

International Students Enrolment Amendments and Variations Guideline

| Policy Category | Guideline | | |
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1. Purpose

In compliance with the Education Services for Overseas Students Act 2000 (ESOS Act) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018), TOP monitors international students' compliance with their visa conditions relating to course progress and completion according to the sector of education. As part of the monitoring process, an international student's enrolment can be deferred, suspended or cancelled. This may be initiated by either:

- I. the international student for compassionate and compelling circumstances; or
- II. TOP for an international student's breach of visa conditions, failure to pay fees, academic misconduct, or failure to meet other conditions and responsibilities as listed in the *Code of Conduct for Students*.

For international students, amendments to their enrolment such as early or late completion, leave of absence or transfer to other providers may impact their Confirmation of Enrolment (CoE) and student visa duration.

2. Scope

These Guidelines apply to all international students.

3. Definitions

'Compassionate or compelling' circumstances are generally those beyond the control of the international student and which have an impact upon course progress or wellbeing. The following may be considered to be 'compassionate or compelling' circumstances and must be supported by documentary evidence.

- Serious illness or injury, where a medical certificate states that the international student was unable to attend classes;
- Bereavement of close family members such as parents, siblings or grandparents (where possible, a death certificate should be provided);
- Major political upheaval or natural disaster in the home country requiring emergency

- travel and this has clearly impacted on the international student's studies;
- A traumatic experience, which could include:
 - involvement in, or witnessing of a very serious accident or incident; or
 - witnessing or being the victim of a serious crime, and this has impacted on the international student's ability to engage in their studies. (These cases should be supported by police or psychologist's reports.)

4. Completing a Course early

TOP will report to the Department of Home Affairs if international students have completed their course requirements more than one month prior to the proposed course end date indicated in their Confirmation of Enrolment.

Therefore, once students have completed their course, and before their visa expires, students must:

- enrol in another course at TOP; or
- transfer to other Education Provider; or
- leave Australia, unless authorisation has been provided by the Department of Home Affairs to remain in Australia.

5. Extending Course Durations

If international students intend to extend their course duration longer than the expected date indicated on their Confirmation of Enrolment, students must submit a request for a new Confirmation of Enrolment (CoE) with the Admissions Office.

Students should be aware that an expired CoE may negatively impact on their student visa. Students will also need a current CoE to apply for a new student visa.

TOP can only extend an international student's enrolment if:

- TOP has assessed that there are compassionate or compelling circumstances* (definition at the end of this document) and there is evidence to support this assessment;
- the previously approved Recognition of Prior Learning (RPL) has been revised;
- TOP has implemented, or is in the process of implementing, an intervention strategy for the international student who is at risk of not meeting course progress requirements; or
- an approved deferral or suspension of the international student's enrolment has occurred.

More information about the student visa (subclass 500) is available on the Department of Home Affairs website (<https://www.homeaffairs.gov.au/Trav/Visa-1/500->).

6. Leave of Absence

Students are only permitted to take leave of absence during their course of study through a formal agreement with TOP on the grounds of compassionate or compelling circumstances* (definition at the end of this document).

To apply for Leave of Absence, students are required to lodge a formal application with evidence supporting their application to the Academic Administration Office. Leave of absence will normally only be granted for a maximum of:

- 1 semester from a course of 1 year's full-time duration;
- 2 semesters from a course of 2 or more year's full-time duration.

TOP reports Leave of Absence as an enrolment variation to the Department of Home Affairs.

7. Withdrawal from a Course

Within six (6) months of commencement

Where a student seeks to leave TOP within 6 months of commencing their principal course the student must obtain a Release Permission from TOP in order to enrol at another registered education provider. See TOP's *Transfer between Registered Providers Policy and Procedure* for important information on this process.

After completing six (6) months or more of study

Students will need to submit a *Withdrawal of Course/Units Form* to the Student Service Office when they decide they will not be continuing their study at TOP. A withdrawal after Census Date may result in an academic or a financial penalty. A notification of CoE cancellation will be sent to the student by email.

Where a student does not return after an arranged holiday break, suspension or deferment, or fails to enrol in any units for a compulsory study period, they will be regarded as inactive. Their studies at TOP will be terminated, and TOP will then notify the student as stated in TOP's Return Notice.

Once an international student is deemed to have terminated their studies, TOP will record the student's effective date of termination of studies and the reason for termination through PRISMS and report the enrolment variation to the Department of Home Affairs.

8. Cancelling of Enrolment by TOP Education Institute

TOP may suspend or cancel an international student's enrolment on the basis of, but not limited to:

- misbehaviour by the international student (refer to the *Code of Conduct for Students*);
- the international student's failure to pay the required amount to undertake or continue the course as stated in the written agreement; or
- a breach of course progress or attendance requirements by the international student.

For suspension or cancellation of enrolment initiated by TOP, TOP will give the international student a written notice of its intention to report and advise the international student to seek advice from the Department of Home Affairs on the potential impact on their visa. Students will also be advised of their right to access the internal complaints and appeals process *within 20* working days. The international student will not be given the opportunity to appeal when the international student's health or well-being, or the well-being of others, is likely to be at risk. See TOP's *Student Complaints and Appeals Policy and Procedure* for more information.

The notification of cancellation of a CoE does not constitute a Release Permission for students to transfer to other providers. Even when a student's CoE has been cancelled, TOP may refuse to release the student if the student's reason for transfer is not recognised as allowable grounds under TOP's *Transfer between Registered Providers Policy and Procedure*.

These circumstances may include but are not limited to when an international student:

- refuses to maintain approved care arrangements, if they are under 18 years of age;
- is missing and cannot be located by TOP;
- has engaged or threatens to engage in behaviour that is reasonably believed to endanger TOP's staff or students; or
- is at risk of committing a criminal offence.

Version Control

| Historical Version | Approved by | Approval Date |
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