

## **DEFERRING, SUSPENDING OR CANCELLING AN OVERSEAS STUDENT'S ENROLMENT POLICY**

### **Source of Obligation**

Standard 9.1 of the National 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 compassionate or 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 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).

### **Perth College's Policy**

An overseas student's enrolment can be deferred, suspended or cancelled for different reasons. The student may initiate a deferment or suspension on the grounds of compassionate or compelling circumstances. The School may suspend or cancel an enrolment due to student misbehaviour, a failure to pay fees or a breach of course progress or attendance requirements.

Any decision to defer, suspend or cancel an overseas student's enrolment must be made in accordance with the requirements of the National Code.

### **Deferment or Suspension by the School: Compassionate or Compelling Circumstances**

The School may decide to defer or suspend an overseas student's enrolment if it believes there are compassionate or compelling circumstances.

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 or impedes activities of daily living
- a 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 or victim of 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, or the overseas student has failed 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.

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.

### **Suitable Evidence of Compassionate or Compelling Circumstances**

In order for the School to grant the overseas student a deferment, suspension or cancellation of their enrolment on the grounds of compassionate and compelling circumstances, the overseas student must provide the School with suitable documentary evidence to prove the compassionate and compelling circumstances. This may include:

- a medical certificate accompanied by a note from a medical doctor on official paper.
- death certificate (when possible).
- police statement.

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.

### **Suspension or Cancellation by the School: Misbehaviour, Failure to Pay Fees, Breach of Course Progress or Attendance Requirements**

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

- misbehaviour by the student
- the student's or the student's parents/guardians' 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). Refer to our **Unsatisfactory Course Progress or Attendance Policy**.

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 or wellbeing, or the wellbeing of others, is likely to be at risk. Refer to the Initiating Suspension or Cancellation section below.

### **Initiating Suspension or Cancellation**

Standard 9.4 requires that if the School initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation, the School must:

- inform the overseas student and their parents/guardians of that intention and the reasons for doing so, in writing; and
- 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) and our **Overseas Students Complaints Handling Policy** and **Overseas Students Complaints Appeals Policy**, within 20 working days.

### **Deferral, Suspension or Cancellation Action**

Standard 9.5 requires that when there is any deferral, suspension or cancellation action taken by the School under this Standard, the School will:

- inform the overseas student of the need to seek advice from the Department of Home Affairs on the potential impact on their student visa (see Effect on CoE below)
- report the change to the overseas student's enrolment under section 19 of the ESOS Act. Refer to **PRISMS Maintenance Obligations**.

### **Effect on CoE**

The School must inform overseas students that deferring, suspending or cancelling an enrolment on any grounds may affect their student visa.

In the event of a decision to defer, suspend or cancel an enrolment, there are three possible outcomes on a student's CoE:

1. The School notifies the Cth DET through PRISMS that they are deferring or suspending an overseas student's enrolment for a period without affecting the end date of the CoE. The notice of deferment or suspension will be recorded in PRISMS but this will not change the CoE. The overseas student will be still listed as studying.
2. The School notifies the Cth DET 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 to not create a new CoE, but to wait until the overseas student has notified it of their intended date of return to the School.
3. The School notifies the Cth DET 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. Refer to our **Younger Overseas Students Policy**.

### **Procedural Fairness**

The School is committed to ensuring procedural fairness when deferring, suspending or cancelling an overseas student's enrolment with Perth College.

Where a decision has been considered to defer, suspend or cancel the enrolment of the student, the Principal will:

- write to the student, and the student's parents/guardians 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 the student's parents/guardians to give a response, either in writing or verbally;
- 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 parents/guardians where possible;
- arrange for an interpreter, if one is required;
- ensure that any meetings are documented.

#### **Impact of Deferral and Suspension on Student Attendance**

If an overseas student's enrolment is deferred or suspended, the period of suspension or deferral of enrolment (as recorded in PRISMS) should not be included in attendance monitoring calculations. Refer to our **Monitoring Course Progress, Attendance and Duration Policy**.

#### **Record Keeping**

Each decision relating to overseas students' enrolment, including evidence of any assessments made by the School and notifications to the Cth DET through PRISMS, is recorded and maintained on the file, in accordance with our **Overseas Students Records Management and Retention Policy**.