

## International Student Enrolment Management

**Written Direction No. WDCSG20315**

Approved by: Chief Operating Officer

Approval Date: 26 May 2020

Effective From: 3 June 2020

### 1. Introduction

The subject of this procedure is the management of applications and enrolments including deferring, suspending or cancelling the international students' enrolment at TAFE NSW.

### 2. Purpose

The purpose of this procedure is to support the effective management of deferring, suspending or cancelling TAFE NSW international student's enrolment in compliance with *National Code 2018*, Standard 9.

### 3. Scope

This procedure applies to all TAFE NSW international students and staff managing deferral, cancellation or suspension of the enrolment of TAFE NSW international students.

### 4. Procedure

TAFE NSW can defer, suspend or cancel an international student's enrolment for compassionate and compelling circumstances, breach of visa conditions, failure to pay fees, misbehaviour, or other conditions. International student suspensions can be initiated by TAFE NSW or by an international student.

#### 4.1 Suspending TAFE NSW international student's enrolment

##### 4.1.1 Student initiated suspension, deferral and cancellation of the enrolment

In order to be absent from their studies in duration of one week or longer, international students must request an approval for absence from their studies from TAFE NSW.

TAFE NSW International Student Unit will notify the Department of Education & Training via PRISMS the suspension or deferral is for two or more consecutive weeks.

Students must meet an International Students Coordinator and apply for a leave of absence in writing by filling in the International Students Request for Suspension form, during their meeting with the International Students Coordinator.

International Student Unit will advise the student in writing that suspension or deferral may affect their student visa and advise the student to seek advice from the Department of Home Affairs about their specific visa requirements.

TAFE NSW may approve a suspension or deferral of studies in compelling or compassionate circumstances.

Compassionate and compelling circumstances are defined as circumstances not under the control of international students and may have an impact on their course progress. TAFE NSW will request documented evidence of these circumstances. These circumstances include but are not limited to:

- Serious Illness or injury – a medical certificate must state clearly that the student was unable to attend classes
- Bereavement – the death of close family members such as parents or grandparents, where possible a death certificate should be supplied
- Major political upheaval or natural disaster in the student’s home country which requires the student’s imminent return to their home country and this will have an impact on their studies
- Traumatic experience – for example, being involved in or witnessing an accident or a crime and this had a negative impact on studies, in these cases Police or Psychologist’s reports are required.
- If TAFE NSW cannot offer a prerequisite unit and this results in the students’ inability to begin studying their course at the commencement date due to a delay in receiving a student visa.

Documentary evidence provided to support the claim will be kept in the overseas student’s file.

#### 4.1.2 TAFE NSW initiated deferral, suspension or cancellation of an international student’s enrolment

TAFE NSW may suspend, defer or cancel an international student’s enrolment under the following circumstances:

- A breach of course progress or attendance requirements by an international student
- Student’s absence from their course, without the approval for more than 2 (two) consecutive weeks in a semester
- The international student’s failure to pay the required amount to undertake or continue the course, as stated in the written agreement between TAFE NSW and the international student
- The international student is in breach of the TAFE NSW Student Discipline Policy

TAFE NSW will send a Letter of Intention to Report to the international student. The student will be informed that they have twenty (20) working days to access TAFE NSW internal complaints and appeals process.

This timeframe applies even if an international student’s misbehaviour provides the grounds for an immediate expulsion, unless the international student’s health or wellbeing, or the wellbeing of others, is likely to be at risk.

TAFE NSW will proceed with the deferral, suspension or cancellation after the internal complaints handling and appeals process has been completed.

TAFE NSW will wait for both the internal and external complaints handling and appeals processes to be completed before proceeding with the cancellation, deferral or suspension of the enrolment, only if the grounds for the suspension, referral or cancellation of enrolment is the breach of TAFE NSW Course progress and attendance for international students (VET and ELICOS) policy.

The international student does not have to be given the opportunity to appeal a TAFE NSW initiated deferral, suspension or cancellation of enrolment when the student’s health or wellbeing, or the wellbeing of others is at risk. If the student disagrees with this decision they have the right to go

through TAFE NSW complaints management process. Our complaints policy/procedure (link below) provides for one independent internal review of the matter before advising the complainant to contact the NSW Ombudsman.

The complaints management procedure is the same regardless so international students are afforded the same review rights. **WD No: WDCSG320170010**

<https://staff.tafensw.edu.au/documents/2017/08/complaint-management-procedure.pdf/>

TAFE NSW will keep evidence to support this claim.

These circumstances may include, but are not limited to the following:

- i. when the international student is under the 18 years of age and refuses to maintain approved care arrangements;
- ii. when the international student cannot be located and is considered missing;
- iii. when the international student has medical concerns, severe psychological issues which represent a threat for the international student's wellbeing;
- iv. when the international student has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others;
- v. when the international student is at risk of committing a criminal offence.

If the period of suspension exceeds 28 days in duration, Department of Home Affairs will require students to return to their home countries, unless exceptional circumstances can be proved.

TAFE NSW will inform the students that deferring, suspending or cancelling their enrolment on any grounds may affect their student visa.

#### 4.1.3 Legislative requirements

TAFE NSW will maintain a record of any decisions to defer, suspend or cancel an international student's enrolment.

TAFE NSW will notify the Department of Home Affairs through PRISMS of any international student's deferral, cancellation or suspension of enrolment.

