



## WA Department of Education

### Non-Government School Residency Status Guidance

August 2023

#### **1. Introduction**

The State Government provides funding to Non-Government Schools (NGS) in Western Australia for students who meet the approved residency requirements as outlined in the *Non-Government Schools Funding Order* (Section 6(e)) and the *Guidelines for Non-Government School Funding* (Sections 6 and 8).

Schools are encouraged to consult the *Order* and *Guidelines* for definitive guidance of a student's eligibility to funding. However, notwithstanding this, the Non-Government School Residency Status Guidance is intended to provide practical guidance to schools when assessing the eligibility of students to State Government funding at the time of the Census, as well as the documentation required to substantiate this claim.

This document provides an overview of the residency status types, the documentation to be held by schools in each instance, frequently asked questions / additional details to be aware of, as well as a listing of visa sub-classes and their eligibility for funding.

Please contact the NGS Funding Team (Dominic Hosgood on [dominic.hosgood@education.wa.edu.au](mailto:dominic.hosgood@education.wa.edu.au) or 9264 4264, or Ben Roberts on [ben.roberts@education.wa.edu.au](mailto:ben.roberts@education.wa.edu.au) or 9264 4919) with any queries regarding this guide.

#### **2. Overview - Residency in Australia**

People living in Australia will generally have one of three residency statuses:

- Temporary Resident;
- Permanent Resident; or
- Citizen.

Temporary and Permanent Residents live in Australia on a visa, categorised by a three-digit numerical sub-class appropriate to their situation (for example, sub-class 482 for a Temporary Skill Shortage visa). Once someone becomes an Australian Citizen, any previously held visa and any associated conditions no longer apply.

**Temporary residents** are only permitted to stay in Australia for a limited period. Upon expiry, holders must either leave the country or apply for another visa which allows them to continue their stay in Australia. Certain temporary visas do not have a specific expiry date; that is, the expiry of the temporary visa is linked to other factors, which is discussed in further detail on Page 4.

**Permanent residents** are permitted to stay in Australia indefinitely, though these typically only allow for travel outside Australia for five years. Upon expiry of this travel facility, holders may only leave and return to the country if they have been granted another permanent visa (e.g. Resident Return sub-class 155 visa) or Australian Citizenship.

**Bridging visas** are a type of temporary visa which permit holders to remain in Australia while an application for a new visa or an appeal against a refused visa application is being assessed. Bridging visas only become active upon expiry of the previous substantive visa held.



### **3. Documentation Required to be Held**

Appropriate documentation demonstrating a student's current residency status is required to be held by the school on the student's file (in either electronic or hard-copy form). If a school is not in possession of a student's residency documentation at the time of the Census, the student should be treated as ineligible for funding, and should not be claimed on the Per Capita Funding Application (PCFA) form or Per Capita Funding Attendance Data Reports (ADR) (for CARE schools).

There are three different situations which may apply to a student, and in turn determine the documentation that must be held by the school:

#### *Students born overseas*

Where a student is born overseas, one of the below documents is required to determine their residency status:

- Student's Australian Passport;
- Student's Australian Citizenship Certificate; or
- Student's visa documentation (typically a Visa Grant Notice).

If an Australian passport or Australian Citizenship Certificate has been provided, the student should be noted as an Australian Citizen.

If visa documentation has been provided, the student should be noted as either a Temporary Resident or Permanent Resident depending on the visa sub-class.

#### *Students born in Australia (with at least one parent also born in Australia)*

For these students, only their Australian birth certificate is required, although an Australian Passport is also acceptable. They should be noted as Australian Citizens.

#### *Students born in Australia (with both parents born overseas)*

Where a student is born in Australia to parents who were both born overseas, the school must hold one of the following documents **in addition** to the birth certificate to prove Australian Citizenship:

- Student's Australian Passport;
- Student's Australian Citizenship Certificate;
- One parent's Australian Citizenship Certificate granted prior to child's birth;
- One parent's Australian Passport granted prior to child's birth;
- One parent's Permanent Residency visa granted prior to child's birth;
- Both parents' Australian Passports; or
- Both parents' Australian Citizenship Certificates.

