



# DEFERRAL, SUSPENSION AND CANCELLATION OF ENROLMENT POLICY AND PROCEDURE (INTERNATIONAL)

## Purpose

This policy and procedure describes the commitment of ACE to provide students with a fair and equitable process for assessing, approving and recording a deferment, suspension or cancellation of study whether it is student-initiated or ACE-initiated.

## Scope

This policy and procedure applies to all overseas students enrolled in ACE and relevant staff involved in the enrolment process.

## Definitions

<b>Cancellation</b>	Student enrolment is cancelled (CoE is cancelled) due to not meeting course progress <b>or</b> misbehaviour <b>or</b> non-payment of fees after the notification by the provider's intention to do so (ACE initiated).
<b>CoE</b>	A document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider issued from PRISMS.
<b>Compassionate or Compelling Circumstances</b>	Compassionate or Compelling Circumstances are generally those beyond the control of the student and which affects the student's course progress or well-being. These could include (but not limited to): <ul style="list-style-type: none"><li>• Serious illness or injury – where a medicate certificate states the student was unable to attend classes; or</li><li>• Bereavement of close family member such as parents or grandparents (where possible a death certificate should be provided); or</li><li>• Major political upheaval or natural disaster and this has impacted on the students studies; or</li><li>• A traumatic experience which could include:<ul style="list-style-type: none"><li>○ Involvement in, or witnessing of a serious accident; or</li><li>○ Witnessing or being victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports)</li></ul></li><li>• Pandemic, whereby the student is unable to attend classes due to illness or Government-directed isolation (e.g. in the case of a state-wide or national lockdown; or isolation as a result of having contracted an illness or being a a close-contact of someone who has)</li></ul>
<b>Deferment</b>	A request by the student prior to the commencement of the study period to temporarily postpone study (Student initiated).
<b>ESOS</b>	The Education Services for Overseas students Act 2000 of the Commonwealth of Australia, as amended from time to time.
<b>Leave of Absence</b>	A request by the student to temporarily postpone study after the commencement of the study period due to compassionate or compelling circumstances (Student initiated).

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<b>National Code</b>	The National Code of Practice for Providers of Education and Training to Overseas students 2018 (National Code 2018) supports the National Strategy for International Education 2025 to advance Australia as a global leader in education, training and research. The National Code is a legislative instrument made under the Education Services for Overseas students Act 2000 and sets nationally consistent standards to support providers to deliver quality education and training to Overseas students.
<b>PRISMS</b>	Provider Registration and International Students Management System.
<b>Suspension</b>	When the enrolment of a student in his or her course of study is suspended for a period of time, after which the student may recommence study.
<b>VEVO</b>	Visa Entitlement Verification Online system

### Policy

#### 1.0 General

- 1.1 ACE may defer or suspend an overseas student's enrolment for compassionate or compelling reasons.
- 1.2 ACE shall suspend or cancel an overseas student's enrolment on the basis of, but not limited to:
  - 1.2.1 misbehaviour by the student
  - 1.2.2 the student's failure to pay an amount he or she was required to pay ACE to undertake or continue the course as stated in the written agreement
  - 1.2.3 a breach of course progress requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
- 1.3 If ACE should initiate a deferral, suspension or cancellation of an overseas student's enrolment, before imposing a deferral, suspension or cancellation ACE shall:
  - 1.3.1 inform the overseas student of that intention and the reasons for doing so, in writing
  - 1.3.2 advise the overseas student of their right to appeal through ACE's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
  - 1.3.3 inform the overseas student of the need to seek advice from the Department of Home Affairs (DHA) on the potential impact on his or her student visa
  - 1.3.4 report the change to the overseas student's enrolment under section 19 of the ESOS Act.
- 1.4 The suspension or cancellation of the overseas student's enrolment for reasons such as a misbehaviour, failure to pay fees or breach of course progress requirements, shall not 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.
- 1.5 ACE shall manage the enrolment of overseas students and maintain up-to-date enrolment information in Provider Registration and International Student Management System (PRISMS).
- 1.6 The Department of Education, Skills and Employment (DESE) and DHA shall be notified of a student whose course has been deferred, suspended or cancelled through PRISMS.

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1.7 ACE shall maintain a record of any decision to defer or suspend an overseas student's enrolment.

