

## SGA Deferment, Suspension, Withdrawal or Cancellation of Enrolment Policy

### 1. Policy Statement and Purpose

SGA's policy and procedures for the deferment, suspension, withdrawal and cancellation of enrolment by overseas students herein is informed by the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code), in particular Standards 7 and 9 of the National Code.

### 2. Scope

This policy and procedure applies to overseas students enrolled in a Foundation, ELICOS or Higher Education course delivered and awarded by a SGA College listed in the footer of this document and the staff of these colleges.

### 3. Definitions

Within this document the following meanings apply:

**Deferment** – Postponement of commencement of course initiated by student or SGA

**Suspension** – Temporarily putting commenced course on hold initiated by student or SGA

**Withdrawal** – Ceasing of course enrolment initiated by student

**Cancellation** – Ceasing of course enrolment initiated by SGA

**Termination** – see Cancellation

**Compassionate or compelling circumstances** are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes;
- 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 student's studies;
- 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)
- where the registered provider was unable to offer a pre-requisite 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.<sup>1</sup>

SGA will use its professional judgement and assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, SGA will consider documentary evidence provided to support the claim, and will keep copies of these documents in the student's file.

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<sup>1</sup> See National Code 2018 Fact Sheet *Standard 9: Deferring, suspending or cancelling the overseas student's enrolment* at <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>

**National Code:** The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (and subsequent amendments) which outlines nationally consistent standards for the conduct of registered providers and the registration of their programs.

**Overseas Student:** A person (whether within or outside Australia) who holds a student visa for study in Australia as defined by the ESOS Act.

**Package Offer:** A letter of offer to a student containing two or more programs. Usually completion of earlier programs at a certain level of attainment is a requirement for progressing to the next program.

**Principal Course:** The main course of study to be undertaken by an overseas student. If the student visa has been issued for multiple courses of study, i.e. a 'package' of courses the principal course would normally be the final course of study and that leads to the highest qualification in the 'package'. Where a study visa has been issued for only one course that course is the student's principal course of study.

**PRISMS:** The Provider Registration and International Student Management System (PRISMS) is the system used by providers to provide information to the Secretary of DET in connection with an overseas student's course enrolment and course transfer release.

## 4. Policy and Procedures

### Deferment

Students who have been granted a student visa, but not yet commenced studies, may apply to SGA for a delay in the commencement of their studies on the grounds of compassionate or compelling circumstances.

Students must submit their application to defer using the [Study Group Deferral Request Form](#). The application should include sufficient supporting evidence to enable SGA to assess whether the circumstance(s) justify a deferment.

Education agents may not submit applications to defer on behalf of students.

Before making an application for deferment, overseas students should refer to the Department of Home Affairs (DHA) website <http://www.homeaffairs.gov.au/> or visit the local DHA office for advice on how the potential change to their enrolment status may impact on their visa.

If the student is under 18 years of age, and SGA has taken responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for that student, SGA must receive written approval from a parent (or legal guardian) in advance of the proposed deferment. This is of particular importance if the deferment will affect the end date of the student's CoE, and where a package of courses is involved.

Students will be contacted within three (3) working days of the submission of their application to defer to discuss their application.

Students will be advised of the final outcome of their application to defer within ten (10) working days of the submission of their application to defer.

### Suspension

Students who have commenced their studies may during their studies suspend their studies if there are compassionate or compelling circumstances. Prior to making an application to suspend their studies, overseas students should refer to the Department of Home Affairs (DHA) website <http://www.homeaffairs.gov.au/>, or visit the local DHA office for advice on how the potential change to their enrolment status may impact on their visa.

Students should request a copy of the application to suspend enrolment from the Head of College, which will need to be completed and submitted for approval.

If the student is under 18 years of age and SGA has taken responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for that

student, SGA must receive written approval from the parent or legal guardian in advance of the proposed commencement date of the requested suspension of studies. This must include sufficient information about the student's proposed arrangements during that suspension of studies to enable SGA to make an informed decision in relation to the suitability of those arrangements.

If the application to suspend enrolment is approved, and the period for which the international student's enrolment is being suspended will not impact on the end date of the student's enrolment, as recorded on the student's Confirmation of Enrolment (CoE), then appropriate staff at the campus will update the student's record via PRISMS of the suspension of studies. The student's CoE status will remain as 'studying'. Such periods of suspension of studies will not be recorded as absence for the purpose of calculating attendance and reporting on academic progress.

Notification via PRISMS by Student Services that a student's enrolment has been suspended for a period which will affect the end date of the CoE will result in the cancellation of the original CoE, and the opportunity to create a new CoE with a more appropriate end date.

### **Withdrawal**

If a student chooses to terminate the Agreement after commencing studies, he/she may remain liable to pay the full tuition fees and the costs incurred by the SGA in recovering any outstanding monies, including debt collection agency fees and solicitors' costs, if applicable.

All notifications of withdrawal from the Agreement must be made in writing to the Head of College. Students should request a copy of the application to withdraw from the Head of College, which will need to be completed and submitted.

SGA will advise the Department of Home Affairs (DHA) as necessary, via PRISMS, of the withdrawal. Students who seek to withdraw their enrolment in order to transfer to another education provider prior to having completed at least six months of the principal course of study applicable to his/her visa, should refer to SGA's International Student Transfer Policy and Procedure for further information.

If the student is under 18 years of age, the written notification requesting the withdrawal must come from his/her parents. The student's caregiver (or sponsoring agency if applicable) is also informed; and if the student is not transferring to another provider, a ticket is required to be viewed. If the student intends enrolling with another provider, SGA will maintain responsibility for the welfare arrangements of the student until such time as the other provider accepts responsibility for approving the care arrangements.

