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Government of Western Australia
Department of Training
and Workforce Development

**INTERNATIONAL STUDENT DEFERRAL, SUSPENSION OR
CANCELLATION POLICY**

EFFECTIVE: 14 SEPTEMBER 2022

VERSION: 4.0

DOCUMENT MANAGEMENT**Equity impact assessment**

This policy considers and reflects where appropriate the principles of the Department's:	
<input type="checkbox"/> Disability access and inclusion plan	<input type="checkbox"/> Language services policy
<input type="checkbox"/> Workforce diversity and inclusion policy	<input type="checkbox"/> Innovate reconciliation action plan
<input type="checkbox"/> Substantive equality policy	<input type="checkbox"/> Employment policy
<input checked="" type="checkbox"/> Not applicable	

Approval

(To be completed by the Office of the Director General)

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(To be completed by the Office of the Director General)

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4.0	14.09.2022	TWD/D22/0126609	Reviewed and endorsed minor changes as required.

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All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Training and Workforce Development employees.

1. POLICY STATEMENT

This policy outlines the processes involved in the deferral, suspension and cancellation of enrolment for an onshore international student, currently enrolled in an English Language Intensive Courses for Overseas Students (ELICOS), mainstream vocational education and training or higher education program with TAFE International Western Australia (TIWA).

These processes comply with:

- Standard 9 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the *National Code*):
 - A registered provider must 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.
 - A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.
 - A registered provider may suspend or cancel a student's enrolment under particular circumstances.
 - If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation, the registered provider must:
 - inform the overseas student of that intention and the reasons for doing so, in writing; and
 - advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
 - When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:
 - inform the overseas student of the need to seek advice from immigration on the potential impact on his or her student visa; and
 - report the change to the overseas student's enrolment via PRISMS under section 19 of the *Education Services for Overseas Students Act 2000* (ESOS Act).
 - The suspension or cancellation of the overseas student's enrolment under Standard 9.3 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.

2. SCOPE

This policy applies to all onshore international students who are enrolled in a Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered program with TIWA.

3. PRINCIPLES

N/A

4. BACKGROUND

Standard 9 of the *National Code 2018* states that:

“An overseas student's enrolment can be deferred, suspended or cancelled. This may be initiated by either the overseas student for compassionate and compelling circumstances, or the registered provider for an overseas student's breach of visa conditions, failure to pay fees, misbehaviour, or other condition listed in a registered provider's policy.”

5. DEFINITIONS AND ACRONYMS

5.1 “At risk” students

Students are considered to be “at risk” of completing their course within the expected duration of study due to one or more of the following factors:

- level of English language proficiency insufficient to successfully achieve course requirements;
- continued non-attendance of scheduled classes;
- lack of participation in class activities;
- attending classes and submitting assessments on time yet struggling with the course itself;
- failure to submit assessments; or
- continued late arrival at class and/or poor behaviour.

5.2 Compassionate or compelling circumstances

These may include but are not limited to:

- serious illness or injury, where a medical certificate states that the overseas students was unable to attend classes;
- bereavement of close family members;
- major political upheaval or natural disaster in the home country requiring emergency travel;
- where the student is unable to access required units in a study period; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

5.3 CRICOS

Commonwealth Register for Institutions and Courses for Overseas Students.

5.4 Intervention Strategy

An individual plan to provide academic support and/or assistance to an international student identified as “at risk” of not achieving satisfactory academic progress in the current or previous study period.

5.5 PRISMS

Provider Registration and International Students Management System - the management information system used by Department of Employment and Workforce Relations and the Department of Home Affairs to record international student program enrolment details.

6. PROCEDURES

6.1 Deferral or suspension initiated by student

6.1.1 An international student can apply to defer or temporarily suspend their enrolment on compassionate grounds or for exceptional circumstances. These may include:

- serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes;
- bereavement of close family members such as parents 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 impacted on the overseas student’s studies;
- a traumatic experience, which could include:
 - involvement in, or witnessing of a serious accident; or
 - witnessing or being the victim of a serious crime, and this has impacted

on the overseas student (these cases should be supported by police or psychologist's reports).

