



Overseas Student Deferment, Suspension and Cancellation of Enrolment Policy

1. Introduction

This Policy seeks to ensure that Ruyton meets the Education Services for Overseas Students (ESOS) Act and National Code Standard 9 requirements for providers regarding the deferment, suspension or cancellation of an overseas students enrolment.

2. Scope

This Policy applies to all overseas students and staff working with them.

3. Key elements of the policy

3.1. General Principles

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.

3.2. Deferment or Suspension on Compassionate Grounds

Ruyton will grant deferment of commencement, or suspension of enrolment of an overseas student if it believes there are compassionate or compelling circumstances. These compassionate or compelling circumstances include but are not limited to:

- illness, where a medical certificate states that the student was unable to attend classes;
- bereavement of close family members;
- major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies;
- a traumatic experience which has impacted on the student;
- inability to begin study on the agreed date due to a delay in receiving international student visa.

Ruyton will assess each application for deferment and suspension on its own merits and will request documentary evidence to support the claim. In the event that fraudulent documents are provided to support a claim of compassionate or compelling circumstances, the School may decide to suspend or cancel a student's enrolment.

There is no maximum period for a deferment or suspension for compassionate or compelling circumstances, however the deferral must be assessed in accordance with the processes in this policy and the need for the student to complete their Year 12 studies before they reach the age of twenty years. Deferment will be recorded

on PRISMS depending on the students COE status. Periods of suspension will not be included in the attendance calculations.

The Overseas Student Coordinator must be consulted in the first instance for students who wish to apply for deferment or suspension on compassionate grounds. Approval to defer commencement or suspend enrolment is ultimately subject to the approval of the Principal.

Ruyton will inform the overseas student that deferring, suspending or cancelling an enrolment on any grounds may affect their student visa. Students should contact the Department of Immigration and Border Protection for advice.

3.3. Suspension or Cancellation of Enrolment by the School

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

- misbehaviour of the student in contravention of the student behavioural expectations (refer Student Diary);
- failure to pay fees required to undertake or continue the course as stated in the Enrolment Agreement;
- a breach of course progress or attendance requirements by the overseas student as per the School's Overseas Students - Course Progress and Attendance Policy;
- failure to maintain approved welfare and accommodation arrangements (visa condition 8532).

A decision to suspend or cancel an overseas student's enrolment for any of the above reasons cannot take effect until an internal appeals process (refer *Overseas Student - Complaints and Appeals Policy*) is completed, unless the overseas' students health or wellbeing, or the wellbeing of others, is likely to be at risk as a result of extenuating circumstances.

Examples of extenuating circumstance are:

- the student refuses to maintain approved welfare and accommodation arrangements;
- the student is missing;
- the student has medical concerns or mental health issues which lead the School to fear for the students wellbeing;
- the student has engaged for threatened to engage in behaviour that is reasonably believed to endanger the student or others;
- the student is at risk of a criminal offence; or
- the student is the subject of investigation relating to criminal matters.

The use of extenuating circumstances by Ruyton to cancel or suspend a student's enrolment prior to the completion of any complaints and appeals process must be supported by appropriate evidence. The final decision for evaluating extenuating circumstances lies with the Principal.

3.4. Imposing a School initiated suspension or cancellation of enrolment

Prior to imposing a School initiated suspension or cancellation of an overseas student's enrolment, Ruyton will:

- inform the overseas student and their parents/legal guardians, of the intention and reasons for doing so, in writing; and
- advise the overseas student and their parents/legal guardians, of the students right to appeal through the *Overseas Student – Complaints and Appeals Policy*, within 20 working days.

Where there is action taken to suspend or cancel enrolment, Ruyton will:

- inform the student and their parents/legal guardian of the need to seek advice from the Department of Home Affairs on the potential impact on his or her student visa;

- report the change to the overseas student's enrolment under section 19 of the ESOS Act via the PRISMS system.

3.5. Welfare Arrangements

In the event that a student's enrolment is suspended or cancelled, the School will continue to check the suitability of care arrangements until one of the following occurs:

- the overseas student has alternative welfare arrangements approved by another registered provider;
- the overseas student has a nominated guardian approved by the Department of Home Affairs;
- the overseas student leaves Australia;
- the School has notified the Department of Home Affairs through PRISMS that it is no longer able to approve the overseas student's welfare arrangements;
- the School has been unable to contact the overseas student and has notified the relevant authorities/agencies;
- the overseas student turns 18.

3.6. Record Keeping

All decisions regarding an overseas student's enrolment, including any evidence provided to justify deferment or suspension, will be recorded and maintained on the students file.

4. References

- The Education Services for Overseas Students (ESOS) Act (Commonwealth)
- National Code of Practice 2018

5. Related Policies

- Overseas Student – Complaints and Appeals Policy
- Overseas Student – Course Progress and Attendance Policy

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