



Government of **Western Australia**  
Department of **Training**  
and **Workforce Development**



## **INTERNATIONAL STUDENT DEFERRAL, SUSPENSION OR CANCELLATION POLICY**

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## 1. POLICY STATEMENT

This policy outlines the processes involved in the deferral or suspension and cancellation of enrolment of an onshore international student, who is currently enrolled into an ELICOS, mainstream vocational education and training or higher education program with one of Western Australia's TAFE colleges; in accordance with the *Education Services for Overseas Students Act 2000 (ESOS Act)*, specifically Standard 9 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018* (the *National Code*).

## 2. SCOPE

This policy applies to all onshore international students who are enrolled with one of Western Australia's TAFE colleges in a CRICOS registered program.

## 3. BACKGROUND

Standard 9 of the *National Code 2018* states that:

“An overseas student's enrolment can be deferred, suspended or cancelled. This may be initiated by either the overseas student for compassionate and compelling circumstances, or the registered provider for an overseas student's breach of visa conditions, failure to pay fees, misbehaviour, or other condition listed in a registered provider's policy.”

## 4. PROCEDURES

### 4.1 Deferral or suspension initiated by student

4.1.1 An international student can apply to defer or temporarily suspend their enrolment on compassionate grounds or for exceptional circumstances. These may include:

- 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 overseas 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 psychologist's 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; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

4.1.2 Prior to lodging an application to defer, students will be advised that it is recommended that they contact the Department of Home Affairs to discuss how a deferral or temporary suspension may impact on their visa.

4.1.3 The student submits an *Application to Defer Studies* form to TIWA; detailing the reason(s) for their request to defer or temporarily suspend studies. This application must include documentary evidence to substantiate exceptional

circumstances. Students under 18 years of age must also submit a written statement of support from a parent or legal guardian. Students who wish to defer one (1) semester of their studies will not be required to provide evidence of compassionate or exceptional circumstances.

4.1.4 The student's application is reviewed by the Manager Student Services and Compliance (TIWA) and additional information is requested if required.

4.1.5 If the deferral or temporary suspension is approved the Manager Student Services and Compliance will:

- advise the student in writing of the approved deferral period and their new commencement date;
- inform the Department of Home Affairs of the change to the student's course of study as this may affect their visa status; and
- advise the student if the Department of Home Affairs informs TIWA that the student's visa status is affected.

4.1.6 Deferral of a student's enrolment may result in an increase in tuition, resource or materials fees. Students who defer their enrolment will be required to pay the fees that apply at their new commencement date.

4.1.7 If the deferral or temporary suspension is refused, the student:

- will be advised in writing of the refusal;
- has 20 days to lodge an appeal of this decision with TIWA; and
- will have the decision reviewed by TIWA who will make a recommendation for the appeal to be upheld or refused.

## **4.2 Suspension or cancellation of enrolment initiated by TIWA**

4.2.1 An international student may have their enrolment cancelled or suspended if they have breached their TAFE college by-laws or the *International Student Code of Conduct*. Suspensions and cancellations will be initiated by TIWA after consideration of all of the evidence presented. Depending on the nature of the breach, students may be excluded from classes during this time (see the *International Student Code of Conduct Policy*).

4.2.2 Grounds for suspension or cancellation of the overseas student's enrolment include but are not limited to:

- misbehaviour by the student;
- the student's failure to pay an amount that he or she was required to pay TIWA to undertake or continue the course as stated in the written agreement; or
- a breach of course progress or attendance requirements by the overseas student which must occur in accordance with Standard 8 (Overseas student visa requirements).

4.2.3 Before imposing a suspension or cancellation TIWA will:

- inform the student of that intention and the reasons for doing so, in writing; and
- advise the student of their right to appeal through TIWA's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

4.2.4 When there is any suspension or cancellation action taken under this standard, TIWA will:

- inform the student of the need to seek advice from the Department of Home Affairs on the potential impact on their visa; and
- report the change to the student's enrolment under section 19 of the ESOS Act.

4.2.5 The suspension or cancellation of the student's enrolment cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing of others is likely to be at risk.

4.2.6 If the student's appeal is successful that is, the decision is made not to cancel or suspend the student's enrolment; the student will be placed on an Intervention Strategy to ensure that the behaviour/breach is not repeated. Students will then be counselled as to the consequences of a suspension or cancellation of their enrolment should the issue continue.

## 5. RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- *International Student Admissions and Enrolment Policy*
- *International Student Fee Payment and Refund Policy*
- *International Student Complaints and Appeals Policy*
- *International Student Management of Academic Progress Policy*
- *International Student Code of Conduct Policy*

## 6. RELEVANT LEGISLATION

- *Education Services for Overseas Students Act 2000*
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code)*
- *Standards for Registered Training Organisations (RTOs) 2015*

## 7. REVIEW DATE – 28 MARCH 2019

<b>Development Date</b>		June 2014 Version 1	
<b>Revision History</b>			
<b>Review Date</b>	<b>Reviewer Name</b>	<b>Review Reason</b>	<b>Outcome and Changes</b>
April 2015 V2.0	Director Academic Strategy	Continuous Improvement	Reflects business process changes
July 2016 V2.1	Director Academic Strategy	Sectoral changes	Updated to reflect change from STPs to TAFE colleges; and ETI to TIWA
Jan 2018 V2.2	Director Academic Strategy	National Code 2018 changes	Updated to reflect change from National Code 2007 to National Code 2018

## 8. CONTACT INFORMATION

TAFE International Western Australia  
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