Further documentation is required in these situations because children born in Australia are only deemed to be Australian Citizens by birth if at least one parent is either a Permanent Resident or Australian Citizen at the time. Australian birth certificates do not provide detail as to the residency status of the parents at the time of birth.

Should none of the above documents be available, it is likely that both parents were temporary residents at the time of birth and, as such, the student will have the same residency status as the parents (for example, if the parents are on a visa, the child will also have visa documentation which will need to be obtained).



#### **4. Frequently Asked Questions / Additional Detail**

##### Visitor visas

Students on Visitor visas (sub-classes 600, 601, 651 & 771) are ineligible for funding, and are also typically restricted to a total of three months' study while on this visa. Schools should be mindful of the study restriction of students on Visitor visas at the time of enrolment and ensure that they are not enrolled for longer than permitted, otherwise it may constitute a breach of the student's visa conditions. Any questions regarding Visitor visa conditions should be directed to the Commonwealth Department of Home Affairs, who can be contacted [here](#).

##### New Zealand Citizens – 444 sub-class visas

For residency purposes, New Zealand Citizens are considered temporary residents and are classified as holders of a Special Category Visa (sub-class 444). Notwithstanding this, holders are permitted to remain in Australia indefinitely if they remain a New Zealand Citizen. Visa Grant Notices are not issued to New Zealand Citizens; instead, proof of New Zealand Citizenship acts as evidence of residing in Australia on the 444 visa.

To confirm New Zealand Citizenship, schools must hold one of the following documents for students:

- New Zealand Passport;
- New Zealand Birth Certificate (if it states that the child is a Citizen by birth, which is only applicable to births on or after 1 January 2006); or
- New Zealand Citizenship Certificate.

##### Students born in Australia to New Zealand-born parents

Students born in Australia to two parents residing in Australia on a 444 visa do not automatically become an Australian Citizen at birth, as the 444 visa for New Zealand Citizens is only a temporary visa.

These students should therefore also be noted as being on a 444 visa and either their New Zealand Passport or New Zealand Citizenship Certificate should be held on file in addition to their birth certificate. If neither of these documents are held by the family, one of the parent's documents as listed in the 'New Zealand Citizens' sub-section above should be obtained in addition to the child's Australian birth certificate.

##### Use of VEVO Checks

The Commonwealth Department of Home Affairs' Visa Entitlement Verification Online (VEVO) system allows for the verification of visa details at the current point in time, as well as the verification of any conditions which currently apply to the visa.

As an education provider, schools are eligible to apply for a VEVO login. Parents also have access to the VEVO system and can provide further information for their children should the school request a VEVO Check. Further information on the VEVO system and registration can be found [here](#).

VEVO checks are sufficient proof of a student's visa in most instances, as an alternative to a Visa Grant Notice, provided they list the student's name, visa sub-class, visa grant date and visa expiry date (if applicable).

VEVO Checks alone, however, are not sufficient for bridging visas as they do not detail the visa that is being applied for. The Visa Grant Notice is instead needed for students on bridging visas as evidence of the visa that has been applied for. The Visa Application Summary, in tandem with a VEVO Check, may also suffice in these instances.



### Temporary visas without a specified expiry date

Several temporary visas do not have specific expiry dates. This is often because it cannot be predicted how long it will take to make a decision on visas being applied for. For example, bridging visas remain valid until the person's application for a new substantive visa is either approved or rejected. Some permanent visas (for example 100 & 801 sub-classes) have associated temporary visas granted (309 & 820 sub-classes respectively), which act similarly to bridging visas in that they remain valid until a decision is made on the permanent visa application.

For students that have been on temporary visas without a specified expiry date for longer than two years, a VEVO Check is required to be carried out at the time of the Census as evidence that the student remains on the relevant temporary visa.

