**MILC**

**Provision of Education to Overseas Students Aged Under 18**

**Regulatory Overview**

A list of both laws, regulations, standards and codes that apply to the education and housing of overseas students, and MILC policies and procedures, are listed in Appendix 1.

**Registration of the Facility**

The Facility may be registered with the Victorian Registration and Qualifications Authority (VRQA).

In order to teach overseas students on student visas, ELICOS providers and their courses must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

**Regulatory matters for staff**

Requirements under the *Child Wellbeing and Safety Act* *2005* (Vic) and Victorian Child Safe Standards include:

* Ensure all staff (administration, teaching, cleaning, maintenance, catering) have a valid WWC Check.
* MILC will compile a Child Safe Standards Policy and Procedures. (see below)

MILC will observe the Child Safe Standards as set out in Ministerial Order No. 1359. The Child Safe Standards are compulsory minimum standards that apply to organisations that provide services for children. The purpose of the Child Safe Standards is to protect U18 persons from sexual, physical, psychological and emotional abuse or neglect, promote the safety of U18 persons in the Facility and set out the appropriate standards of behavior for adults interacting with U18 persons at the Facility. This will cover all MILC Staff and any contractors who are required to comply with the Child Safe Standards.

This Policy will also apply at any physical or virtual place made available or authorised by MILC for use by any U18 person, including MILC managed cyber and online environments.

The service agreements with teachers and other staff will capture all of the relevant requirements under the Education Services for Overseas Students (**ESOS**) legislative framework, including Child Safe Standards.

Any part time/fixed term employees at MILC will be required to comply with strict Conditions of Employment as outlined in their Employment Agreement. Employees at MILC will need to:

* Agree to abide by the MILC Staff Code of Conduct.
* Secure a WWC Check.
* Provide evidence of the right to work in Australia.
* Provide certified copies of qualifications.

**Requirements for the Facility under the ESOS Framework, supported by the *Migration Act 1958* (Cth) and *Migration Regulations 1994* (Cth) relevant to the education of overseas students**

Relevant requirements are as follows:

* All international students under the age of 18 must, by Australian law and as outlined in the *Education Services for Overseas Students Act 2000* (Cth) (**ESOS Act**), maintain arrangements for their accommodation and welfare.
* Under the ESOS Act, MILC is responsible for the safety and welfare of U18 students and for approving their accommodation arrangements.
* All MILC Policies and Procedures are checked and reviewed every year to ensure that they meet the ESOS Framework and the Victorian Child Safe Standards.

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the ESOS National Code) commenced on 1 January 2018 and requires that all education providers offering courses to overseas students who are under 18 years of age “*must meet the Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection*”.   This requires all CRICOS providers – including ASQA / VRQA regulated ELICOS providers – offering programs to students under the age of 18 in Victoria to meet the Victorian Child Safe Standards.

MILC will ensure that appropriate welfare and accommodation arrangements are in place for all students under the age of 18, who are enrolled in any of its programs, before they apply for a visa.

In particular, U18 students who are not in the care of a parent or suitable nominated relative, will have arrangements made for them to protect their personal safety and social and physical wellbeing. These arrangements will meet the requirements of the ESOS National Code. All students not in the care of a parent or nominated relative will receive a Confirmation of Appropriate Accommodation and Welfare (**CAAW**) letter from MILC, once approval of accommodation and welfare arrangements is confirmed.

In the CAAW letter, MILC will nominate the beginning and end dates for the period it will assume responsibility for the U18 student. The beginning date will be two weeks before and end date one week in addition to the Confirmation of Enrolment (**CoE**) dates.

If MILC does not approve a student's arrangements for accommodation and/or welfare after the student arrives in Australia, it will indicate its non-approval to the Department of Immigration and Border Protection (**DIBP**).

A flowchart outlining the process for international students enrolled in the Facility is included in Appendix 2.

**Application for Enrolment:**

Applications for Enrolment to gain admission to MILC must be made on the official application form available on the MILC website.

**Acceptance for Enrolment:**

Enrolment at MILC depends upon the Managing Director being satisfied about the child’s suitability. If a place is offered, MILC will forward an Enrolment Authority Form for completion. In order to accept the offer of enrolment the form must be duly completed and returned, together with the non-refundable enrolment fee and any applicable interest free deposit by the nominated date. If these payments are not received by this date, the offer may be withdrawn.

Both parents are required to acknowledge in writing on the enrolment authority form the responsibility for the payment of school fees and charges. In signing the enrolment authority form both parents agree that they are jointly and severally responsible with all other signatories for all fees and charges payable as a result of enrolling their child at MILC. Both parents agree that this arrangement continues, irrespective of any changes to the relationship between them and the co-signatory or any court order between them or any child support arrangements or other arrangements between them. No separate or split invoices will be issued.

**Visa requirements**

Parents must provide evidence thar their children hold the appropriate visa for the duration of their stay at MILC. If a child is withdrawn, or suspended, at the insistence of MILC, all fees and charges are payable for the billing period in which the child’s enrolment is terminated or suspended.

MILC reserves the right to alter or cancel a course, the commencement date, any fees or charges, or timetabling without prior notice.

**Fees**

The parents shall pay a deposit and all fees (if applicable) in advance. If there is an extension on the length of time that the student attends MILC, fees covering the extension period must be paid prior to the commencement date of the extension period.

