



## Enrolment Variation Policy & Procedure

(Deferral, Suspension or Cancellation)

### Purpose:

This policy and procedure describes how Sunshine Coast International College (SCIC) manages the enrolment of the overseas students. It ensures all necessary information regarding enrolments has been provided to the relevant government agencies by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database.

This policy and procedure addresses the requirements of *National Code of Practice for Providers of Education and Training to Overseas Students 2018* at Standard 9 – Deferring, suspending or cancelling overseas student enrolment.

### Policy Statement:

SCIC provides for an overseas student's enrolment to be deferred, suspended or cancelled. This may be initiated by either the overseas student for compassionate or compelling circumstances, or SCIC for an overseas student's breach of visa conditions, failure to pay fees, misbehaviour, or other conditions listed in SCIC's policies.

SCIC manages the enrolment of overseas students and maintains up-to-date enrolment information in the Provider Registration and International Student Management System (PRISMS) database.

For the purposes of this policy and procedure, the following definitions are applicable:

**Deferment:** The student has enrolled in a course but wishes to postpone their commencement date.

**Suspension:** The student has commenced their course, and they wish to suspend their studies for a specified period.

**Discontinuation/ cancellation:** The student is currently studying and wishes to withdraw completely ending their enrolment.

This policy outlines SCIC's requirements for the following:

- a) Conditions for deferral, suspension, or cancellation of overseas student enrolments.
- b) Effect on the overseas student's Confirmation of Enrolment (CoE) and Student Visa.
- c) Student-initiated deferrals, suspensions, or cancellation of enrolment.
- d) Process for applying for student-initiated deferral, suspension, or cancellation of enrolment.
- e) Provider-initiated deferrals, suspensions, or cancellation of enrolment.
- f) Process for applying for student-initiated deferral, suspension, or cancellation of enrolment.



## **Procedures:**

### **a) Conditions for deferral, withdrawal, suspension, or cancellation of overseas student enrolments**

SCIC ensures it:

- Implements 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.
- Defers or suspends the enrolment of a student if it believes there are compassionate or compelling circumstances. (See Appendix 1 - Compassionate and Compelling Circumstances considerations)
- suspends or cancels a student's enrolment because, but not limited to:
  - Student misbehaviour
  - Failure to pay an amount they are required to pay to undertake or continue the course as stated in their written agreement
  - A breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 of the National Code 2018 - Overseas student visa requirements.
- When SCIC initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation, SCIC will:
  - Inform the overseas student of SCIC's intention and the reasons for doing so, in writing.
  - Advise the overseas student of their right to appeal through the internal complaints and appeals process, in accordance with Standard 10 of the National Code, 2018, within twenty working days of the notice of intention to suspend or cancel.
- When a deferral, suspension or cancellation action occurs, SCIC must:
  - Inform the overseas student to seek advice from the Department of Home Affairs on the potential impact on his or her student visa.
  - Report the changes to the overseas student's enrolment under section 19 of the ESOS Act.
- The suspension or cancellation of the overseas student's enrolment under Standard 9.3 will not 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.
- SCIC notifies the Department of Education through PRISMS.
- SCIC maintains a record of all decisions to defer or suspend an overseas student's enrolment in the student management system and student's file.

### **b) Effect on Confirmation of Enrolment (CoE) and Visa**

SCIC ensures it:

- Informs overseas students that deferring, suspending, or cancelling their enrolment on any grounds may affect their student visa.
- Makes clear that under Standard 10 of the National Code 2018, there are three possible outcomes for an overseas student's CoE:
  1. SCIC notifies the Department of Education through PRISMS that they are deferring or suspending an overseas student's enrolment for a period without affecting the end date of the CoE.
    - There will be no change to the CoE on PRISMS – the overseas student will still be listed as studying.
    - The notice of deferment or suspension will still be recorded in PRISMS.



2. SCIC notifies the Department of Education 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 SCIC the opportunity to create a new CoE with a more appropriate end date.
    - If SCIC does not know when the overseas student will return, it will not create a new CoE, but will wait until the overseas student has notified SCIC of the intended date of return before creating a new CoE.
  3. SCIC notifies the Department of Education through PRISMS that it wishes to permanently cancel/terminate the overseas student's enrolment:
    - Once this process is complete, the overseas student's CoE status will be listed as 'cancelled.'
    - In the event the overseas student is under the age of 18, the cancellation of a CoE does not cancel a Confirmation of Appropriate Accommodation and Welfare (CAAW), and SCIC is still responsible for welfare arrangements until one of the conditions of Standard 5.6 are met.
- Makes clear that regardless of the reason, if an overseas student's enrolment is deferred or suspended, the period of suspension of enrolment as entered in PRISMS will not be included in attendance monitoring calculations.

