



TRAINING &  
EDUCATION

## Defer, Suspend or Cancel Policy

Document Name and Number:	Version and Date:	Responsible Person:	Purpose and Comments:
Defer, Suspend or Cancel Policy	March 2020/V1.0	PEO and/or the CEO and/or nominee	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)

| RTO No 0137 | CRICOS Code 01774A |

Policy scope

This policy applies to the enrolment of international students.

Policy purpose

To provide a documented process for assessing, approving and recording a deferment of the commencement of study or suspension or cancellation of study for the overseas student, including maintaining a record of any decisions.

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

These circumstances are:

- Compassionate or compelling grounds (defined in a separate policy)
- Misbehaviour by the student
- Students failure to pay required fees to registered provider
- A breach of course attendance or progress requirements has occurred

Policy statement

**Where the process is initiated by the student:**

- they should apply by completing Student Request to Defer/Suspend/Withdraw form
- the application form should be submitted to the International Student Support Officer via email or in person
- the student is required to provide any available supporting documentation e.g. medical certificate, airline tickets etc. with their application

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- the International Student Support Officer will inform the student of the potential effect of any deferral on their visa and advise them to seek legal advice from a registered migration agent if required
  - the International Student Support 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 working days to access the appropriate complaints and appeals process
  - the deferment, suspension or cancellation will commence after the 20 working days period or any subsequent appeal/grievance procedure is completed, unless there are extenuating circumstances or the complaint or appeal positively changes the reason or outcome.
  - All documentation must be kept on the student's file
  - Administration will advise the Department of Home Affairs of any deferment, suspension or cancellation via PRISMS
  - The student may receive an updated Confirmation of Enrolment letter and Enrolment Confirmation to reflect the new training plan upon successful application in course deferment or suspension

In cases of cancellation initiated by students:

- Any withdrawal must be done formally with evidence of why the student is withdrawing
- AHTS has the right to refuse a withdrawal where a student has not completed six (6) months of their primary course
- AHTS has the right to refuse a withdrawal on the grounds that the student has outstanding fees or if the student is in the debt recovery process as 'unresolved'
- Any refund application will be processed in accordance with the refund policy
- Issuance of Testamur/Statement of Attainment will only be processed after all outstanding fees are paid
- Issuance of Testamur/Statement of Attainment will be issued within 30 calendar days of these conditions being met
- All documentation will be recorded in the student file
- Should the student wish to withdraw and return to their home country, the student must advise Department of Home Affairs to cancel their student visa

### Where the process is initiated by the registered provider

- The provider 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 provider's internal complaints and appeals process, in accordance with Standard 10 within 20 working days
- All documentation must be kept on the student's file
- Administration will advise the Department of Home Affairs of any deferment, suspension or cancellation via PRISMS
- The student may receive an updated Confirmation of Enrolment letter and Enrolment Confirmation to reflect the new training plan upon successful application in course deferment or suspension

### In cases of cancellation initiated by provider:

- Student can be cancelled on Non-Commencement after all possible efforts to get in touch with the student have failed in student attending the course for the first time. A letter of Non-Commencement will be sent to students prior to such cancellation. This can happen at any time within 14-28 days of the course starting dates.
- Non-Commencement is defined as student not attending any class including Orientation.

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

- inform the overseas student of the need to seek advice from Department of Home Affairs 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 complaints and appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

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### 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)
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## Associated documents

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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

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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 the organisation.

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.

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

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## Risk Management

This policy supports the application of the ESOS National Code

### Associated Documents and Materials

- Compassionate and compelling circumstances policy
  - Complaints and appeals policy and procedure
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