### Sub-class 030 and 050 bridging visas

Whilst the eligibility of 030 and 050 sub-class visas is assessed in a similar manner as other bridging visas, these visas often carry conditions which prohibit a student's parents from working. As such, schools must also obtain either a Visa Grant Notice or VEVO Check which confirms that the parents are not subject to this condition. If a visa condition exists on the visa that prohibits both parents from working, the student is not eligible for funding.

### ImmiCards

ImmiCards are issued to some visa holders as proof of identity, typically where the holder doesn't have other identity documentation available. ImmiCards do not act as proof of residency status; a Visa Grant Notice and/or VEVO Check is still required for students holding ImmiCards. If, for whatever reason, a student has not yet been issued a visa, then they are not eligible for funding.

### Sub-class 408 visas

As per the Eligibility of Visa Sub-Classes table (see Page 6), students residing in Australia on a sub-class 408 visa are only considered eligible for funding if a parent on this visa is working in Australia and in receipt of a salary or wage (i.e. they cannot be engaged in volunteer work only). In these instances, evidence of the parent being paid a salary or wage is required in addition to the Visa Grant Notice or VEVO Check. Examples of documentation showing this includes, but is not limited to, payslips or an Australian Tax Office (ATO) Notice of Assessment.

Similarly, students residing in Australia on a bridging visa while awaiting the grant of a sub-class 408 visa are only considered eligible for funding if a parent on this visa will be working in Australia and in receipt of a salary or wage (i.e. they cannot be engaged in volunteer work only) when the 408 visa is granted. In these instances, confirmation of this from the prospective employer/sponsor is required in addition to the Visa Grant Notice.

### Sub-class 785 and 790 visas that have expired

Students that have been issued a sub-class 785 or 790 visa may still be residing in Australia on these visas after they have expired, if they have applied for another sub-class 785 or 790 visa, or have applied for a sub-class 851 visa. Where students' sub-class 785 or 790 visas have expired and a bridging visa has not been issued to the student upon application for a new substantive visa, a VEVO Check run at the time of Census is required as evidence that the student's sub-class 785 or 790 visa remains valid.



### Overseas adoptions

Students born overseas that have been adopted by Australian families often hold an Australian Birth Certificate that will list the child's place of birth as being overseas. As the child was born overseas, proof of their Australian Citizenship (i.e. Australian Passport or Australian Citizenship Certificate) or a Visa Grant Notice (e.g. sub-class 102 Adoption visa) is still required.

### Expired Australian Passports

Where an Australian Passport has been obtained as proof of a student's Australian Citizenship, this is not required to be current (i.e. an expired Australian Passport is still sufficient).

### Sub-class 998 visas

Sub-class 998 visas, otherwise known as Declaratory visas, can only be provided to Australian Citizens and allow for people to link their Australian Citizenship status to their foreign passport. Where documentation of a 998 sub-class visa is held, this therefore acts as evidence of the student's Australian Citizenship.

### Visa stamps

Prior to the mainstream use of electronic Visa Grant Notices, visas were often issued via physical stamps in a person's foreign passport. Where still valid, a scan or photocopy of this document constitutes sufficient evidence of a student's residency status.

### Permanent visas with 'cease' dates

The format of older Visa Grant Notices sometimes lists a 'cease' date for permanent visas, falling five years after the visa grant date. It should be noted that permanent visas do not expire; this cease date is the expiry of the five-year travel facility allowed for permanent residents.

### Changing visas post-Census Day

Students' eligibility for funding must be assessed based on their residency status as at Census Day. Where students have changed visas or residency status after Census Day, this will only affect their eligibility at the following Census.

### Australian-born students not receiving Australian Citizenship at birth

Students born in Australia that do not automatically become an Australian Citizen at birth (i.e. both parents were temporary residents at the time of birth) may become an Australian Citizen on their 10<sup>th</sup> birthday if they were ordinarily resident in Australia for the 10 years from their birth. In these cases, prospective Citizens must apply to the Commonwealth Department of Home Affairs, who will then assess whether they meet the criteria to be granted Australian Citizenship. Before being noted or claimed as an Australian Citizen, the school must obtain proof of the student's Australian Citizenship (i.e. Australian Citizenship Certificate or Australian Passport).

