

<b>Version</b>	10.0
<b>Short description</b>	This policy outlines the responsibilities students with international student visas have, and the processes Avondale has in place to support them, in maintaining visa compliance.
<b>Relevant to</b>	International students and all staff who work with or support international students
<b>Authority</b>	Academic Board
<b>Policy owner</b>	Director, Student Administration Services
<b>Responsible office</b>	Student Administration Services
<b>Date approved</b>	12 April 2023
<b>Date effective</b>	24 April 2023
<b>Review due</b>	April 2028
<b>Related Avondale documents</b>	<p>Academic Progression Policy and Rules</p> <p>Admission Policy (HE)</p> <p>Appeal Procedure (Academic)</p> <p>Attendance Policy: Virtual and On Campus Learning</p> <p>Attendance Policy (VET)</p> <p>Course Intermission Policy</p> <p>Course Withdrawal Policy</p> <p>Study Load Policy</p> <p>Unit Enrolment Policy</p>
<b>Related legislation</b>	<p>ESOS Act 2000</p> <p>Higher Education Standards Framework (Threshold Standards) 2021</p> <p>Higher Education Support Act 2003</p> <p>National Code of Practice for Providers of Education and Training to Overseas Students 2018</p> <p>Standards for Registered Training Organisations (RTOs) 2015</p>
<b>Key words</b>	cancellation, CoE, Confirmation of Enrolment, deferment, international student, national code, overseas student, support, suspension, student visa, transfer, visa compliance, welfare

## **1. PURPOSE**

1.1 The objectives of this policy are to:

- a) Identify the responsibilities of international applicants and enrolled students who require an Australian student visa to temporarily reside in Australia for study purposes.
- b) Describe how Avondale University (Avondale) will support international applicants and students as required under the Education Services for Overseas Students (ESOS) Act 2000, the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code), and the Higher Education Support Act 2003.

## **2. SCOPE**

- 2.1 This policy applies to applicants and enrolled students who require a student visa to study at Avondale, and to the staff who support them in maintaining visa compliance.
- 2.2 This policy applies to international students enrolled in higher education coursework courses, higher degree research courses, and vocational education & training (VET) courses delivered by Avondale University.
- 2.3 This policy does not apply to international students who are not residing in Australia while enrolled at Avondale and who therefore do not require a student visa, or who are on campus for periods of less than three months either (i) to attend residential schools for mixed mode units or (ii) for studies associated with higher degree research courses.
- 2.4 International students must be at least 18 years of age before they arrive at Avondale ahead of the relevant teaching period to be eligible for enrolment.

## **3. REFERENCES**

3.1 This policy should be read in conjunction with the:

- Academic Progression Policy and Rules
- Admission Policy (HE)
- Appeal Procedure (Academic)
- Attendance Policy: Virtual and On Campus Learning
- Attendance Policy (VET)
- Course Intermision Policy
- Course Withdrawal Policy
- Study Load Policy
- Unit Enrolment Policy

3.2 International students will also find helpful information about what to expect from their study with Avondale in the:

- Student Charter
- Student Misconduct Policy (Non-Academic)

- Student Misconduct Procedure (Non-Academic)
- Academic Integrity Policy
- Research Code of Conduct
- Critical Incident Management Policy & Procedure

#### 4. DEFINITIONS

- 4.1 **Advanced standing:** credit granted towards a student's enrolled course on the basis of completed formal studies and/or on the basis of recognition of prior learning.
- 4.2 **Appeal:** a request for a decision to be reviewed and reversed or adjusted.
- 4.3 **AQF:** Australian Qualifications Framework
- 4.4 **Cancellation of enrolment:** a status applied to a student's CoE when their enrolment at the registered educational provider ceases.
- 4.5 **CoE, Confirmation of Enrolment:** issued by a registered educational provider as evidence that a student is approved to study with them.
- 4.6 **Compassionate or compelling circumstances:** generally, those beyond the student's control and which have an impact upon their course progress or wellbeing. These could include, but are not limited to:
- a) serious illness or injury, where a medical certificate states that the student was unable to attend classes;
  - b) bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
  - c) major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;
  - d) 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 psychologists' reports); or
  - e) where the registered provider was unable to offer a pre-requisite unit, or the student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
- 4.7 **Course credit:** approval of previous study towards a student's enrolled course.
- 4.8 **Course duration:** the length of time required to complete a course of study.
- 4.9 **Deferment of enrolment:** approval to suspend a CoE for a specified period of time due to compassionate or compelling circumstances.
- 4.10 **Full-time study load:** in higher education coursework, enrolment in three or four 6-credit point units per semester, or equivalent; in higher degree research, 28-40 hours of study per week; and in vocational education & training, the specified units offered in each trimester.