Once the student has completed the above steps, he/she must then sign the document which records his/her formal withdrawal from the contract of enrolment. It also offers a checklist regarding the reason for the cancellation, the return of library books and payment of any due fees.

### **SGA initiated deferment, suspension or cancellation**

SGA may cancel or suspend a student's enrolment in the following circumstances:

- misbehaviour by the student resulting in a serious breach of SGA's Student Code of Conduct or other rules;
- the student's failure to pay an amount he or she was required to pay to SGA to undertake or continue the course as stated in the written agreement; and/or
- a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with the overseas student visa requirements.

Please refer to SGA's Student Progression Exclusion and Graduation Policy and Procedure and Student Code of Conduct Policy for information on the circumstances under which SGA may cancel enrolment.

If SGA intends to initiate a deferment, suspension or cancellation of an overseas student's enrolment, before imposing a suspension or cancellation the registered SGA will:

- inform the overseas student of that intention and the reasons for doing so, in writing

- advise the overseas student of their right to internal appeal through the SGA's Student Complaints and Appeals Policy within 20 working days from a date specified in the notification.

Notices of intention to defer, suspend or cancel enrolment are sent by mail to the address on the student's file and by email to the student's main email address on file.

The suspension or cancellation of the overseas student's enrolment will not take effect and SGA will maintain the student's enrolment until the internal appeals process is completed, unless SGA deems that the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

#### **Other SGA commitments under this policy**

When there is any deferral, suspension or cancellation action taken under this standard, SGA will

- inform the overseas student of the need to seek advice from the Department of Home Affairs on the potential impact on his or her student visa; and
- report the change to the overseas student's enrolment in PRISMS consistent with its compliance obligations under the ESOS Act<sup>2</sup>.

#### **Tuition fee refunds on course deferral, suspension, withdrawal or cancellation**

Students deferring, suspending, withdrawing or cancelling their enrolment may be entitled to a refund of unspent pre-paid course tuition fees if permitted under SGA's Cancellation and Refund Policy.

Any queries relating to tuition fees and other charges payable to SGA, or refunds of fees, will initially be dealt with by appropriate staff at the campus. In the event of a dispute between a student and SGA in relation to payment or refund of money, grievance procedures are in place to help resolve the dispute. For further information, refer to SGA's Student Complaints and Appeals Policy and Procedure.

### **5. Policy Review**

This policy is reviewed at a minimum of once every three years by the policy owner (or delegate) to ensure alignment to appropriate strategic direction and its continued relevance to current and planned operations. The next scheduled review of this document is listed in the document history section of this document.

### **6. Records**

Records in association with this policy will be kept in accordance with SGA's Records Management Policy. Confidential documents related to the implementation of the policy will be maintained according to relevant privacy requirements.

### **7. Related Documents**

SGA Student Privacy Policy, SGA Records Management Policy, SGA Student Complaints and Appeals Policy, SGA Cancellation and Refund Policy, SGA Student Progression Exclusion and Graduation Policy, and SGA Student Code of Conduct. These documents can be accessed from the College's 'Policy' webpage.

### **8. Related Regulations**

This policy has been developed in line with requirements set out in the: Education Services for Overseas (ESOS) Act 2000 (and its amendments); National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code) which complements existing national quality assurance frameworks in education and training including the Higher Education Standards

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<sup>2</sup> As set out at section 19 of the Education Services for Overseas Students Act 2000 (ESOS Act), as updated from time to time.

Framework (Threshold Standards), the English Language Intensive Courses for Overseas Students (ELICOS) Standards 2018, the Foundation Standards (operating adjunct to the National Code), the Tuition Protection Service (TPS), and other Commonwealth and State legislation and regulatory frameworks and standards including the Privacy Act 1988.

#### Document Approval

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|-------------------------|---|------------------------|-------------------|
| <b>Document ID</b>      | SGA Deferment, Suspension, Withdrawal or Cancellation of Enrolment Policy v3.4 - OG.STU.01.20 |                        |                   |
| <b>Policy Owner</b>     | Head Governance Quality Compliance and Risk   |                        |                   |
| <b>Policy Custodian</b> | Head of International Study Centres – ANZ   |                        |                   |
| <b>Approved by</b>      | SGA Board of Directors  | <b>Date Approved</b>   | 6 September 2018  |
|                         |   | <b>Date Commencing</b> | 15 September 2018 |

#### Document History

| <b>Commencing Date</b>   | <b>Summary of Changes</b>   | <b>Next Review Date</b> |
|--------------------------|---|-------------------------|
| <b>28 June 2010</b>      | v1.0 Initial approval.  | June 2015               |
| <b>24 August 2012</b>    | v2.0 Review and approval.   | August 2017             |
| <b>15 September 2018</b> | v3.0 Review, retitled and amendment to maintain regulatory and business currency. Formerly titled 'Deferment or Suspension of Study'.   | September 2023          |
| <b>2 April 2019</b>      | v3.1 Minor administrative amendment to maintain currency. Extended scope to include ANU College; replacing the ANU College Deferral, Suspension, Cancellation and Withdrawal of Student's Enrolment Policy and Procedure.   | September 2023          |
| <b>7 June 2019</b>       | v3.2 Minor administrative amendment to maintain currency. Extension of scope to include University of Sydney Foundation Program (CRICOS Course Code: 022310D) delivered by SGA's Taylors College (Sydney campus) on behalf of the University of Sydney (CRICOS Provider code 00026A). (Authorised by COO-ANZ. Effective from 7 June 2019) | September 2023          |
| <b>24 August 2020</b>    | v3.3 Minor amendment to include link to Study Group Deferral Request Form and maintain regulatory currency  | September 2023          |
| <b>31 August 2020</b>    | v3.4 Minor amendments to clarify process steps for requests for suspension or withdrawal from study   | September 2023          |