There is no maximum period for a deferral under compassionate or compelling reasons, but the deferral must be assessed in accordance with the TAFE NSW relevant policies and procedures.

An international student's visa may be cancelled if the deferral or suspension:

- is due to the misconduct of the student
- is for reasons other than compassionate or compelling circumstances
- the compassionate or compelling circumstances which warranted the deferral or suspension of studies cease to exist
- is based on fraudulent evidence or documents provided to TAFE NSW

#### 4.1.4 Impact on the student's Confirmation of Enrolment (COE)

There are three possible outcomes for an international student's CoE:

- i. TAFE NSW will notify the Department of Home Affairs via PRISMS that they are deferring or suspending an international student's enrolment (where it is for more than 1 week) for a period **without affecting the end date of the CoE**. This will not affect the CoE status on PRISMS, however, the notice of deferment or suspension will be recorded in PRISMS.

- ii. TAFE NSW records on PRISMS that they are deferring or suspending an international student’s enrolment for a period which will affect the end date of the CoE. PRISMS will cancel the original CoE and TAFE NSW will create a new CoE with a new end date.

If TAFE NSW does not know when the international student will return, it can choose not to create a new CoE at that point, but to wait until the international student has notified the registered provider of the intended date of return before creating a new CoE. Student will be asked to notify TAFE NSW of their date of return at the time the suspension is notified to them.

- iii. TAFE NSW records on PRISMS that it wishes to **permanently cancel** the international student’s enrolment. Once this process is complete, the overseas student’s CoE status will be listed as ‘cancelled’.

If the international student is under the age of 18, the cancellation of a CoE does not automatically cancel a Confirmation of Appropriate Accommodation and Welfare (CAAW), and the registered provider is still responsible for the welfare arrangements until one of the conditions of Standard 5.6 are met.

Regardless of the reason, if an international student’s enrolment is deferred, cancelled or suspended, the impacted period of enrolment (as entered in PRISMS) will not be included in attendance monitoring calculations.

## 5. Responsibilities

Position	Responsibility
Chief Operating Officer	The Chief Operating Officer is the Approver for this Procedure.
Head of International	The Head of International is responsible for this Procedure
International Secretariat	Provides administrative support to Head of International

## 6. Definitions

Term	Meaning
International Enrolment	Student has met all conditions of offer, signed the letter of offer to accept the place in the program, has paid fees, has been issued an electronic confirmation of enrolment and has been entered into a program by International Services Unit and enrolled into subjects/competencies.
Department of Home Affairs	Commonwealth Department of Home Affairs.
International/Overseas Students	A person (whether within or outside Australia) who holds a student visa, other than one exempted by the ESOS Regulations 2001. Students on other classes of visa are not included.  Note: International Students in the context of this policy are limited only to those students subject to the ESOS Act, that is, on a student visa.
The National Code 2018	National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code 2018).
Provider	(as defined in the ESOS Act) An institution or other body or person in Australia that provides or seeks to provide courses to overseas students. To provide courses, a provider must comply with State or Territory approval requirements and become registered on CRICOS.

Term	Meaning
Student Visa	A visa granted under the Migration Act 1958 to overseas students. The Department of Home Affairs administers the Act and issuing of visas.
Principal course of study	The principal course of study refers to the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.
PRISMS	The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DET by registered providers.
Appeal	A formal written request by a student to have a matter heard and/or reconsidered in accordance with the company four-stage grievance resolution framework.
Compassionate and compelling circumstances	<p>Compassionate and compelling circumstances are generally those beyond the control of the international student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>serious illness or injury, documented by a medical certificate stating that the student was unable to attend classes due to a medical condition</li> <li>bereavement of close family members, such as parents or grandparents, if possible a death certificate should be provided, as documented evidence</li> <li>major political upheaval or natural disaster in the home country requiring emergency travel on behalf of the student</li> <li>a traumatic experience, which could include: involvement in, or witnessing of a serious accident; or</li> <li>witnessing or being the victim of a serious crime, and this has impacted on the international student, as documented by official, police or psychologists' reports</li> <li>where TAFE NSW was unable to offer a pre-requisite unit, or the international student has failed a prerequisite unit and, therefore, faces a shortage of relevant units for which they are eligible to enrol</li> <li>TAFE NSW fails to deliver the course as outlined in the written agreement between TAFE NSW and the international student</li> <li>there is documented evidence that the overseas student's reasonable expectations about their current course are not being met</li> <li>there is documented evidence that the overseas student was misled by the TAFE NSW or an education agent regarding the TAFE NSW or its course and the course is therefore not suitable to their needs and/or study objectives</li> <li>an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.</li> </ul>

## 7. Related documents

This procedure should be read in conjunction with the following related documents:

- [Policy – International Student Management](#)
- [Policy - TAFE NSW Student Discipline Policy](#)

## 8. Contacts

Accountable Officer	Chief Operating Officer
Written Direction Officer	International Secretariat

## 9. Document information and review

This procedure document will be reviewed at least every eighteen months or in line with legislative changes.

Record No.      DOC20/64389  
 Review Due:    3 DECEMBER 2021

### Approval History

No	Effective	Approved by	Amendment
1.0	n/a – not published	Chief Education & Training	Initial Procedure
2.0	3 JUNE 2020	Chief Operating Officer	Version 2.0.  Amended the Accountable Officer and Approver from CETO to COO.