

## The welfare and protection of international students in Australian schools: a fact sheet

### Welfare and protection of overseas students under 18 years of age studying in Australian education institutions

There is a wide range of legislation protecting the welfare of young overseas students studying in Australia.

Australian education institutions enrolling overseas students are required to comply with all state and commonwealth government legislative requirements related to the type of visa held by the student.

This includes welfare requirements in the case of students under 18 years of age.

Please see the table below for an overview of legislation protecting young students on visas in Australia.

#### CASE 1

The student is a visitor and wishes to study up to three months in an educational institution.

- Child protection legislation in each state applies.
- This may include requirement of a police background check for anyone providing an accommodation service, for example homestay, to a young student.

#### CASE 2

The student is in Australia with a parent as a dependant. The parent is the primary visa holder.

- The parent is responsible for meeting all visa conditions relating to the schooling and welfare of dependent children.
- Child protection legislation in each state applies.

#### CASE 3

The student holds a 571 subclass student visa and is living with a relative in Australia

- The relative will need to meet Department of Immigration of Immigration and Citizenship (DIAC) requirements.
- If the relative holds a student guardian visa, the relative can only leave Australia under certain conditions, including making approved arrangements for the student's welfare.
- Child protection legislation in each state applies.

#### CASE 4

The student holds a 571 subclass student visa and is living in arrangements approved by the education provider. The student may not change living arrangements without the prior approval of their education provider.

- Commonwealth legislation to protect overseas students applies. This includes all pieces of legislation under the Education Services for Overseas Students (ESOS) framework.
- State legislation relating specifically to overseas students may also apply.
- Child protection legislation in each state applies.

### Welfare and protection of overseas students under 18 years of age with 571 subclass visas enrolled in Australian schools

In 2009 there were over 25,000 overseas students with student visas in Australian schools.

All Australian schools enrolling overseas students for a period of longer than 3 months must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).\*

\*To check if a school is registered on CRICOS, use the "Institution Search" at: <http://cricos.deewr.gov.au>. To search for information for government schools, select the state, and enter "Department of Education" in the "Institution Name" field. To search for an independent or Catholic school, select the state, and enter the name of the school in the "Institution Name" field. It may be necessary to enter "Government Education" in the institution name field for government schools in Tasmania.

All CRICOS registered Australian schools are required to comply with:

- Education Services for Overseas Students (ESOS) legislative framework, including
  - Education Services for Overseas Students Act 2000
  - Education Services for Overseas Students Regulations 2001
  - The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
- State government legislation specifically related to overseas students
- State government child protection legislation

All students under 18 years of age applying to study in Australia with a student visa must have welfare arrangements in place that are approved by the Department of Immigration and Citizenship (DIAC). These include appropriate accommodation arrangements. Please see details for "Students under 18 years of age" under "Eligibility" in DIAC's Student Visa Options.

Students under 18 years of age who are not living with a relative in Australia approved by DIAC must have their welfare and accommodation arrangements approved by their school or education provider. Please see: Responsibilities for under 18-year-old students

In this case, a student under 18 years of age may be accommodated in "approved" arrangements such as a school boarding facility or with a homestay host. Some schools prefer students to continue to live in approved accommodation arrangements even after a student becomes 18 years of age.

Homestay Programs that are operated or approved by Australian education providers will typically have:

- A screening process involving a home inspection, interview and a police background check for providers of homestay accommodation
- An orientation program for new homestay hosts
- Ongoing monitoring of homestay placements
- A requirement for homestay hosts to understand the school's child protection policies and legislative requirements
- An agreement or contract for accommodation services provided
- A Code of Conduct for homestay hosts and for students
- A Homestay Communications Policy, or processes for solving any accommodation problems

Parents choosing Australia as a study destination for school age children should know that providing all school students with high quality educational opportunities and a safe environment is the main priority of Australian schools.

Parents should not hesitate to ask schools for further information about school welfare and accommodation 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 school. Australian schools welcome parent participation in educational partnerships.

In partnership with:



For more information about studying at an Australian school visit [www.studyinaustralia.gov.au](http://www.studyinaustralia.gov.au)



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