If fees and expenses are not paid in accordance with the MILC requirements, MILC may refuse attendance or ask the student to leave.

**Refund Policy**

There is no refund if cancellation occurs after the student has begun their course. Deposit & Establishment fees are non-refundable. Unused weekly fees are refunded only when the course is not run. A cancellation fee of 20% of weekly fees applies if notification is received before the commencement date for any reason other than those stated. Weekly fees cannot be transferred to another person. All requests for refunds must be made in writing. A rebate for absence due to illness may be granted if illness exceeds 7 days absence. Medical certificates required. Refunds will be sent to the home country of the student. Processing of refunds may take up to 4 weeks (28 days) from receipt of written claim. If MILC cancels a course before or after it starts, refunds will be processed within two weeks of date of notice of course cancellation. The parents shall immediately notify MILC, in writing, of any change of details of their child, guardians or themselves contained in any information previously given to MILC. The parents agree that it is a condition of the student’s enrolment and continued enrolment at MILC that they accept responsibility for the student’s compliance of rules as stated in the Code of Conduct form.

**Termination, suspension or cancellation**

In the event that MILC or the U18 student terminates, suspends or cancels their enrolment, MILC will continue to check and monitor the accommodation and welfare arrangements of the student until:

* the student is enrolled at another institution and that institution assumes responsibility for the student's accommodation and welfare;
* the student leaves Australia;
* other suitable arrangements are made that satisfy the *Migration Regulations 1994* (Cth); or
* MILC notifies DIBP via PRISMS (Provider Registration and International Student Management System) that it can no longer approve arrangements for that student.

If the student refuses to accept the accommodation and welfare arrangements that MILC has approved and, after all attempts to negotiate with the student have been exhausted, MILC may decide to terminate enrolment and report this to DIBP.

If a student goes missing and all attempts to contact the student have failed, MILC will contact parents, implement its Critical Incident Management Plan, report the missing person to the police, and report the student to DIBP.

**Overseas Students Transfers**

Generally, overseas students cannot transfer between registered providers prior to completing six calendar months of their principal or school sector course. The principal course is the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses, and is usually the final course of study. This means the transfer restriction applies to a student during all courses they undertake prior to the principal course.

For example, if the overseas student has to complete a non-school sector course prior to their principal or first school sector course (for example ELICOS), they are restricted from transferring during the ELICOS course.

For an overseas student to transfer before completing six months of their principal or school sector course, the overseas student must either obtain a release from their registered provider (in this case, MILC), or meet one of the following conditions:

* the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
* the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider;
* any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.

**Appendix 1**

**Relevant regulatory authorities**

* Regulators – Victorian Registration and Qualifications Authority (VRQA)
* Commonwealth Department of Education and Training
* Commonwealth Department of Immigration and Border Protection
* Overseas Students Ombudsman

**Relevant regulatory laws**

* *Education Services for Overseas Students Act 2000 (Cth)* (ESOS Act)
* *Education Services for Overseas Students Regulations 2000* (Cth) (ESOS Regulations)
* *Education Services for Overseas Students (Registration Changes) Act* *1997* (Cth)
* *Education Services for Overseas Students (TPS Levies) Act 2012* (Cth)
* National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (ESOS National Code)
* National Standards for ELICOS Providers and Courses (ELICOS Standards)
* *Migration Act 1958* (Cth)
* *Migration Regulations 1994* (Cth)
* *Criminal Code Act 1995* (Cth)
* *Working with Children Act 2005* (Vic)
* *Child Wellbeing and Safety Act 2005* (Vic)
* Victorian Child Safe Standards 2017
* *Crimes Act 1958* (Vic)
* Vocational Education and Training (VET) Quality Framework:
* [Standards for Registered Training Organisations (RTOs) 2015](https://www.legislation.gov.au/Details/F2017C00663)
* [Australian Qualifications Framework](http://www.aqf.edu.au/)
* [Fit and Proper Person Requirements](https://www.legislation.gov.au/Series/F2011L01341) (these requirements are now part of the ELICOS Standards)
* [Financial Viability Risk Assessment Requirements 2011](https://www.legislation.gov.au/Series/F2011L01405)
* [Data Provision Requirements 2012](https://www.legislation.gov.au/Series/F2013L00160)

**MILC policies and procedures**

**\*\*\* INCLUDE LIST OF ALL MILC POLICIES \*\*\***

**Appendix 2**

**Enrolment process**



1. School application outcome and study period (normally 12~24 weeks) of English Language Intensive Course for Overseas Students (ELICOS) are subject to the applicant’s test outcome of the Australian Education Assessment Services (AEAS).
2. Full COE refers to an applicant whose English language level fulfils the requirements of the secondary/high school, and therefore there is no requirement for students to enroll in an ELICOS package.
3. Conditional COE refers to a confirmation of enrollment offer from the secondary/high school, acceptance of which is subject to the applicant’s outcome of ELICOS study.
4. Agreements with parents of the students for being a representative in undertaking the guardianship and associated boarding care.
5. The visa application class is 500.
6. The study period of ELICOS is between 12 to 24 weeks; variability is subject to the AEAS score of the applicant and the language requirements of the secondary/high school.