AUSTRALIAN
NATIONAL COLLEGE

# PP126 DEFERING, SUSPENSION OR CANCELLATION OF OVERSEAS STUDENT ENROLMENT POLICY AND PROCEDURE

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## 2.0 RELEVANT STANDARDS AND LEGISLATION

Education Services for Overseas Students Act 2000 (ESOS Act)

- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)
  - Standard 6: Overseas student support services
  - Standard 8: Overseas student visa requirements
  - Standard 9: Standard 9 Deferring, suspending or cancelling the overseas student's enrolment
- Standards for Registered Training Organisations (RTOs) 2025

## 3.0 DEFINITIONS

***ANC*** **-**Australian National College, hereafter known as *the College*

***ASQA:*** Australian Skills Quality Authority.

***CoE*** **-** A Confirmation of Enrolment (CoE) is a document issued by the education provider to verify the applicant's enrolment in a specified course. Details on the CoE include the provider details, the course, course level, course start date, course end date and tuition fees as well as the applicant's details. The CoE is not a VISA and does not act as an extension to a VISA.

***PRISMS*** **-** Provider Registration and International Student Management System, (PRISMS) is a secure system for providers to: issue 'Confirmations of Enrolment' to overseas students intending to study in Australia (the Department of Home Affairs requires these to issue a student visa), and & report changes in course enrolment.

***ESOS Act*** - The Education Services for Overseas Students Act (2000) of the Commonwealth of Australia, as amended from time to time.

***National Code*** - National Code of Practice for Providers of Education and Training to Overseas Students 2018 https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx

***Student*** - A student who is enrolled at Australian National College and includes both prospective students and currently enrolled students and both domestic and 'overseas students' as defined in the National Code and hold student visas as defined by the ESOS Act (2000).

***Study Period*** - The study period is defined as a semester.


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## 4.0 SCOPE

This policy applies to:

- Australian National College staff.
- Australian National College students.

## 5.0 COMMUNICATION OF THIS POLICY

5.1 Staff are made aware of the requirements of this policy through regular meetings, staff updates and continuous improvement practices.

5.2 This policy and associated procedures will be made available to the students through student orientation and the student handbook/manual.

5.3 This policy will be made available on the ANC website.

## 6.0 PURPOSE

6.1 This policy and procedure outlines the circumstances for the application, assessment and approval of the deferment, suspension, or cancellation of enrolment, either instigated by the student or ANC and subsequent reporting requirements via the Provider Registration and International Student Management System (PRISMS).

## 7.0 POLICY

7.1 The College must implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions as required by the National Code 2018 (Standard 9) where compassionate or compelling circumstances exist, to defer commencement of studies, temporary suspension of their studies during their program (take a leave from studies).

7.2 The College must notify the overseas student in writing of the intention to suspend or cancel their enrolment.

7.3 The College must tell the overseas student to seek advice from the Department of Home Affairs on the potential impact on their visa if enrolment has been deferred, suspended or cancelled.

7.4 The College must not let a suspension or cancellation take effect until the overseas student has been given a chance to complete an internal appeals process, unless their health or wellbeing, or the wellbeing of others, is likely to be at risk.

## 8.0 PROCEDURE


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8.1.1 The College must maintain all records of any decisions to defer or suspend an overseas student's enrolment. All documents related to the student's suspension are kept on the student's file and the decision to defer the enrolment as a result of the student's request reported via Provider Registration and International Students Management System (PRISMS).

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

- is due to the conduct 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; or
- is based on fraudulent evidence or documents given to the registered provider.

**8.2 EFFECT ON CONFIRMATION OF ENROLMENT (CoE)**

8.2.1 The College must inform overseas students that deferring, suspending or cancelling their enrolment on any grounds that may affect their student visa using one of the three options listed below.

**Option 1**

The College notifies the Department of Education through PRISMS that they are deferring or suspending an overseas student's enrolment for a period without affecting the end date of the CoE. There will be no change to the CoE on PRISMS – the overseas student will still be listed as studying. However, the notice of deferment or suspension will be recorded in PRISMS.

**Option 2**

The College notifies the Department of Education through PRISMS that they are deferring or suspending an overseas student's enrolment for a period which will affect the end date of the CoE. PRISMS will cancel the original CoE and immediately offer the registered provider the opportunity to create a new CoE with a more appropriate end date. If the registered provider does not know when the overseas student will return, it can choose not to create a new CoE at that point, but to wait until the overseas student has notified the registered provider of the intended date of return before creating a new CoE.