### Visa condition – regional areas limitation

Some visa sub-classes, including the 489 & 491 visas, have conditions attached that specify that the visa holder must work, study and live in a regional area of Australia. Any questions regarding whether a school's location is considered a regional area for the purposes of this visa should be directed to the Commonwealth Department of Home Affairs, who are responsible for enforcing compliance with visa conditions.

## 5. Eligibility of Visa Sub-Classes

The following table includes all relevant visas currently being issued by the Australian Government, including the sub-class number of the visa, whether this is a temporary or permanent visa, the title of the visa, and whether this is eligible for State Government funding.

For ease of use:

- several common visa sub-classes that are no longer issued have also been included in the table below; these visas have been *italicised*.
- some previous visa sub-classes which have not been issued for a few years have been omitted.

All permanent residency visas, whether listed below or not, are eligible for funding.

Please contact the NGS Funding team with any queries (see contact details on Page 1).

<u>Sub-Class Number</u>	<u>Temporary / Permanent</u>	<u>Sub-Class Title</u>	<u>Eligible / Ineligible</u>
010	Temporary	Bridging A	Refer to Note 1
020	Temporary	Bridging B	Refer to Note 1
030	Temporary	Bridging C	Refer to Note 1
050	Temporary	Bridging E	Refer to Note 1
051	Temporary	Bridging E	Refer to Note 1
100	Permanent	Partner (Migrant)	Eligible
101	Permanent	Child	Eligible
102	Permanent	Adoption	Eligible
103	Permanent	Parent	Eligible
114	Permanent	Aged Dependent Relative	Eligible
115	Permanent	Remaining Relative	Eligible
116	Permanent	Carer	Eligible
117	Permanent	Orphan Relative	Eligible
124	<i>Permanent</i>	<i>Distinguished Talent</i>	<i>Eligible</i>
132	<i>Permanent</i>	<i>Business Talent</i>	<i>Eligible</i>
143	Permanent	Contributory Parent	Eligible
151	Permanent	Former Resident	Eligible
155	Permanent	Resident Return	Eligible
157	Permanent	Resident Return	Eligible
173	Temporary	Contributory Parent	Eligible
175	<i>Permanent</i>	<i>Skilled – Independent</i>	<i>Eligible</i>
176	<i>Permanent</i>	<i>Skilled – Sponsored</i>	<i>Eligible</i>
186	Permanent	Employer Nomination Scheme	Eligible
187	Permanent	Regional Sponsored Migration Scheme	Eligible
188	Temporary	Business Innovation and Investment (Provisional)	Eligible
189	Permanent	Skilled Independent	Eligible
190	Permanent	Skilled Nominated	Eligible
191	Permanent	Permanent Residence (Skilled Regional)	Eligible
200	Permanent	Refugee	Eligible
201	Permanent	Refugee	Eligible
202	Permanent	Global Special Humanitarian	Eligible
203	Permanent	Refugee	Eligible



