

Deferring, Suspending or Cancelling an Overseas Student's Enrolment Policy

Alphington Grammar School is governed by the regulations and guidelines of The Education Services for Overseas Students Act (2000) (The 'ESOS Act') and the National Code 2018. Standard 9.1 of this code requires the School to have and 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. Standard 9.2 states that the School may defer or suspend the enrolment of the student if it believes there are compelling circumstances. Standard 9.3 states that the School may suspend or cancel a student's enrolment, including but not limited to on the basis of misbehaviour by the student, the student's failure to pay an amount they were required to pay by the School to undertake or continue the course as stated in the written agreement, or a breach of course progress or attendance requirements by the Overseas Student, which must occur in accordance with Standard 8 (Overseas Student Visa Requirements).

1. Scope:

- 1.1. This Policy applies to all Overseas Students.

2. Deferment or Suspension by the School - Compassionate or Compelling Circumstances:

- 2.1. The school may decide to defer or suspend an Overseas Student's enrolment if it believes there are compassionate or compelling circumstances.
- 2.2. The School will consider the following as compassionate and compelling circumstances:
- medical illness or injury of the Overseas Student or Overseas Student's close relative which requires hospitalisation and impedes activities;
 - mental health condition of the student or a student's close relative that results in hospitalisation or functional impairment;
 - death of a close family member;
 - adverse experience that has impacted on the Overseas Student which could include:
 - being a witness to a serious accident
 - being a witness to or victim of a crime, natural disaster or terrorism event
 - major political upheaval or natural disaster in the Overseas Student's home country which requires immediate emergency travel;
 - inability to begin study in a program on the agreed starting date due to a delay in receiving an Overseas Student Visa;
 - where the School is unable to offer a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol;
 - other compassionate or compelling circumstances at the discretion of the School; and
 - there is no maximum period for a deferral for compassionate or compelling reasons, but the deferral must be assessed in accordance with the processes in this policy.

3. Suitable Evidence of Compassionate or Compelling Circumstances:

- 3.1. For the School to grant an Overseas Student a deferment, suspension or cancellation of their enrolment on the grounds of compelling or compassionate circumstances (as listed above) the Overseas Student must provide the School with suitable documentary evidence to prove the compassionate and compelling circumstances. This may include:
- medical certificate;
 - a note from a medical doctor;
 - death certificate (when possible).
- 3.2. If the school becomes aware that the Student has provided us with fraudulent evidence or documents given to support a claim of compassionate or compelling circumstances, we may decide to suspend or cancel their enrolment.

4. Suspension or Cancellation by the School - Misbehaviour, Failure to Pay Fees, Breach of Course Progress or Attendance Requirements:

- 4.1. There are a range of other factors which can result in the School deferring, suspending or cancelling the enrolment of an Overseas Student, which include but are not limited to the following:
- misbehaviour by a student in accordance with our *Behaviour for Learning Policy*;
 - the student's parent/guardian's failure to pay an amount they were required to pay the School to undertake or continue the course as stated in the written agreement;
 - a breach of course progress or attendance requirements by the Overseas Student, which must occur in accordance with Standard 8 (Overseas Student Visa Requirements); and
 - a decision to suspend or cancel an Overseas Student's enrolment for any of the reasons above cannot take effect until an internal appeals process is completed, unless the Overseas Student's health and wellbeing, or the wellbeing of others, is likely to be at risk.

5. Initiating Suspension or Cancellation and Action to be taken:

- 5.1. If the School initiates a suspension or cancellation of the Overseas Student's enrolment, before imposing a suspension or cancellation, the School must follow the below protocol:
- inform the Overseas Student and their parent/guardians of that intention and the reasons for doing so, in writing;
 - advise the Overseas Student of their right to appeal through the School's internal complaints and appeals process, in accordance with Standard 10 (Complaints and Appeals), within twenty (20) working days;
 - inform the Student of the need to seek advice from the Department of Home Affairs on the potential impact of their Visa (see effect on Certificate of Enrolment below); and
 - report the change to the Overseas Student's enrolment under section 19 of the ESOS Act. Refer to our PRISMS maintenance obligations.

6. Effect on CoE:

- 6.1. The School must inform Overseas Students that deferring, suspending or cancelling an enrolment on any grounds may affect their student visa.
- 6.2. The School notifies the Commonwealth Department of Education (Cth DoE) 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 (Certificate of Enrolment). The notice of deferment or suspension will be recorded in PRISMS but this does not change the CoE. The Overseas Student will still be listed as studying.
- 6.3. The School notifies the Cth DoE 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 School the opportunity to create a new CoE with a more appropriate end date. If the School does not know when the Overseas Student will return, the School can choose not to create a new CoE, but to wait until the Overseas Student has notified it of their intended date of return to the School.
- 6.4. The School notifies the Cth DoE through PRISMS that it wants to permanently cancel (terminate) the Overseas Student's enrolment. Once the PRISMS notification process is complete, the Overseas Student's CoE status will be listed as 'cancelled'. If the student is under the age of 18, the CoE cancellation won't cancel the CAAW and the School is still responsible for welfare arrangements until one of the conditions of Standard 5.6 are met.
- 6.5. The school takes on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who is under 18 years of age, and the school suspends or cancels the enrolment of the overseas student, the school will continue to approve the welfare arrangements for that student until any of the following applies:
 - the student has alternative welfare arrangements approved by another registered provider
 - care of the student by a parent or nominated relative is approved by Immigration
 - the student leaves Australia
 - the school has notified Immigration under Standard 5.3.6 that it is no longer able to approve the student's welfare arrangements or under Standard 5.5 that it has taken the required action after not being able to contact the student.

7. Impact of Deferral and Suspension on Student Attendance:

- 7.1. If an Overseas Student's enrolment is deferred or suspended, the period of suspension or deferral of enrolment (as recorded in PRISMS) will not be included in attendance monitoring calculations.

8. Procedural Fairness:

- 8.1. The School is committed to ensuring procedural fairness when deferring, suspending or cancelling an Overseas Student's enrolment with Alphington Grammar School. Where a decision has been considered to defer, suspend or cancel the enrolment of a student, the Principal will:
 - write to the student, and the student's parents/parent liaison stating:
 - the reasons that the student's enrolment is under consideration for deferral, suspension or cancellation
 - the relevant rules, policies, standards of behaviour alleged to be breached
 - the relevant allegations said to warrant suspension or expulsion;
 - allow the student and/or student's parents/parent liaison to give response, either verbally or in writing to this letter, should they choose to do so;
 - allow the student to have a support person of the student's choosing;
 - arrange a meeting with the student, the student's support person where

- applicable, and the student's parent/parent liaison where possible;
- arrange for an interpreter should one be required; and
- ensure that any meetings are documented.

9. Record Keeping:

- 9.1. Each decision relating to the Overseas Student's enrolment, includes evidence of any assessments made by the School and notifications to the Cth DoE through PRISMS, will be recorded and maintained on the file.