

# UNDER 18 INTERNATIONAL STUDENTS POLICY 2016

The Deputy Vice-Chancellor (Education) as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 6 June 2016

Last amended: 4 May 2018

24 March 2019 (administrative amendments only)

1 August 2019 (administrative amendments)

14 April 2021 (administrative amendments)

16 May 2023 (administrative amendments)

19 July 2023 (administrative amendments)

16 April 2024 (administrative amendments)

1 May 2024 (administrative amendments)

Signature:

Name: Professor Joanne Wright

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### 1 Name of policy

This is the Under 18 International Students Policy 2016.

## 2 Commencement

This policy commences on 1 July 2016

## 3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, entities operating under the University's CRICOS Provider Code 00026A, staff, students and affiliates.

## 4 Statement of intent

This policy:

- (a) provides for appropriate accommodation, support and welfare arrangements for international students who are under 18 years of age; and
- (b) meets the requirements of Part B, Standard 5 of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#).

## 5 Application

- (1) This policy applies to:
  - (a) the University;
  - (b) pathway providers;
  - (c) any entity operating under the University's CRICOS Provider Code 00026A; and
  - (d) international students who are under 18 years of age at the commencement date, until they turn 18 or cease to be a student of the University.

## 6 Definitions

In this policy:

<b>accommodation provider</b>	means a person or organisation that is responsible for providing a student's accommodation during the approval period.
<b>approval period</b>	has the meaning given to it by subclause 8(3).
<b>commencement date</b>	means the date on which: <ul style="list-style-type: none"><li>• a student arrives in Australia to attend their course for the first time; or</li><li>• the University assumes responsibility for the accommodation, support and welfare arrangements of a student who is already residing in Australia.</li></ul>

<b>delegate</b>	has the meaning given in Part 3 of the <a href="#">University of Sydney (Delegations of Authority) Rule</a> . At the date of this policy, that is:  refers to the position to which a delegation is given
<b>Department</b>	means the Department of Home Affairs.
<b>international student</b>	means a student who <b>is not</b> : <ul style="list-style-type: none"><li>• an Australian citizen;</li><li>• a permanent resident of Australia; or</li><li>• a New Zealand citizen;</li></ul> and who <b>is</b> : <ul style="list-style-type: none"><li>• a temporary student visa holder.</li></ul>
<b>pathway provider</b>	means any entity operating under the University's CRICOS Provider Code 00026A and engaged in delivering the University's foundation programs or non-award courses, including the Centre for English Teaching.
<b>relative</b>	means a grandparent, brother, sister, aunt, uncle, niece or nephew, or a step grandparent, brother, sister, aunt, uncle, niece or nephew.
<b>student</b>	means an international student who is: <ul style="list-style-type: none"><li>• enrolled in an award course of the University;</li><li>• enrolled in a non-award course of the University; or</li><li>• enrolled in a course offered by any other entity operating under the University's CRICOS Provider Code 00026A.</li></ul> <b>Note:</b> A student enrolled in the University of Sydney Foundation Program run by a pathway provider is an international student for the purposes of this policy.  <b>Note:</b> A student enrolled in a non-award course offered by the Centre for English Teaching is an international student for the purposes of this policy.
<b>welfare provider</b>	means a person or organisation that is responsible for providing a student's support and welfare during the approval period.

## 7 Enrolment of international students under 18 years of age

- (1) The University and its pathway providers will only enrol international students who are under 18 years of age at their commencement date if the relevant delegate is satisfied that:
  - (a) the student will live in Australia with a parent or legal guardian;
  - (b) 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 guardian and approved by the Department; or
  - (c) the student will live in Australia under accommodation, support and welfare arrangements that have been approved by the University.
- (2) The University and its pathway providers will not enrol international students who are under 16 years of age at their commencement date under any circumstances.
- (3) The University and its pathway providers will not charge international students any fee or require any payment for, or in connection with, the approval of a student's accommodation, support and welfare arrangements in accordance with subclause 7(1)(c).

## 8 Checking and monitoring the suitability of arrangements

- (1) The Deputy Vice-Chancellor (Education) will determine and publish procedures that:
  - (a) specify the University's requirements for students to whom subclause 7(1)(c) applies; and
  - (b) provide for appropriate monitoring and checking that such requirements are met.

**Note:** See the [Under 18 International Students Procedures](#)

- (2) The relevant delegate will only approve the enrolment of students to whom paragraph 7(1)(c) applies consistently with those procedures.
- (3) Approved accommodation, support and welfare arrangements must:
  - (a) begin no more than 14 and no less than seven days prior to the student's commencement date; and
  - (b) remain in place:
    - (i) for the duration of the student's enrolment, plus seven days; or
    - (ii) until the student turns 18 ("the **approval period**").
- (4) Students must not travel to Australia before the commencement of the approval period.
- (5) Students must not change their accommodation, support or welfare arrangements during the approval period, without the written approval of:
  - (a) the relevant delegate; and
  - (b) their parent or legal guardian, or their welfare provider.