**Option 3**

The College notifies the Department of Education through PRISMS that it wishes to permanently cancel (terminate) the overseas student's enrolment. Once this process is complete, the overseas student's CoE status will be listed as 'cancelled'. If the overseas



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

8.2.3 Regardless of the reason, if an overseas student's enrolment is deferred or suspended the period of suspension of enrolment (as entered in PRISMS) should not be included in attendance monitoring calculations.

**8.3 STUDENT INITIATED DEFERRAL**

8.3.1 A student wishing to **defer** their enrolment must do so prior to the commencement of the course. Students must complete an FOR105 Application to Defer, Suspend or Cancel Enrolment Form and submit it to the Student Administrations Department along with Supporting Documents. The CEO or a delegated must approve / not approve the application based on compassionate or compelling circumstance.

8.3.2 Students may apply for the deferment in compassionate or compelling circumstances or where there is a delay in granting of student visa from DHA.

8.3.3 An international student's visa would not be cancelled if the deferral is for compassionate or compelling reasons (please refer to the PP193 Student Welfare and Support Policy and Procedure and the PP113 Compassionate and Compelling Circumstances Policy and Procedure).

8.3.4 If the College defers or suspends a student's studies for compassionate or compelling reasons, the College should ensure the student visa holder has a valid CoE in PRISMS with a start date that reflects the student's intended date of return to studies. There is no maximum period for a deferral under compassionate or compelling reasons, but the deferral must be assessed in accordance with the registered providers' policies and procedures.

8.3.5 A LET129 Deferment Approval letter or LET130 Deferment Rejection letter should be issued to the student.

**8.4 STUDENT INITIATED SUSPENSION**

8.4.1 Students who would like to **suspend** their studies must first speak to a staff member in the Student Administration to gain an application form and to ensure they understand:-

- the implications of suspension on the student enrolment and
- the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa.

8.4.2 Students must complete an FOR105 Application to Defer, Suspend or Cancel Enrolment Form which will need to be approved by the CEO or other nominated officer. This application must include any compassionate or compelling circumstances as a basis of their request for suspension.



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8.4.3 Where a suspension of enrolment is granted, the College will suspend an enrolment for an agreed period of time - to a maximum of 12 months. If the suspension is required for longer than 12 months the student will be required to re-apply once the initial suspension period has expired.

8.4.4 Students are to be informed in writing of the outcome of their application for suspension and informed that it may affect their student visa status.

8.4.5 The student has 20 working days to access the Colleges' complaints and appeals process if they are not satisfied with the assessment of their application.

**8.5 STUDENT INITIATED CANCELATION OF ENROLMENT**

8.5.1 Students wishing to cancel their enrolment must complete a FOR105 Application to Defer, Suspend or Cancel Enrolment Form and submit it to the Student Administrations Department.

8.5.2 Please refer to PP181 Transfer of Students Between Providers Policy and Procedure for further information.

8.5.3 All documents related to the student's cancellation are kept on the students file and the decision to cancel the enrolment as a result of the student's request is reported via Provider Registration and International Students Management System (PRISMS).

8.5.4 A LET126 Cancellation of Enrolment due to Student Request should be issued to the student upon approval and if the student does not wish to continue their studies in Australia.

**8.6 COLLEGE-INITIATED DEFERRALS, SUSPENSIONS OR CANCELLATIONS OF ENROLMENT**

8.6.1 The College may defer an enrolment where the course is not being offered at the proposed date, site, or any other reason the ANC deems necessary to cancel the course. Refer to the PP161 Refund Policy and Procedure for further information.

8.6.2 The College may suspend or cancel an overseas student's enrolment on the basis of, but not limited to:

- Misbehavior by the overseas student (i.e. a breach of the DOC301 Student Code of Conduct);
- The overseas student's failure to pay the required amount to undertake or continue the course as stated in the written agreement (LET127 Cancellation of Enrolment Due to Non Payment); or
- A breach of course progress or attendance requirements by the overseas student (issue a LET128 Cancellation Due to Non Resumption for students failing to resume their studies).



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8.6.3 Where there is a violation of the Student Code of Conduct by a student, the CEO shall be informed and will make a decision on the penalty and the severity of the penalty. The CEO may take into account the type of misconduct that has occurred and the level of misconduct that occurred when deciding penalties (please refer to the PP170 Misconduct Policy and Procedure for further information).