#### b) Student-initiated deferrals, suspensions, or cancellations of their enrolment

SCIC ensures:

- Withdrawal requests are assessed individually in accordance with policies and procedures. The college may approve students' withdrawal requests, if:
  - There are compassionate or compelling circumstances.
  - Student is returning to their home country for good.
  - Student has been granted another visa other than student visa.
- In all cases, it assesses all requests based on evidence provided by the student.
- Defers or suspends the enrolment of an overseas student if there are compassionate or compelling circumstances.
- Assesses the deferral of commencement of study or suspension in accordance with documented procedures for assessing and approving changes to enrolment.
- Appendix 1 below defines how SCIC defines Compassionate or Compelling Circumstances and how they are assessed.
- SCIC may approve the following maximum enrolment variations:
  - Deferral: 4 weeks
  - Suspension: 3 months. Requests for longer suspension periods may be considered on a case-by-case basis.



#### d) Process for implementing student-initiated deferral, suspension, or cancellation of enrolment.

SCIC ensures that procedures for processing deferral, suspension and cancellation requests are in place:

- Assessment of requests:
  - Students need to complete the *Enrolment Variation Form* along with other supporting documents.
  - Students need to pay relevant fees, if applicable.
  - Student submits the completed Enrolment Variation Form to Student Services. The request will be assessed by the College based on the evidence provided.
- Approval or Rejection:
  - SCIC will inform the student of the outcome of the application within ten working days after receiving the application.
  - If the application is approved, the student will be notified of the approval and any other actions, such as change in CoE or course time, which will need to be implemented.
- Recording requests and outcomes:
  - All deferral, suspension or cancellation requests and outcomes of approval or rejection are recorded in shared folder on SCIC's database and individual student folders.

#### e) Provider-initiated deferrals, suspensions, or cancellations of enrolment

SCIC ensures:

- An overseas student's enrolment may be suspended or cancelled based on, but not limited to:
  - Misbehaviour by the overseas student.
  - Overseas student's failure to pay the required amount to undertake or continue the course as stated in the written agreement.
  - Any breach of course progress or attendance requirements by the overseas student.
- SCIC will send the student a *Notice of Intention to Report* via email specifying the reason for the intention to report, for example, unsatisfactory attendance, non-payment of course fees.
- For any deferral, suspension or cancellation of enrolment initiated by SCIC, the overseas student will:
  - Be given a notice of intention to report.
  - Provided with twenty working days to access SCIC internal complaints and appeals process: This applies even if an overseas student's misbehaviour is grounds for immediate expulsion, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.
- SCIC may proceed with the deferral, suspension, or cancellation after the internal complaints handling and appeals process has been completed for example:
  - Misbehaviour.
  - Non-payment.
- SCIC will wait for both the internal and external complaints handling and appeals processes to be completed in the case of:
  - Course progress breaches and/or
  - Attendance breaches.
- The overseas student may not be given the opportunity to appeal a provider-initiated deferral, suspension, or cancellation of enrolment when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.



- In the event the overseas student is not given an opportunity to appeal, SCIC will maintain evidence to support this when the overseas student:
  - Refuses to maintain approved care arrangements, if they are under 18 years of age.
  - Is missing.
  - Has medical concerns, severe depression or psychological issues which leads to fear for the overseas student's wellbeing.
  - Has engaged or threatens to engage in behaviour that is believed to endanger the overseas student or others.
  - Is at risk of committing a criminal offence.

**f) Process for implementing provider-initiated deferral, suspension, or cancellation of enrolment.**

SCIC ensures:

- Assessment of cases:
  - The cases are assessed based on the type of deferral, suspension or cancellation.
  - Cases of non-payment will be assessed and handled by marketing officers and account team
  - Cases of misbehaviour and breach of visa conditions will be assessed by the Academic Manager in accordance with the relevant SCIC policies and procedures.
- Approval of the cases:
  - The Academic Manager and/ or the PEO will be responsible for approving deferrals, suspensions or cancellations initiated by SCIC.
- Recording:
  - All deferral, suspension or cancellation decisions are recorded in shared folder on SCIC database and individual student folders.