## 9 Required agreements

- (1) If a student requires University approved accommodation, support and welfare arrangements as referred to in subclause 7(1)(c), the student and their parent or legal guardian must enter into and provide evidence of the following agreements:
  - (a) a binding agreement with the student's accommodation provider; and
  - (b) a binding agreement with the student's welfare provider;on or before the date of accepting the offer of admission to the course.
- (2) If a student requires University approved accommodation, support and welfare arrangements as referred to in subclause 7(1)(c), the student must accept the following terms and conditions, which will be detailed in the student's offer of admission:
  - (a) The student must agree to:
    - (i) continue living in the approved accommodation until they are 18 years of age, unless alternative accommodation is approved in writing by the University and a parent or legal guardian, or the student's welfare provider consistently with subclause 8(5);
    - (ii) provide the University with up-to-date records of, and inform the University of any changes to, the student's contact details, including the contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare;
    - (iii) maintain one-to-one contact with their welfare provider, and attend regular phone and face-to-face meetings; and
    - (iv) act responsibly, including being aware of their responsibilities under Australian law, and avoid illicit activities and risk-taking behaviour.
  - (b) The student must acknowledge that:
    - (i) the University is not responsible for any fees and costs associated with their accommodation and welfare arrangements;
    - (ii) the University is not legally responsible for the student's actions whilst in Australia; and
    - (iii) the University is entitled to withdraw approval for the student's accommodation, support and welfare if the student is found to have breached these terms and conditions.
- (3) A binding agreement with the student's accommodation provider (referred to in subclause 9(1)(a)) must require the accommodation provider to meet the University's minimum standards for the relevant category of accommodation providers.

**Note:** See the schedules to the [Under 18 International Students Procedures](#)
- (4) A binding agreement with the student's welfare provider (referred to in subclause 9(1)(b)) must require the welfare provider to meet the University's minimum standards for welfare providers.

**Note:** See the schedules to the [Under 18 International Students Procedures](#)

## **10 Termination, suspension and cancellation of enrolment**

- (1) Where the University or its pathway provider terminates, suspends or cancels a student's enrolment, the University will continue to monitor the suitability of the accommodation, support and welfare arrangements for that student until:
  - (a) the student is accepted by another registered provider who assumes responsibility for approving the student's accommodation, support and welfare arrangements;
  - (b) the student leaves Australia;
  - (c) the Department approves care of the student by a parent or nominated relative;
  - (d) other suitable arrangements are made for the student; or
  - (e) the University reports to the Department:
    - (i) that it can no longer approve the arrangements for the student; or
    - (ii) that it has concerns for the student's welfare and is unable to contact the student after making all reasonable efforts to locate the student.
- (2) Where a student appeals the termination, suspension or cancellation of their enrolment, the University will continue to monitor the suitability of the accommodation, support and welfare arrangements for that student until:
  - (a) all internal and external appeals have been exhausted;
  - (b) other suitable arrangements are made for the student; or
  - (c) the University reports to the Department that it can no longer approve the arrangements for the student.

## **11 Transfers to and from another registered education provider**

- (1) If the University or its pathway provider enrolls a student under the age of 18 who has welfare arrangements approved by another registered education provider, the University will:
  - (a) negotiate the transfer date for welfare arrangements with the other provider, to ensure there is no gap;
  - (b) inform the student of their obligation to maintain their current welfare arrangements until the transfer date, or have alternative welfare arrangements approved or return to their home country until the new approved welfare arrangements take place;
  - (c) ensure it has written confirmation from the student's parent(s) or legal guardian endorsing the transfer; and
  - (d) where the student is not being cared for in Australia by a parent or relative, confirm it accepts responsibility for approving the student's accommodation and welfare arrangements.

## **12 Termination of welfare arrangements**

- (1) If the University or its pathway provider is unable to contact a student and has concerns for the student's welfare, the University or its pathway provider will make all reasonable efforts to locate the student, including notifying the police and any other relevant Commonwealth or State agencies as soon as practicable.
- (2) If the University is no longer able to approve the welfare arrangements of a student, the University will:
  - (a) make all reasonable efforts to ensure that the student's parents or legal guardians are notified immediately;
  - (b) notify the Department within 24 hours.

## **13 Compliance reviews**

- (1) The Compliance Unit in the Deputy Vice-Chancellor (Education) portfolio will review compliance with this policy and report to the Deputy Vice-Chancellor (Education), on an annual basis.
- (2) Each annual report must be approved by the Deputy Vice-Chancellor (Education) and include:
  - (a) statistical data, including student numbers and courses of study;
  - (b) results of accommodation provider and welfare provider audits; and
  - (c) details of student complaints and outcomes.