8.6.4 For any deferral, suspension or cancellation of enrolment initiated by the College, the overseas student must be given a notice of intention to report (via a LET118 Written Notice of Intention to Report) and 20 working days to access the College's internal complaints and appeals process. This applies even if an overseas student's misbehavior is grounds for immediate expulsion, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

8.4.5 The College may proceed with the deferral, suspension, or cancellation after the internal complaints handling and appeals process has been completed – for example, in cases of misbehavior and non-payment. The only time a registered provider needs to wait for both the internal and external complaints handling and appeals processes to be completed is for course progress and/or attendance breaches.

8.6.6 The overseas student does not have to be given the opportunity to appeal a provider-initiated deferral, suspension or cancellation of enrolment when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. In this case the College must keep evidence to support this.

This may include, but is not limited to when the overseas student:

- refuses to maintain approved care arrangements, if they are under 18 years of age;
- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the overseas student's wellbeing;
- has engaged or threatens to engage in behavior that is reasonably believed to endanger the overseas student or others; or
- is at risk of committing a criminal offence.

8.7 **RECORDING AND REPORTING DEFERMENTS, SUSPENSION OR CANCELLATION OF ENROLMENTS**

8.7.1 All applications of a FOR105 Application to Defer, Suspend or Cancel Enrolment Form are to be kept on the student's file.

8.7.2 All reports of misconduct, decisions and actions taken in relation to misconduct, and other related documentation must be kept on file.

8.7.3 Any decisions to initiate deferral, suspension or cancellation of an enrolment must be reported to Department of Education and Training (DET) and Department of Home Affairs (DHA) via PRISMS.



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8.7.4 Students are to be kept informed of any decisions or outcomes that relate to a deferment, suspension, or cancellation of enrolments.

8.7.5 All students are to be given the opportunity to access the complaints and appeals procedure before reporting any provider-initiated suspensions or cancellations of enrolments via PRISMS occurs. The students have 20 working days to lodge an appeal.

8.7.6 The suspension or cancellation of the overseas student's enrolment under Standard 9.3 (National Code 2018) cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

## 9.0 POLICY REVIEW

9.1 This policy must be reviewed at a minimum of once every three years or as deemed required by the ANC Compliance Management Committee or the ANC CEO.

9.2 Please refer to the PP101 Version Control Policy and the *DOC200 Compliance Management Committee Terms of Reference* for further information

## 10.0 ASSOCIATED DOCUMENTS/FORMS

- DOC301 Student Code of Conduct
- FOR105 Application to Defer, Suspend or Cancel Enrolment Form
- FOR109 Complaint and Appeal Form
- LET118 Intention to Report Letter
- LET126 Cancellation of Enrolment Due to Student Request Letter
- LET127 Cancellation of Enrolment Due to Non-Payment Letter
- LET128 Cancellation Due to Non-Resumption Letter
- LET129 Deferment Approval Letter
- LET130 Deferment Rejected Letter
- PP101 Version Control Policy
- PP113 Compassionate and Compelling Circumstances Policy and Procedure
- PP149 Monitoring Course Progress Policy and Procedure
- PP181 Transfer of Students between Providers Policy and Procedure
- PP193 Student Welfare and Support Policy and Procedure
- PP194 Training Support Policy and Procedure



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## APPENDIX: - 1 LET118 WRITTEN NOTICE OF INTENTION TO REPORT

{Student No}

Dear {First Name}

Our records indicate that your attendance has **dropped below 70 per cent**. Students must meet satisfactory course attendance as a condition of their student visa by attending at least 80 percent of scheduled contact hours in a study period.

**This means Australian National College must report you for not meeting attendance requirements**

This is extremely serious matter which causes ramification to your enrolment and visa requirements if not dealt in a timely manner. You are to take this as a written notice **Australian National College** intention to report.

We have informed the Director of Studies about your attendance record. You need to attend a meeting with Student Support Officer who will review your circumstances and course progress.

**You need to contact your college immediately to appeal to Director of Studies against Australian National College Intention to Report for not meeting attendance requirements**

You have right to access the Australian National College's internal complaints and appeals process **within 20 working days from this notification date**. The Australian National College's complaints and appeals policy processes, and procedures are available on the Student Handbook from the website (**www.anc.vic.edu.au** ) and is also attached with this email. Where a decision or outcome is in favor of the student, the Australian National College will immediately revoke the decision to report the student unsatisfactory course attendances, and the student's attendance will be recalculated.