- 4.11 **Intermission:** a period of approved leave of up to one year, with specific start and end dates, where a student enrolled in a course is permitted to not be enrolled in any units for that nominated time period.
- 4.12 **International student:** an overseas student who requires an Australian Student Visa to temporarily reside in Australia for study purposes. In this policy, international students may also be referred to as student visa holders.
- 4.13 **Misconduct:** see the Academic Integrity Policy, Student Misconduct Procedure (Non-Academic), and Research Code of Conduct.
- 4.14 **Non-tuition fees:** costs associated with studying, separate to the cost of the course. For example, these may include but are not limited to the Student Services and Amenities Fee (SSAF), textbooks, or special equipment or resources.
- 4.15 **Recognition of prior learning (RPL):** the granting of advanced standing on the basis of relevant work experience or professional development activities with appropriate rigour and currency.
- 4.16 **Show cause:** where a student is required to outline, in writing, why they consider enrolment in the course in which they are currently enrolled should not be discontinued (terminated).
- 4.17 **Suspension of enrolment:** where a student's CoE is suspended temporarily for compassionate or compelling reasons.
- 4.18 **Tuition fees:** fees directly related to the provision of a course of study.
- 4.19 **Unit (or unit of study):** a self-contained collection of learning activities, assessment tasks, and learning outcomes normally equivalent to 0.125 EFTSL.
- 4.20 **Unsatisfactory course progression:** see the Academic Progression Policy and Rules.

## 5. ADMISSION REQUIREMENTS

### Written Agreement

- 5.1 International students must accept their course offer in the form of a written agreement. Avondale's written agreement will:
  - a) Outline the course(s) in which a student is enrolled;
  - b) Outline any course entry requirements or pre-requisites, including English language proficiency requirements;
  - c) List any conditions imposed on the student's enrolment;
  - d) List all tuition fees payable by the student;
  - e) Provide details of any non-tuition fees the student may incur;
  - f) Include information in relation to fee refund entitlements;
  - g) Outline the circumstances in which personal information about a student may be disclosed;
  - h) Outline the processes for a student to make a complaint or appeal;
  - i) Set out the requirement for a student to maintain up to date contact information and emergency contact(s); and
  - j) List the student support services available.

### **Fees and deadlines**

- 5.2 Prior to receiving their Confirmation of Enrolment (CoE), students are required to pay tuition fees for the first semester (or relevant teaching period) of enrolment, as outlined in their letter of offer.
- 5.3 Avondale requires all international students to pay their tuition fees and SSAF prior to the first day of classes.
- 5.4 Failure to pay tuition fees by published deadlines may result in Avondale cancelling the enrolment of an international student and notifying the Department of Home Affairs. This could result in cancellation of the student's visa.

### **Overseas health insurance cover**

- 5.5 In line with the Department of Home Affairs requirements, all student visa holders are required to have Australian Overseas Student Health Cover (OSHC) – see [https://www.privatehealth.gov.au/health\\_insurance/overseas/overseas\\_student\\_health\\_cover.htm](https://www.privatehealth.gov.au/health_insurance/overseas/overseas_student_health_cover.htm)
- 5.6 Evidence of OSHC is required before a CoE will be issued by Avondale.

### **Confirmation of enrolment (CoE)**

- 5.7 International students enrolled at Avondale must have a current CoE for the course in which they are enrolled.
- 5.8 Avondale will issue a Confirmation of Enrolment (CoE), required for application of a student visa, to applicants who:
  - a) are deemed to be genuine in their desire to study a course at Avondale;
  - b) meet the course entry requirements;
  - c) have signed and returned their written agreement;
  - d) have paid their tuition fees for the first semester (or relevant teaching period) of enrolment; and
  - e) have evidence of Overseas Student Health Cover.

### **Australian student visa**

- 5.9 Once a CoE has been issued, students must lodge their application for a student visa with the Department of Home Affairs.
- 5.10 International students are required to obtain an appropriate visa from the Department of Home Affairs before they come to study in Australia.