**Pro-forma and supporting documents:**

- Enrolment Variation Form

**Version Control:**

Title	Enrolment Variation			
Description	Describes processes used by SCIC to manage deferral, suspension, and cancellation applications			
Created By	Joe Lynch			
Date Created	23.04.2024			
Maintained By	Joe Lynch			
Version Number	Modified By	Modifications Made	Date Modified	Status
v2.0	Joe Lynch	Updated to include information about compassionate/ compelling considerations	03.05.2024	
v2.1	Joe Lynch	Update minor typos	13.06.2024	Current



## Appendix 1

### Compassionate or Compelling Circumstances Considerations

SCIC considers whether compassionate or compelling circumstances exist in a limited number of circumstances relating to an overseas student's enrolment including:

- A request to transfer to another provider (National Code 2017, Standard 7)
- SCIC has determined that the students had not demonstrated satisfactory attendance or course progress and intends to report the student for breach of their student visa conditions (National Code 2017, Standard 8)
- A request to defer or suspend studies (National Code 2017, Standard 9).

SCIC follows guidance about compassionate or compelling circumstances from the two government sources below:

- The Commonwealth Ombudsman's fact sheet, *Assessing Compassionate or Compelling Circumstances, June 2023* available at:  
[https://www.ombudsman.gov.au/data/assets/pdf\\_file/0030/298911/OSO-providers\\_Assessing-Compassionate-or-Compelling-Circumstances-A2297580.pdf](https://www.ombudsman.gov.au/data/assets/pdf_file/0030/298911/OSO-providers_Assessing-Compassionate-or-Compelling-Circumstances-A2297580.pdf)
- The Commonwealth Department of Education's factsheets, Standard 7 to 9 available at:  
<https://www.education.gov.au/esos-framework/national-code-practice-providers-education-and-training-overseas-students-2018>

#### *What is meant by compassionate or compelling?*

- Neither term is defined in relevant legislation, therefore, SCIC considers the normal meanings of these two words as suggested by the Commonwealth Ombudsman:
  - **Compassionate circumstances:** *circumstances that produce a feeling of sympathy for the student's troubles.*
  - **Compelling circumstances:** *circumstances that are powerfully convincing.*
- SCIC also considers compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the overseas student's course attendance, course progress or wellbeing. These could include, but are not limited to:
  - Serious illness or injury
  - 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; or
  - A traumatic experience, which could include:
    - Involvement in, or witnessing of a serious accident
    - 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)
- When determining if compassionate or compelling circumstances exists, SCIC only requires the circumstances to be assessed as either compassionate or compelling.
- SCIC does not require a student to demonstrate their circumstances are both compassionate and compelling while also taking into consideration that some circumstances may naturally meet both definitions.





### *Supporting documentation:*

- SCIC always needs to be in a position to substantiate a decision to accept a student's claim of compassionate or compelling circumstances. This means that SCIC needs to be able to provide evidence to support and justify the decision that it has made.
- SCIC follows the guidance of the Federal Department of Education (National Code Factsheets for Standards 7-9) with regard to the need for the student to present documentary evidence to support their claim of compassionate or compelling circumstances which states:
  - *When determining whether compassionate or compelling circumstances exist, registered providers should consider documentary evidence provided to support the claim, and*
  - *should keep copies of these documents in the overseas student's file.*
- SCIC will always request supporting documentation from a student who wishes to make a claim of compassionate or compelling circumstances.
- Generally, SCIC will not determine that compassionate or compelling circumstances exist based solely on written statements presented by students (usually on the Student Appeal Form when citing compassionate or compelling circumstances as the reason for contesting a decision named by SCIC).

### *The nature of supporting evidence*

- SCIC will always request a student to submit a claim of compassionate or compelling circumstances in writing. Generally, this written claim will be part of SCIC's Appeals processes and will use the Student Appeal Form to record in writing details of the student's claim to compassionate or compelling circumstances.
- SCIC will also accept other mechanisms to submit a claim of compassionate or compelling circumstances, for example, via email.
- SCIC will always request supporting evidence from a student to support their claim of compassionate or compelling circumstances.
- SCIC will not impose overly onerous requirements for the amount or type of evidence students must provide to support their claim, however, the evidence presented must clearly support the written compassionate or compelling claim made by the student.

### *Medical certificates*

- Medical certificates are often presented by students who wish to make a compassionate or compelling circumstances claim.
- SCIC does not expect applying students to present medical evidence from specialists; SCIC is satisfied by medical evidence issued by General Practitioners.
- SCIC will always accept a medical practitioner's professional opinion provided in written medical evidence.
- SCIC reserves the right to verify a medical certificate presented by a student: This usually takes the form of making contact with the medical practitioner's practice/ location in writing.
- Medical evidence does not need to specify a specific medical condition; however, it must meet the following requirements:
  - To address unsatisfactory course progress: It must state that the medical condition negatively affects the student's ability to meet academic progress requirements.
  - To address unsatisfactory attendance: It must specify the time period (for example, from date to date) for which the student was unable/ unfit to attend their studies.