

## Defer, Suspend or Cancel Policy



Version and Date:	Responsible Person:	Purpose and Comments:
<p style="text-align: center;">Version 1 June, 2023</p>	<p style="text-align: center;">CEO</p>	<p>Ensure compliance with National Code of Practice for Providers of Education and Training to Overseas Students 2018 and Education Services for Overseas Students Act 2000 (ESOS Act)</p>



## Policy Scope

This policy applies to the enrolment of international students

## Policy Purpose

The ESOS National Code enables providers to defer, suspend or cancel enrolment in limited circumstances.

These circumstances are:

- Compassionate or compelling grounds\*
- Misbehaviour by the student
- Students failure to pay required fees to registered provider
- A breach of course attendance or progress requirements has occurred

\*Compassionate or compelling grounds are defined in a separate policy

## Policy Statement

Where the process is initiated by the student:

- they should apply in writing to the CEO in the first instance
- the application should be submitted to the International Student Officer
- the student is required to provide any available supporting documentation e.g. medical certificate, airline tickets etc. with their application
- the International Student Officer will inform the student of the potential effect of any deferral on their visa and if required advise them to seek legal advice from a registered migration agent if required
- the International Student Officer will lodge the paperwork with the Administration office
- the application will be assessed, and the student advised in writing of the decision as soon as possible, but no longer than 5 working days after submission of the application, including the reasons for that decision and the date it comes into force
- the student will be advised that they have 20 days to access the appropriate appeal or grievance process
- the suspension will commence after the 20-day period or any subsequent appeal/grievance procedure is completed, unless there are extenuating circumstances



- All documentation must be kept on the student's file
- Administration will advise the Department of Immigration and Border Protection of any deferment, suspension or cancellation via PRISMS

## Where the process is initiated by Auctus:

Auctus must:

- Inform, in writing, the overseas student of that intention and the reasons for doing so.
- Advise the overseas student of their right to appeal through the Auctus' internal complaints and appeals process, in accordance with Standard 10 within 20 working days

When there is any deferral, suspension or cancellation action taken under this standard, Auctus must:

- inform the overseas student of the need to seek advice from Immigration on the potential impact of his/her student visa
- report the change to the overseas student's enrolment under section 19 of the ESOS Act.
- Suspension or cancellation of enrolment under Standard 9.3 cannot 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.

## Legislative / Statutory Requirements

- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- Education Services for Overseas Students Act 2000 (ESOS Act)

## Associated Documents

### National Code 2018 Factsheets

[General Factsheet](#)

[Standard 1: Marketing information and practices](#)

[Standard 2: Recruitment of an overseas student](#)

[Standard 3: Formalisation of enrolment and written agreements](#)

[Standard 4: Education Agents](#)

[Standard 5: Younger overseas students](#)

[Standard 6: Overseas student support services](#)

[Standard 7: Overseas student transfers](#)

[Standard 8: Overseas student visa requirements](#)



[Standard 9: Deferring, suspending or cancelling the overseas student's enrolment](#)

[Standard 10: Complaints and appeals](#)

[Standard 11: Additional requirements](#)

## Requirements

Misbehaviour by the student may include, but not be limited to, any behaviour which:

- is illegal
- contravenes the organisations policies
- contravenes the Code of Conduct
- constitutes discrimination, harassment, vilification, bullying, cheating, plagiarism
- constitutes erratic course progress or failure to participate in course requirements

The process may be initiated by the student or Auctus.

Students must be informed of any potential effect on their visa.

Where the process has been initiated by the organisation on the grounds of misbehaviour, the student is entitled to appeal the decision within 20 working days.

The termination, suspension or cancellation cannot take place until this appeal process is completed unless there are extenuating circumstances relating to the welfare of the student.

## Risk Management

This policy supports the application of the ESOS National Code

### Associated Documents and Materials

- Compassionate and compelling circumstances policy
- Complaints and appeals procedures

