



# Deferring and Suspending International Student Enrolment (Irrespective of Study Location in Australia) – Operating Procedures

## Overview

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007) requires UNE to demonstrate compliance with the National Code 2007 at the point of CRICOS registration and throughout its CRICOS registration period.

This compliance requirement also applies to students enrolled in courses delivered in association with another provider where UNE is the registered provider. UNE is responsible for breaches of the National Code, whatever the nature of its contractual or other arrangements with another provider.

## Scope

Under Standard 13 of the National Code 2007 UNE may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

In order to comply with Standard 9:

1. UNE must have documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student's file of the assessment of the application.
2. UNE can only defer or temporarily suspend the enrolment of the student on the grounds of:
  - a. compassionate or compelling circumstances (for example illness where a medical certificate states that the student was unable to attend classes or where UNE was unable to offer a core or pre-requisite unit); or
  - b. misbehaviour by the student.
3. UNE must:
  - a) Inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa; and
  - b) Notify the Secretary of the Department of Education and Training (DET) via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

UNE must inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that s/he has 20 working days to access the registered provider's internal complaints and appeals process as per Standard 8.1. If the student accesses UNE's internal complaints and appeals process, suspension or cancellation of the student's enrolment under this standard cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

## Principle

## **1.1 Grounds for deferring or temporarily suspending the enrolment of UNE students irrespective of study location in Australia**

- 1.1.1 UNE will defer or temporarily suspend the enrolment of the student where the student:
- a) is approved to take a leave of absence; or a voluntary suspension of at least one Teaching Period, within UNE's Compassionate and Compelling Circumstances Guidelines; or
  - b) is found guilty of misconduct as defined in the UNE Student Behavioural Misconduct Rules; or
  - c) where the student is deemed to have failed to comply with any applicable standards of conduct, statutes, regulations, policies and procedures of the University which provide for enrolment deferral, suspension or cancellation as an outcome.

## **1.2 Recommencing Studies after a period of Deferment or Suspension**

- 1.2.1 Studies can only be undertaken after a period of deferment following formal notification to UNE of the student's intention to take up the deferred place.
- 1.2.2 Studies can only be undertaken after a period of voluntary suspension following formal notification to the UNE of the student's intention to recommence their studies.

## **1.3 Impact of Deferment, Suspension or Cancellation of Enrolment on Student Visas**

- 1.3.1 UNE is responsible for advising students that any deferment, suspension or cancellation of enrolment may impact on the validity of their student visa.
- 1.3.2 UNE will advise students when their enrolment is cancelled of student Visa condition 8202, regarding enrolment in a registered course.
- 1.3.3 UNE will advise students who defer, suspend or cancel their enrolment to contact the Department of Immigration and Border Protection (DIBP) for advice on the impact this may have on their student Visa.

## **1.4 Deferring, Suspending and Cancelling Enrolment of a student Under 18**

- 1.4.1 Where the enrolment of an under 18 student is terminated, suspended or cancelled, UNE is obliged to continue monitoring the care arrangements for that student until:
- a) the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements;
  - b) the student leaves Australia;
  - c) other suitable arrangements are made that satisfy the Migration Regulations; or
  - d) UNE reports that it can no longer approve of the arrangements for the student.

## **1.5 Status during the Complaints and Appeals Process**

- 1.5.1 If the student accesses UNE's internal complaints and appeals process, suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

# **Procedure**

## **2 Student Instigates a Period of Deferment or Suspension**

### **2.1 Prior to Enrolment**

Student lodges a letter or request, with supporting documentation as required, with:

- a) Manager, International Recruitment and Admissions (all students on campus in Armidale); or
- b) Partnerships Coordinator, Partnerships, via the Partner (all students studying with a UNE partner in Australia)

After Enrolment

Student lodges a letter of request with supporting documentation as required with:



- a) Manager, International Services & Compliance (Manager ISC) (undergraduate and postgraduate by coursework students on campus in Armidale); or
  - b) Higher Degree Research Officer, Research Services (postgraduate by research students on campus in Armidale); or
  - c) Partnerships Coordinator, Partnerships, via the Partner (all students studying with a UNE partner in Australia). The Partner will provide a recommendation to the Manager ISC together all related documentation.
- 2.2 The application is assessed against the Grounds for Deferment and Suspension of Enrolment.
- 2.3 The Manager IR&A, Manager ISC, or Higher Degrees Research Officer as appropriate, determines whether the student's request is genuine and if granting the request will strengthen the student's chances of satisfactorily completing the course.
- 2.3.1 The student is advised in writing:
- a) of the outcome of the application;
  - b) that the decision may impact their student visa and to contact DIBP for advice; and
  - c) the requirement should the request be granted, to advise UNE of the intended date of return to study.
- 2.3.2 If the student is studying with a Partner, the Partner is advised of the outcome of the request.
- A copy of this advice is kept on the student file.
- 2.4 Where the student's enrolment is deferred, temporarily suspended or cancelled the Manager IR&A, Higher Degrees Research Officer or Partnerships Coordinator, advise the Manager ISC of the requirement to notify the Secretary of the Department of Education via PRISMS as required under section 19 of the ESOS Act.
- 2.4.1 The Managers ISC or IRA report the change via PRISMS.

### **3 UNE Instigates Suspension or Cancellation of a Student Enrolment**

- 3.1 A student accused of misconduct is subject to the UNE Student Behavioural Misconduct Rules.
- 3.2 Should a student be found guilty of misconduct resulting in the suspension or cancellation of their enrolment, and the appeal process has been exhausted, either the Student Disciplinary Committee or relevant UNE School Academic Coordinator, as appropriate, advise UNE International of the decision.
- 3.3 The Manager ISC, informs the student of:
- a) UNE's intention to suspend or cancel the student's enrolment;
  - b) that the decision may impact their student visa and to contact DIBP for advice;
  - c) the right of appeal under the appropriate Appeal and Complaint process.
- A copy of this advice is kept on the student file.
- 3.4 After all rights of appeal are exhausted, the Manager ISC notifies the Secretary of the Department of Education & Training via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.
- 3.5 A student under the Show Cause process, after all appeals have been exhausted, who has been given a penalty of exclusion or cancellation will be notified in writing of the Show Cause process outcome by the Manager ISC, who
- if a suspension, will confirm the term, advise the student there may be an impact on their student visa and advise the student to contact the Department of Immigration and Border Protection;
  - if a cancellation, will inform the student that there may be an impact on their student visa and advise the student to contact the Department of Immigration and Border Protection.

## Administration

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[Signature]



[Name]

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### Related Documents:

UNE Student Behavioural Misconduct Rules

UNE Compassionate & Compelling Circumstances

UNE Early Intervention Strategy (International Students)

ESOS Act (Education Services for Overseas Students) legislative framework

National Code 2007 (National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007) Regulations