**Australian National College** must follow its monitoring attendance policy and processes to report students to Australian government Department of Education and Training, and Department of Home Affairs via PRISMS who do not meet attendance requirements. However, the Director of Studies may decide not to report the student for breaching the attendance requirements if the overseas student is still attending at least 70 per cent of the scheduled course contact hours and for VET courses, the student is maintaining satisfactory course progress.

**To make an appointment** or if you have any questions or would like further information or assistance, please do not hesitate to contact us on **03 9662 3300**

Yours Sincerely,

Student Support Team



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## APPENDIX: - 2 LET126 CANCELLATION DUE TO STUDENT REQUEST

Student No: {Student No.}

Dear {First Name} {Middle Name} {Last Name},

I refer to your application for cancellation of enrolment at Australian National College**.**

Your application has been assessed and your enrolment has now been cancelled as per your request and **Australian Government "Department of Home Affairs (DHA)"** has been notified.

You should be aware that now your enrolment has been cancelled you have 28 days to leave Australia, to show DHA a new CoE or to provide DHA with evidence that you have accessed an external appeals process. You are consequently advised to make immediate contact with your local DHA office.

Please do not hesitate to contact Australian National College if you have any queries.

Student Support Team

Australian National College

{Current Date}



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## APPENDIX: - 3 LET127 CANCELLATION OF ENROLMENT DUE TO NON PAYMENT

**Student Name: -** {First Name}

**Re: Cancellation of Enrolment**

Dear {First Name},

This is in reference to your cancellation of enrolment at Australian National College on the basis of non-payment of fees.

The 20 working day time period given to you to access our Internal Complaints and Appeals process has lapsed. You have not contacted Administration during this time period and you have not accessed our Internal Complaints and Appeals process.

Your enrolment has now been cancelled and the Department of Home Affairs (DHA) has been notified. You should be aware that now your enrolment has been cancelled you have 28 days to leave Australia, to show DHA a new CoE or to provide DHA with evidence that you have accessed an external appeals process. You are consequently advised to make immediate contact with your local DHA office.

Please do not hesitate to contact Australian National College if you have any queries.

Regards,

Student Support Team



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## APPENDIX: - 4 LET128 CANCELLATION DUE TO NON RESUMPTION

Dear {First Name} {Middle Name} {Last Name},

Student No.: {Student No}

Please be advised that we have now cancelled your enrolment at Australian National College on the basis of non-resumption of studies.

Your enrolment has been cancelled because you failed to resume studies on the due date and you failed to seek our approval for further deferment.

You should be aware that now your enrolment has been cancelled and you have 28 days to leave Australia or to show the Australian Government Department of Home Affairs (DHA) a new CoE.

You are consequently advised to make immediate contact with your local DHA office.

Please do not hesitate to contact Australian National College if you have any queries.

Regards,

Student Support Team



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## APPENDIX: - 5 LET129 DEFERMENT APPROVAL

{Current Date}

Student No: {Student No}

Dear {First Name} {Last Name}

Further to your application for the deferment of your studies, please note that the application for the deferment of studies is approval.

Please note that you are advised to seek advice from Department of Home Affaire (DHA) on the potential impact on your student visa.

Please find enclosed your deferment approval letter/Extended eCoE for your perusal.

Should you require any more information, Please feel free to contact us.

Regards,

{Current User}

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## APPENDIX: - 6 LET130 DEFERMENT REJECTION

{Current Date}

Student No: {Student No}

Dear {First Name} {Last Name}

Further to your application for the deferment of your studies, please note that the application for the deferment of studies is not an automatic approval. The non-approval of the application will result in the cancellation of your enrolment and subsequently your student visa.

**REASON:-**

1. *Example:-Our records indicate that your tuition fee is overdue. You need to pay the balance of your tuition fee of **$XXX.XX**.*
2. *No Supporting Documents Submitted Along with Application forms etc.*

You have the right to access the Australian National College internal complaints and appeals process **within 20 working days from this notification date**. The complaints and appeals policy processes, and procedures are available on the Student Handbook from the website (www.anc.vic.edu.au )

Complaints and appeals policy do not inhibit student's rights to pursue other legal remedies at any point during or after the implementation of the procedure.

Please contact the undersigned at earliest.

An urgent attention to this matter is required.

Regards,

{Current User}

Student Support Team



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