## **NOTES**

### **Under 18 International Students Policy 2016**

Date registered:	15 June 2016
Date commenced:	1 July 2016
Date amended:	7 June 2017 (administrative amendment only)
	4 May 2018 (administrative amendment only)
	24 March 2019 (administrative amendment only)
	14 August 2019
	14 April 2021
	12 May 2023 (Administrative amendment only)
	16 April 2024 (administrative amendment)
	1 May 2024 (administrative amendment)
Administrator:	Deputy Vice-Chancellor (Education)

Review date: 1 July 2021

Rescinded documents: None

Related documents: *Education Services for Overseas Students Act 2000 (Cth)*  
*Children’s Guardian Act 2019*  
*National Code of Practice for Providers of Education and Training to Overseas Students 2018*  
*Working with Children and Vulnerable Adults Policy*  
*Student Critical Incidents Procedures*  
*Under 18 International Students Procedures*  
*Working with Children Procedures - Staff and Affiliates*  
*Working with Children Procedures – Students*

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## AMENDMENT HISTORY

Provision	Amendment	Commencing
6	Updating reference to University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016	7 June 2017
Definitions	Replace Department of Immigration and Border Protection with Department of Home Affairs	4 May 2018
8(1); 11(1)	Remove references to Deputy Vice-Chancellor (Registrar) and replace with references to Deputy Vice-Chancellor (Education)	24 March 2019
Notes	Remove Deputy Vice-Chancellor (Registrar) as administrator and replace with Deputy Vice-Chancellor Education	24 March 2019
3	‘entities operating under the University’s CRICOS Provider Code 00026A’ inserted	1 August 2019
4(b)	‘Part B, Standard 5 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018’ inserted	1 August 2019
5(1)(a); 5(1)(b); 5(1)(c)	New subclauses inserted	1 August 2019

Provision	Amendment	Commencing
6	Definition of approval period updated. subclause 9(1) to 8(3)	1 August 2019
6	Definition of legal custodian removed	1 August 2019
6	Definition of third party provider removed	1 August 2019
6	Definition of Taylors College inserted.	1 August 2019
7(1)	'and its third-party providers inserted	1 August 2019
7(1)(a); 7(1)(b)	Custodian replaced by guardian	1 August 2019
7(2)	'and it third-party providers' inserted and 'course' removed	1 August 2019
7(3)	new subclause inserted	1 August 2019
8(3)(a)	'no more than 14 and no less than' inserted	1 August 2019
9(1)	Custodian replaced by guardian	1 August 2019
9(2)(a)(i)	Custodian replaced by guardian	1 August 2019
9(2)(a)(ii)	New subclause inserted	1 August 2019
10(1)	'or its third-party provider' inserted	1 August 2019
10(1)(c);	new subclauses inserted	1 August 2019
10(1)(e)(i);		
10(1)(e)(ii)		
11	New clause inserted	1 August 2019
12	New clause inserted	1 August 2019
13(1)	'Relevant administrative unit' replaced by Compliance Unit. 'in the Deputy Vice-Chancellor (Education) portfolio' inserted	1 August 2019
Notes	Added related documents:  <i>Children's Guardian Act 2019</i> <i>Critical Incidents Involving Students Procedures 2018</i> <i>Working with Children Policy 2014</i> <i>Working with Children Procedures 2014</i>	14 April 2021
6	replace 'University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016 with 'University of Sydney (Delegations of Authority) Rule 2020	16 May 2023

<b>Provision</b>	<b>Amendment</b>	<b>Commencing</b>
Related documents	replacing 'Working with Children Policy 2014' with 'Working with Children and Vulnerable Adults Policy 2021'	16 May 2023
Related documents	replacing 'Working with Children Procedures 2014' with 'Working with Children Procedures - Staff and Affiliates 2021' and 'Working with Children Procedures – Students 2021'	16 May 2023
Related documents	replacing 'Critical Incidents involving Students Procedures 2018' with 'Student Critical Incidents Procedures 2022'	19 July 2023
Throughout	Administrative amendments to remove the year in policy references.	16 April 2024
5(1)(b)	Replaced 'Taylors College, in respect of the University of Sydney Foundation Program' with 'pathway providers'.	1 May 2024
6	Definition of 'delegate': Added 'Part 3 of'; replaced 'means any person or entity to whom, or to which, a delegation has been made by Senate'.	1 May 2024
6	Definition of 'Department': deleted 'Commonwealth'.	1 May 2024
6	Definition of 'student': replaced 'Taylor's College' with 'pathway provider'.	1 May 2024
6	Deleted definition of 'third party provider'.	1 May 2024
6	Deleted definition of 'Taylors College'.	1 May 2024
6	Added definition of 'pathway provider'.	1 May 2024
7(1), 7(2), 7(3), 10(1), 11(1), 12(1)	Replaced 'third-party' with 'pathway'.	1 May 2024