



# Student Guardian visa (subclass 590) – as at March 2019

*This factsheet covers general information relating to the Student Guardian visa and this information may be subject to change.*

The Student Guardian visa allows you to come to Australia to provide care and support for a student who is under 18 years of age (or over 18 in exceptional circumstances). You can care for more than one student.

You can study an English Language Intensive Course for Overseas Students (ELICOS) for less than 20 hours per week, or any other course of study or training for no more than 3 months.

You cannot work.

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## Can I apply for a Student Guardian visa?

You must be:

- the parent of the student visa holder, or
- a person who has custody of the student, or
- aged 21 years or older, a relative of the student and nominated in writing by a parent or someone who has custody of the student

You will provide care and support for:

- a student visa holder who is under 18 years of age, or
- a student visa holder who is 18 years of age or older and needs care and support due to exceptional circumstances

For this visa, a relative is the student's:

- parent or step-parent
- grandparent or step-grandparent
- sibling or stepsibling
- aunt, uncle, step-aunt or step-uncle
- niece, nephew or step-niece or step-nephew
- partner
- child or stepchild

## Does the visa I have affect my eligibility?

You can be in or outside Australia when you apply for the visa.

If you apply while you are in Australia, you can do so if you hold a temporary visa except for one of these:

- Domestic Worker (Temporary) Diplomatic and Consular visa (subclass 426)
- Temporary Work (International Relations) visa (subclass 403) in the Domestic Worker (Diplomatic or consular) stream
- Diplomatic (Temporary) visa (subclass 995) – primary visa holder only
- Transit visa (subclass 771)
- Visitor visa (subclass 600) in the Sponsored Family stream or in the Approved Destination Status stream

If you hold one of the above visas and are in Australia, you are not eligible to apply for a Student Guardian visa. A family member of a Diplomatic (Temporary) visa (subclass 995) can apply for a Student Guardian visa in Australia.

You cannot lodge a valid application while holding a bridging visa in most cases.

## You must meet the Genuine Temporary Entrant requirement

You must show you are coming to Australia temporarily to look after a person who is studying, to meet the Genuine Temporary Entrant (GTE) requirement.

## You must be able to provide for the student

You must be able to provide accommodation, general welfare and support to the student.

You must provide evidence of appropriate arrangements for non-accompanying members of your family unit residing in your home country.

You must have the financial capacity to cover all students under your care, yourself, and any children under six years old (if any).

## You must have Health Insurance

You must provide evidence of adequate health insurance. You are required to obtain Overseas Visitors Health Cover to satisfy this requirement.

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## How long can I stay?

You can stay in Australia until the date specified on your visa grant letter. Generally, your visa expiry date will be either the same as the student's or the date they turn 18.

## Who can I bring on a Student Guardian visa as a dependent?

You can only include children under 6 years old on your application if:

- there are compelling and compassionate reasons, or
- granting the visa would significantly benefit the relationship between the Australian Government and the government of another country

If you have children under 6 years old and are not able to show the above, your visa will not be granted. You cannot include children under 6 years old after you have submitted your application.

If you have a spouse, they are not able to apply as a dependent to your Student Guardian visa application.

Children 6 years old or older can come with you but they must apply for their own student visa.

## Travel

You can travel outside Australia and return as many times as you want while the visa is valid. But you can't leave Australia without the student.

The time you spend outside Australia does not extend the visa.

## Lodging visa applications

All students and student guardians will be required to lodge their visa application online, using Form 157G, by creating an account in ImmiAccount. More information about ImmiAccount is available at: <https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/online>.

A Student Guardian visa cannot be granted if the nominating student is not granted a visa.

For more information on the Student Guardian visa, please see <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-590>

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## Commonly asked questions

### ***Can I be a student guardian to more than one nominating student?***

Yes, individual student visa applications must be lodged for each child as well as the student guardian application. However, the student guardian will need to meet all requirements in relation to each student. For instance, financial capacity must be sufficient to cover all children.

### ***Can I bring my primary school age child to Australia and still bring my toddler?***

It is possible for a child under the age of 6 years to be included as dependant in a student guardian visa application but there must be compassionate and compelling reasons. This includes but is not limited to a child having a medical issue or the guardian being a sole parent.

### ***Are we splitting families?***

The regulations were changed to ensure young children form a strong bond to their home country during their most formative early years.

The student guardian visa is designed to allow welfare to be provided to a school age student. It is aligned to the age when a child commences the first year of primary school and is eligible for a student visa.

### ***Do I need a visa for each child?***

Each child over the age of 6 years must apply for and be granted their own student visa. A child under the age of 6 can be included in a student guardian visa application, but that visa cannot be granted unless compassionate and compelling reasons exist.

### ***Can one student have two or more guardians who hold Student Guardian visas?***

No, only one parent can hold a student guardian visa at a time to provide welfare for one or more children.

The student guardian visa is cannot be used to facilitate family re-union in Australia.

### ***Can I return home for a trip while my student is in Australia?***

A student guardian cannot leave Australia without the student visa holder unless:

- there are compelling and compassionate reasons for travel, and
- appropriate alternative welfare arrangements have been made, and
- those alternative welfare arrangements are approved in writing by the student's education provider and the Department.

Either a Confirmation of Appropriate Accommodation and Welfare (CAAW) must be provided for the period of absence or a completed form 157N Nomination of a student guardian nominating a parent or relative aged 21 years and over.

A guardian cannot leave Australia without the student if the alternative welfare arrangements are not approved.

***Can my child go overseas for a school trip while I stay in Australia?***

In most cases, yes, particularly where this is part of the student's course of study.

***What are the exceptional circumstances for someone over 18 years old?***

Exceptional reasons requiring a student guardian to accompany a student over 18 years old may include, but are not limited to

- there being well-recognised and strong religious or cultural grounds requiring the student to have a relative as a chaperone at all times in their country
- medical grounds requiring a carer.

***Can I apply for another visa in Australia?***

Generally, no. You may apply for a further Student Guardian visa in Australia. You will not be able to apply for most visa subclasses while you are in Australia.

***Do I need a Student Guardian visa if I already have permanent residence?***

No, you do not need a student guardian visa if you hold permanent residence. However, proof of relationship to the student and evidence that you hold a visa for the duration of the student's stay in Australia should be attached to the student visa application.

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