<u>Sub-Class Number</u>	<u>Temporary / Permanent</u>	<u>Sub-Class Title</u>	<u>Eligible / Ineligible</u>
204	Permanent	Refugee	Eligible
300	Temporary	Prospective Marriage	Eligible
309	Temporary	Partner (Provisional)	Eligible
400	Temporary	Temporary Work (Short Stay Specialist)	Refer to Note 2
403	Temporary	Government Agreement	Eligible
407	Temporary	Training	Ineligible
408	Temporary	Temporary Activity	Refer to Note 3
444	Temporary	Special Category	Eligible
445	Temporary	Dependent Child	Eligible
449	Temporary	Humanitarian Stay (Temporary)	Eligible
457	<i>Temporary</i>	<i>Temporary Work (Skilled)</i>	<i>Eligible</i>
461	Temporary	New Zealand Citizen Family Relationship	Eligible
476	Temporary	Skilled – Recognised Graduate	Eligible
482	Temporary	Temporary Skill Shortage	Eligible
485	Temporary	Temporary Graduate	Eligible
489	Temporary	Skilled Regional (Provisional)	Eligible
491	Temporary	Skilled Work Regional (Provisional)	Eligible
494	Temporary	Skilled Employer Sponsored Regional (Provisional)	Eligible
500	Temporary	Student	Refer to Note 4
600	Temporary	Visitor	Ineligible
601	Temporary	Electronic Travel Authority	Ineligible
602	Temporary	Medical Treatment	Refer to Note 5
651	Temporary	eVisitor	Ineligible
771	Temporary	Transit	Ineligible
785	Temporary	Temporary Protection	Eligible
786	Temporary	Temporary Humanitarian Concern	Eligible
790	Temporary	Safe Haven Enterprise	Eligible
801	Permanent	Partner	Eligible
802	Permanent	Child	Eligible
804	Permanent	Aged Parent	Eligible
808	Permanent	Confirmatory (Residence)	Eligible
820	Temporary	Partner	Eligible
835	Permanent	Remaining Relative	Eligible
836	Permanent	Carer	Eligible
837	Permanent	Orphan Relative	Eligible
838	Permanent	Aged Dependent Relative	Eligible
851	Permanent	Resolution of Status	Eligible
858	Permanent	Global Talent	Eligible
864	Permanent	Contributory Aged Parent	Eligible
866	Permanent	Protection	Eligible
884	Temporary	Contributory Aged Parent (Temporary)	Eligible
886	<i>Permanent</i>	<i>Skilled – Sponsored</i>	<i>Eligible</i>
887	Permanent	Skilled Regional	Eligible
888	Permanent	Business Innovation and Investment	Eligible
890	Permanent	Business Owner	Eligible
891	Permanent	Investor	Eligible

<u>Sub-Class Number</u>	<u>Temporary / Permanent</u>	<u>Sub-Class Title</u>	<u>Eligible / Ineligible</u>
892	Permanent	State or Territory Sponsored Business Owner	Eligible
893	Permanent	State or Territory Sponsored Investor	Eligible
942	Temporary	Crew Travel Authority	Ineligible
945	Temporary	Special Purpose	Refer to Note 6
988	Temporary	Maritime Crew	Ineligible
995	Temporary	Diplomatic (Temporary)	Refer to Note 7
998	Citizen	Declaratory	Eligible

**Note 1:** Bridging visas (**sub-classes 010, 020, 030, 050 & 051**) are eligible for funding only if the visa being **applied for** is also eligible for funding and the bridging visa doesn't prohibit both parents from working. Schools are also required to ensure that bridging visas are **active** (which only occurs when the previous substantive visa has expired), before determining eligibility.

**Note 2:** Temporary Work (Short Stay Specialist) visas (**sub-class 400**) are eligible for funding only if they are valid for at least a six-month duration.

**Note 3:** Temporary Activity visas (**sub-class 408**) are eligible for funding only if a parent is working in Australia and in receipt of a salary or wage (i.e. they cannot be engaged in unpaid or volunteer work only).

**Note 4:** Student visas (**sub-class 500**) are ineligible for funding, unless one of the below exceptions apply (and for which documentation must be retained):

- Visa is for the Foreign Affairs or Defence sectors;
- Parent is receiving a full scholarship or sponsorship to study at university;
- Child or parent is receiving a scholarship from the Commonwealth Government to study; or
- Student is part of the International Secondary Student Exchange Program for at least a six-month duration.

(More detailed information regarding Note 4 is provided in Section 6 and Section 8 of the *Guidelines for Non-Government School Funding*.)

**Note 5:** Medical Treatment visas (**sub-class 602**) are ineligible for funding unless an exemption has been granted that allows for study of at least a six-month duration.

**Note 6:** Special Purpose visas (**sub-class 945**) are eligible for funding only if they are valid for at least a six-month duration.

**Note 7:** Diplomatic (Temporary) visas (**sub-class 995**) are eligible for funding only if they are valid for at least a six-month duration.