- where the registered provider was unable to offer a prerequisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

6.1.2 The student submits an *Application to Defer Studies* form to TIWA detailing the reason(s) for their request to defer or temporarily suspend studies. This application must include documentary evidence to substantiate exceptional circumstances. Students under 18 years of age must also submit a written statement of support from a parent or legal guardian. Students who wish to defer one (1) semester of their studies, prior to commencement, will not be required to provide evidence of compassionate or exceptional circumstances.

6.1.3 The student's application is reviewed by the Manager Customer Services (TIWA) and additional information is requested if required.

6.1.4 If the deferral or temporary suspension is approved, the Manager Customer Services (TIWA) will:

- advise the student in writing of the approved deferral period and their new commencement date, as well as the impact this may have on their visa status; and
- inform the Department of Home Affairs, via the Provider Registration and International Student Management System (PRISMS) database, of the change to the student's course of study.

6.1.5 Deferral of a student's enrolment may result in an increase in tuition, resource or materials fees. Students who defer their enrolment will be required to pay the fees that apply at their new commencement date.

6.1.6 If the deferral or temporary suspension is refused, the student:

- will be advised in writing of the refusal;
- has 20 days to lodge an appeal of this decision with TIWA; and
- will have the decision reviewed by TIWA who will make a recommendation for the appeal to be upheld or refused.

6.2 Suspension or cancellation of enrolment initiated by TIWA

6.2.1 An international student may have their enrolment cancelled or suspended if they have breached their TAFE college by-laws or the *International Student Code of Conduct*. TIWA will evaluate all of the evidence presented before initiating any suspension or cancellation. Depending on the nature of the breach, students may be excluded from classes during this time (see the *International Student Code of Conduct Policy*).

6.2.2 In line with Standard 9 of the *National Code*, grounds for suspension or cancellation of the overseas student's enrolment include, but are not limited to:

- misbehaviour by the student;
- the student's failure to pay an amount that he or she was required to pay TIWA 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).

- 6.2.3 Before imposing a suspension or cancellation TIWA will:
- inform the student of that intention and the reasons for doing so, in writing;
 - advise the student of their right to appeal through TIWA's internal complaints and appeals process, in accordance with Standard 10 (Complaints and Appeals), within 20 working days; and
 - recommend that the student contacts the Department of Home Affairs to discuss how a deferral or temporary suspension may impact their visa.
- 6.2.4 The suspension or cancellation of the student's enrolment cannot take effect until any internal appeals process is completed, unless the overseas student's health or wellbeing of others is likely to be at risk.
- 6.2.5 When there is any suspension or cancellation action taken under this Standard, TIWA will:
- inform the student of the need to seek advice from the Department of Home Affairs on the potential impact on their visa; and
 - report the change to the student's enrolment via PRISMS as required under section 19 of the ESOS Act.
- 6.2.6 If the student's appeal is successful that is, the decision is made not to cancel or suspend the student's enrolment, the student will be placed on an Intervention Strategy to ensure that the behaviour/breach is not repeated. Students will then be counselled as to the consequences of a suspension or cancellation of their enrolment should the issue continue.

7. GUIDELINES

N/A

8. RELATED POLICIES AND OTHER RELATED DOCUMENTS

- *International Student Admissions and Enrolment Policy*
- *International Student Fee Payment and Refund Policy*
- *International Student Complaints and Appeals Management Policy*
- *International Student Management of Academic Progress Policy*
- *International Student Code of Conduct Policy*
- *Application to Defer form*

9. RELEVANT LEGISLATION

- *Education Services for Overseas Students Act 2000*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code)*
- *Standards for Registered Training Organisations (RTOs) 2015*

10. REVIEW DATE

14 September 2024

Development Date		June 2014 Version 1	
Revision History			
Date	Name	Reason	Outcome and Changes
April 2015 V2.0	Director Academic Strategy	Continuous Improvement	Reflects business process changes
July 2016 V2.1	Director Academic Strategy	Sectoral changes	Updated to reflect change from STPs to TAFE colleges; and ETI to TIWA
Jan 2018 V2.2	Director Academic Strategy	National Code 2018 changes	Updated to reflect change from National Code 2007 to National Code 2018
March 2019 V3.0	Manager Education Programs	Continuous improvement	Annual Policy Review
2022	Manager Customer Services	Continuous Improvement	Policy Review

11. CONTACT INFORMATION

TAFE International Western Australia
Service Delivery Directorate

APPENDIX

N/A