.

'Certified copies' means copies authorised or stamped as being true copies of the originals by a person or agency recognised by the law of your country to perform such functions. If you are in Australia, copies may be certified by a Justice of the Peace, a Commissioner for Declarations or a person before whom a statutory declaration may be made under the *Statutory Declarations Act 1959*.

The documentation required may vary depending on your assessment level and the education sector of the student who has nominated you as their guardian. To find out what documents you need to provide, refer to the department's website.

English translations

Documents in languages other than English must be accompanied by an English translation. If you are applying in Australia, the translator must be accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). Translating and Interpreting Service (TIS) translators are NAATI-accredited.

Overseas Visitor Health Cover (OVHC)

You must have acceptable health insurance cover by paying the OVHC for yourself and any child included in your application for at least the first year of your stay in Australia. Information about OVHC is available on the internet.

See: www.health.gov.au

Re-entry to Australia

A Student Guardian visa permits multiple entries to Australia. If you and the student for whom you are guardian are planning to leave and return to Australia during the period of your visa, you should ensure that you re-enter Australia before the expiry of your visa.

If you seek to re-enter Australia after your Student Guardian visa has expired, you will need to apply for a new Student Guardian visa overseas, pay the Visa Application Charge and meet current visa requirements.

Applications for a further Student Guardian visa in Australia

If you want to extend your stay in Australia as a student guardian you should apply for a new Student Guardian visa before your current Student Guardian visa expires.

Withdrawal of application

You can withdraw your application in writing at any time before a decision is made. Any charges that you paid at the time you lodged your application are usually non-refundable.

If you applied for a Student Guardian visa in Australia, you were most likely granted a Bridging visa at the time you made your application. If you withdraw your application, that Bridging visa will cease to be in effect 28 days after the date of withdrawal. As a result, you will become an unlawful non-citizen 28 days after the withdrawal if you have not departed Australia within that time and you do not hold another valid visa.

Review rights

If you apply for a Student Guardian visa in Australia and you are refused the visa, you may apply for a review of the decision. You will be notified of your review rights in writing and the time limits for lodging such an appeal.

Home page www.immi.gov.au

General enquiry line Telephone 131 881 during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.