## **6. AUSTRALIAN STUDENT VISA REQUIREMENTS**

- 6.1 International students enrolled at Avondale are expected to comply with the requirements of their student visa. Avondale monitors this and is required to notify the Department of Home Affairs of any breaches. This applies to the following student responsibilities:
  - a) ensuring Avondale always has correct contact details;
  - b) not engaging in misconduct of any kind;
  - c) paying tuition fees by the required deadlines;
  - d) maintaining Overseas Student Health Cover while in Australia;

- e) maintaining satisfactory enrolment, attendance, and academic progress;
  - f) having a current CoE for the course in which they are enrolled; and
  - g) not breaching the work restrictions associated with the type of visa held by a student.
- 6.2 Detailed information about the requirements associated with a student visa can be found on the Department of Home Affairs website at: <https://www.homeaffairs.gov.au/trav/stud>

### **Renewal of student visas**

- 6.3 Students are responsible for ensuring they have a valid visa. Where the visa expires prior to course completion, it should be renewed at least four weeks before expiry. Failure to renew a student visa before it expires may result in the student being deported from Australia.

## **7. TUITION PROTECTION SERVICE**

- 7.1 If Avondale ceases to provide the course an international student has commenced, it undertakes to meet its obligations by either refunding any unused prepaid tuition fees, or to assist the student to find enrolment in a suitable alternative course at Avondale or with another provider. If Avondale has not been able to meet this obligation international students may access the [Tuition Protection Service](#).

## **8. ENROLMENT REQUIREMENTS**

### **Academic performance and attendance requirements**

- 8.1 International students must meet course progress requirements as outlined in the Academic Progression Policy and Rules.
- 8.2 International students must meet course attendance requirements as outlined in the Attendance Policy: Virtual and On Campus, and Attendance Policy for On Campus VET Students.
- 8.3 Under the Education Services for Overseas Students (ESOS) Act 2000, Avondale is required to report unsatisfactory academic progress and unsatisfactory attendance to the Department of Home Affairs, through the Provider and International Students Management System (PRISMS).
- 8.4 International students will be notified in writing by the Director, Student Administration Services of Avondale's Intention to Report to the Department of Home Affairs that they have not met the course progress or attendance requirements for their course and are in breach of their visa conditions, pending the outcome of a show cause process and possible appeal made by the student in accordance with the Appeal Procedure (Academic).

### **Study by distance education**

- 8.5 Student visa holders enrolled at Avondale may not complete more than one third of their course by distance education, and must enrol in at least one unit that is face-to-face in each semester. The only exception is if the student is completing the last unit of their course and it is only available online.

## **Academic Study Load**

- 8.6 International students must have an enrolment load which will allow them to complete their Avondale course within the duration specified in their CoE.
- 8.7 Student visa holders are normally expected to be enrolled in a full-time study load of 24 credit points, or equivalent, per semester or equivalent teaching period.
- 8.8 Enrolment in a reduced study load must be approved by the Director, Student Administration Services and will be considered only where:
- a) there are compassionate or compelling reasons for reducing the load (e.g., personal or family illness impacting on the student's ability to attend classes and supported by a medical certificate);
  - b) the reduced load is part of Avondale's intervention and support strategy in relation to unsatisfactory academic progression;
  - c) the student has studied, or plans to study, extra units in another teaching period because of scheduled unit offerings;
  - d) the student has less than four units left to complete;
  - e) pre-requisite unit offerings limit the units available to the student in a particular teaching period.
- 8.9 Approval will not be granted for a reduced study load when it is requested on the grounds that the student is unable to pay the tuition fees required for a full-time load.
- 8.9.1 Where a student is unable to pay tuition fees for the units in which they are required to enrol, they must inform the Director, Student Administration Services requesting a period of suspension (intermission from studies).
- 8.9.2 Where intermission is taken for financial reasons, this will be reported to the Department of Home Affairs through PRISMS. The student may be directed by the DHA to leave Australia and return to their home for the duration of the leave. Failure to do so could be in breach of visa conditions.
- 8.9.3 It is the responsibility of students to check with the Department of Home Affairs the impact taking leave from their studies will have on their visa.

