



# Fact Sheet



## Changes to the Migration Regulations relating to student visa holders under 18 years of age

### Welfare requirements for student visa applicants under 18

In order for a student under the age of 18 to be granted a student visa they must demonstrate that they have adequate welfare arrangements in place for the length of the student visa or until they turn 18.

Under the Migration Regulations 1994, student visa applicants under the age of 18 must demonstrate that they will be accompanied by a parent or legal custodian, a suitable relative or that the student's education provider approves arrangements for the student's accommodation, support and general welfare.

### National Code 2007

Under standard 5 of the National Code 2007 education providers who approve welfare arrangements for under 18 year old students will be able to nominate the period for which they will approve the arrangements.

### Changes to the Migration Regulations

1. Public Interest Criteria 4012A will require that where an education provider is approving the welfare arrangements of the student, the minimum period nominated by the provider must be Confirmation of Enrolment (CoE) plus seven days at the end of the CoE.

#### What this means for students

- Under 18 students whose welfare arrangements are approved by the education provider must provide evidence with their student visa application that the education provider will approve welfare arrangements for a minimum period of CoE plus seven days at the end of the CoE or until the student turns 18.
- As evidence students should provide a CAAW (Confirmation of Appropriate Accommodation and Welfare) letter which will state the commencement and end dates for approval of welfare arrangements.
- If granted, the student visa end date will correspond with the end date nominated on the CAAW letter. If the student has turned 18 during studies the standard visa end date will be applied.

#### What this means for Education Providers

- Education providers who approve the welfare arrangements for under 18 students will be required to nominate the period they will approve the welfare arrangements. Providers must nominate a minimum period of CoE plus seven days at the end of the CoE, or if the student turns 18 during the course, the provider must nominate a period of the start of the CoE through until the student's 18th birthday.
  - CoE plus seven days is a minimum requirement only, providers may nominate to commence and end approval of welfare arrangements for a longer period and this may be advantageous to the student (see point 3 below).
2. Adequate welfare arrangements for an under 18 year old student will be included in Schedule 1 as a time of application requirement for onshore student visa applications.

#### What this means for students

- Onshore under 18 year old student visa applicants will need to show that they have adequate welfare arrangements in place at the time they lodge their student visa application in order to submit a valid application.
- Evidence of adequate welfare arrangements at time of application can be demonstrated by either:
  - A CAAW letter with a commencement date that either starts the day after the student's current visa expires or begins before or on the date the student lodges their new student visa application
  - or
  - They have a parent or suitable relative in Australia on a visa that permits them to remain in Australia during the student's studies or the parent or suitable relative is lodging a student guardian visa application.

#### What this means for Education Providers

- In order for the student to meet the schedule 1 requirement, where a provider undertakes to approve the welfare arrangements for an under 18 year old student who is lodging an application onshore, the provider must nominate a commencement date that either starts the day after the student's current visa expires or begins before or on the date the student lodges their new student visa application.
  - Providers who are interested in enrolling under 18 year old students already in Australia should inform students during the recruitment phase that the student will need to have welfare arrangements in place at the time they lodge their student visa application.
3. Student visa condition 8532 will be amended to require that if the student visa holder has not turned 18 and approval for the visa holder's accommodation, support and general welfare is being provided by the education provider, the visa holder must not enter Australia before the welfare arrangements are due to commence.

#### What this means for students

- A student whose welfare arrangements are approved by an education provider is not permitted to travel to Australia until the commencement date of welfare arrangements nominated by the provider on the CAAW letter.
- If the student does arrive in Australia before the welfare arrangements are due to commence, their student visa may be subject to cancellation.

#### What this means for Education Providers

- As under 18 year old students whose welfare arrangements are approved by education providers cannot travel to Australia until their welfare arrangements are due to commence, it is recommended that providers nominate a commencement of welfare arrangements date at least a week before the start date of the CoE to allow the student time to travel to Australia and settle in before commencing their studies.
- Providers should also reinforce to these students that they shouldn't travel to Australia before the commencement date of their welfare arrangements as nominated on the CAAW letter.

### What happens when an Education Provider reports a student under 5.1.d of the National Code

Standard 5.1.d requires that the education provider must advise DIAC as soon as possible in the event that the under 18 year old student has changed his or her living arrangements or the registered provider no longer approves of the arrangements.

If a provider reports the student for changing his or her living arrangements and the provider approves of the changed arrangements, DIAC will be informed of the change but no further action will be taken.

If a provider reports the student for changing his or her living arrangements and the provider no longer approves of the arrangements, the student is in breach of student visa condition 8532 and their visa may be subject to cancellation.