## **9. STUDENT COURSE VARIATIONS**

### **Change of course duration**

- 9.1 Where an international student's course duration is shortened due to advanced standing, recognition of prior learning (RPL) or course credit transfer being granted, Avondale will:
- a) if the advanced standing, RPL or course credit is approved before the student visa is granted, indicate the reduced course duration in the CoE; or
  - b) if the advanced standing, RPL or course credit is approved after the student visa is granted, inform the student of the reduced course duration, issue a new CoE, and report the change of course duration to the Department of Home Affairs via PRISMS.
- 9.2 If a student visa holder finishes a course prior to the scheduled completion date, they must either enrol with another institution within 28 days, obtain a different visa, or leave Australia.

- 9.3 If it is determined that a student visa holder is not going to complete the course within the expected duration as specified in the CoE issued for that course, depending on the circumstances Avondale will:
- a) encourage the student to 'catch up' by taking extra units if allowed under the Study Load Policy; or
  - b) take steps to issue a new CoE for the student; or
  - c) issue a Notice of Intent to Cancel the student's enrolment if the student has deliberately enrolled in a reduced load, despite the Director, Student Administration Service's advice to the contrary, and refuses to enrol in an appropriate load.
- 9.4 Avondale will only extend the duration of an international student's enrolment and issue a new CoE where it is clear that the student will not complete the course within the expected duration, as a result of:
- a) compassionate or compelling circumstances;
  - b) Avondale implementing its intervention strategy for the student because they were at risk of not meeting satisfactory course progress as per the Academic Progression Policy and Rules; or
  - c) an approved deferment or suspension of study having been granted.

#### **Deferral, suspension, or cancellation of enrolment**

- 9.5 If due to compassionate or compelling circumstances, international students require deferment or suspension of their studies, they must submit a request to the Director, Student Administration Services with supporting evidence. A record of the application and outcome will be kept in the student's file.
- 9.6 Requests for suspension of enrolment (intermission) will only be granted for one semester at a time. If further suspension is required, the student must submit a new request with updated supporting evidence.
- 9.7 Avondale will issue a new CoE with a start date that reflects the student's intended date of return to studies.
- 9.8 It is the responsibility of students to check with the Department of Home Affairs the impact a deferral or suspension on their enrolment will have on their visa.
- 9.9 Avondale may suspend or cancel a student's enrolment on the basis of, but not limited to:
- a) misconduct by the student;
  - b) the student's failure to pay the required tuition fees as stated in the written agreement; or
  - c) a breach of course progress or attendance requirements by the overseas student.
- 9.10 Avondale is required to notify the Department of Education and Department of Home Affairs of a deferral, suspension, or cancellation of an international student's enrolment through PRISMS.

#### **Change of course**

- 9.11 Students wishing to change the course in which they are enrolled at Avondale must submit their request on a Change of Course and/or Unit Set form to Student Administration Services (the form can be found with this policy in the Policy Repository).



- 9.12 Written approval by the Director, Student Administration Services is required for a student to change from one course to another. A new CoE will be issued when this occurs.
- 9.13 Avondale is required to report any change of course for an international student to the Department of Home Affairs.

## **10. TRANSFER BETWEEN REGISTERED PROVIDERS**

### **Transfer to Avondale from another provider**

- 10.1 Avondale will not knowingly enrol a student wishing to transfer from another registered provider prior to the student completing six calendar months of their course at the other provider, except where:
- a) the other provider has provided a written letter of release; or
  - b) the other provider or the course in which the student is enrolled ceases to be registered; or
  - c) the other provider has had a sanction imposed on its registration by the ESOS agency that prevents the student continuing in their course with that provider; or
  - d) any government sponsor of the student considers the change to be in the student's best interest and has provided written support for the change.

### **Transfer from Avondale to another provider after completing 6 months of the Avondale course**

- 10.2 International students may transfer from Avondale to another registered provider, provided they have completed at least six months of the course in which they are enrolled at Avondale, and the student has a valid enrolment offer from the receiving provider.

### **Transfer from Avondale to another provider prior to completing 6 months of the Avondale course**

- 10.3 Where an international student would like to transfer from Avondale to another registered provider before they have completed six months of the course in which they are enrolled, they must submit a request using the Letter of Release Application Form (which can be found with this policy in the Policy Repository).
- 10.4 When submitting a request, students must include a valid letter of offer from another registered provider; and
- 10.5 Requests for transfer will be assessed by the Director, Student Administration Services and an outcome provided within 10 working days of the request being submitted.
- 10.6 Avondale must be satisfied on the evidence provided with the request that a transfer is in the best interests of the student, including but not limited to where it has assessed that:
- a) there is evidence of compelling or compassionate circumstances and these circumstances will be improved if the student transfers to another provider;
  - b) Avondale is unable to deliver the course as outlined in the written agreement;
  - c) the student has demonstrated that they are unable to achieve satisfactory academic progress, even after engaging with Avondale's intervention strategy and/or support services;
  - d) there is evidence that the student's reasonable expectations about their current course are not being met;

- e) there is evidence that the student was misled by Avondale or an education or migration agent regarding Avondale or its course, and the course is therefore unsuitable to their needs and/or study objectives; or
  - f) an appeal (internal or external) on another matter results in a decision or recommendation to release the student.
- 10.7 Students who are granted permission to transfer to another provider before completing six months in their course at Avondale will be provided, by the Director, Student Administration Services, with a letter of release at no cost. The letter will advise the student of the need to contact the Department of Home Affairs to seek advice on whether a new student visa is required.
- 10.8 Avondale will not automatically grant a letter of release, noting that students granted a student visa have been assessed as genuine temporary entrants for the purpose of studying at Avondale.
- 10.9 Avondale may refuse to issue a release where:
- a) the student has not, or only recently, commenced study in the Avondale course and the full range of support services are yet to be provided;
  - b) the student has not genuinely engaged with Avondale's intervention strategy and/or utilised the full range of support services available to assist Avondale students with academic and personal issues;
  - c) actions by the student have led Avondale to form the opinion that they are not a genuine student (e.g., did not attend orientation events, breach of the relevant attendance policy);
  - d) the student has not submitted sufficient supporting documentation or the supporting documentation is inconsistent, false or misleading;
  - e) the course to which the student wishes to transfer is at a lower AQF level than the course in which the student is currently enrolled;
  - f) the student claims financial hardship and wishes to transfer to a provider with lower fees;
  - g) the student has made decisions post their enrolment regarding accommodation, travel and employment that are not aligned with the international student's course requirements;
  - h) the student has outstanding debts owed to Avondale;
  - i) Avondale considers the student is trying to avoid being reported to the Department of Home Affairs for failure to meet Avondale's attendance or academic progress requirements;
  - j) for other individual circumstances not specified above where Avondale considers there are reasons, compliant with the National Code, to refuse the student a release letter.
- 10.10 Where a request for transfer is not granted, the Director, Student Administration Services will provide the student with a letter outlining the reason/s for the request being refused and providing information about their right to appeal the decision in accordance with the Appeal Procedure (Academic).

## 11. CONFIDENTIALITY

- 11.1 Avondale will take all reasonable steps to preserve the confidentiality and privacy of its students and their personal information, in accordance with its Privacy Policy.
- 11.2 All student information will be treated in accordance with the provisions of the *Privacy Act 1988* and the *Privacy Amendment (Private Sector) Act 2000*.

## 12. DOCUMENT RETENTION

- 12.1 Records of all written agreements, student acceptance of RPL or course credit, and receipts of payment will be kept for at least two years after the international student ceases to be enrolled at Avondale.
- 12.2 Students are responsible for keeping a copy of their written agreement, and receipts of any payment of tuition fees or non-tuition fees.
- 12.3 Avondale will maintain records of all student requests for a letter of release. The assessment of, and decision regarding, a request will be kept in the student's file for at least two years after the student ceases to be enrolled at Avondale.

## 13. MONITORING & REPORTING

- 13.1 The International Student Officer routinely monitors international student progress against the course duration specified in their CoE. Discrepancies are reported to the Director, Student Administration Services.

## 14. APPEALS & COMPLAINTS

- 14.1 Students may appeal a decision made in relation to this policy in accordance with the Appeal Procedure (Academic).
- 14.2 A suspension or cancellation of enrolment due to a student's breach of visa conditions, failure to pay fees, or other misconduct will not take effect until the student has had the opportunity to access Avondale's appeal process.

### Table of amendments

<b>Version Number</b>	10.0	<b>Replaces Version</b>	9.1, 26 February 2020
<b>Date Published</b>	24 April 2023	<b>Scheduled Review Date</b>	April 2028
<b>Approving Body</b>	Academic Board	<b>Approval Date</b>	12 April 2023
<b>Policy Owner</b>	Provost	<b>Date first introduced</b>	2007
<b>Short description of amendment</b>	Major update to the policy for clarity; content added to comply with the National Code; and sections on confidentiality, document retention, reporting and appeals added.		