### 2.0 Compassionate or Compelling Reasons

2.1 If ACE should defer an overseas student's enrolment for compassionate or compelling reasons, ACE shall ensure the student visa holder has a valid CoE in PRISMS with a start date that reflects the student's intended date of return to studies. There is no maximum period for a deferral under compassionate or compelling reasons, but the deferral shall be assessed in accordance with ACE's policies and procedures and availability of classes upon the student's intended date of resumption of studies. (Note: An international student's visa would not be cancelled if the deferral is for compassionate or compelling reasons.)

### 3.0 Effect on Confirmation of Enrolment (CoE)

3.1 ACE shall inform overseas students that deferring, suspending or cancelling their enrolment on any grounds other than compassionate or compelling reasons may affect their student visa.

3.2 Deferring, suspending or cancelling an overseas student's enrolment shall have three possible outcomes in relation to their CoE (under Standard 9 of the National Code):

#### 3.2.1 No effect on the end date of the CoE

ACE notifies the DESE through PRISMS that it is 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. However, the notice of deferment or suspension will be recorded in PRISMS.

#### 3.2.2 Has an effect on the end date of the CoE

ACE notifies the DESE through PRISMS that it is deferring or suspending an overseas student's enrolment for a period, which will affect the end date of the CoE. The original CoE will be cancelled in PRISMS and immediately ACE will be given the opportunity to create a new CoE with a more appropriate end date. If ACE has no information on when the overseas student will return, it can choose not to create a new CoE at that point, and wait until the overseas student has notified ACE of the intended date of return before creating a new CoE.

#### 3.2.3 Cancelled CoE

ACE notifies the DESE through PRISMS that it wishes to permanently cancel (terminate) an overseas student's enrolment. Once the process is complete, the overseas student's CoE status will be listed as 'cancelled'.

3.3 Regardless of the reason, if an overseas student's enrolment is deferred or suspended, ACE shall not include in the attendance monitoring calculations the period of suspension of enrolment (as entered in PRISMS).

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

4.1 ACE shall consider the following as compassionate or compelling reasons, but not limited to:

- student is unable to begin studying on the course commencement date due to a delay in receiving a student visa;

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- 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:
    - o involvement in, or witnessing of a serious accident; or
    - o 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)
  - Pandemic, whereby the student is unable to attend classes due to illness or Government-directed isolation (e.g. in the case of a state-wide or national lockdown; or isolation as a result of having contracted an illness or being a close-contact of someone who has).
  - ACE 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.
- 4.2 ACE may defer or suspend the enrolment of an overseas student due to compassionate or compelling reasons, but ACE shall use its professional judgement to assess each case of the deferral or suspension of study based on its individual merits and in accordance with ACE's documented procedures for assessing and approving changes to enrolment.
- 4.3 When determining whether compassionate or compelling circumstances exist, ACE shall consider documentary evidence provided to support the claim, and shall keep copies of these documents in the overseas student's file.

### 5.0 ACE-initiated deferrals, suspensions or cancellations of enrolment

- 5.1 If ACE should initiate deferrals, suspensions or cancellations of enrolment based on misbehaviour, failure to pay fees or breach of course progress requirements, ACE shall notify the overseas student of the intention to report and 20 working days to access ACE's Internal Complaints and Appeals process. This shall be applicable 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.
- 5.2 ACE shall proceed with the deferral, suspension or cancellation of enrolment if the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. ACE shall keep evidence to support this. Supporting evidence may include, but not limited to when the overseas student:
- is missing
  - has medical concerns, severe depression or psychological issues which lead ACE to fear for the overseas student's wellbeing;
  - has engaged or threatens to engage in behaviour that is reasonably believed to endanger the overseas student or others; or
  - is at risk of committing a criminal offence.

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- 5.3 If during the course of their studies, a student is identified to have travelled overseas without obtaining prior approval for suspension of their studies (such as by undertaking a review of VEVO); ACE will assume the student does not wish to continue their studies. ACE will inform the student of their intention to cancel their enrolment for “student notifies cessation of studies”. The student will be given 20 working days to access ACE’s Internal Complaints and Appeals process.

### Procedures

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

### 1.1 Deferral or Suspension of Enrolment (Student Initiated)

- 1.1.1 A student may defer commencement of a course or suspend their enrolment during their course only in the following limited circumstances:
- On the grounds of Compassionate or Compelling reasons; or
  - Unavailability of a course/units; or
  - Delay in acquisition of a student visa
- 1.1.2 A student requesting deferral of the commencement or temporary suspension of their course need to complete the *Application for Deferral, Suspension or Cancellation of Enrolment Form* and submit it with appropriate supporting evidence to the Administration Officer.
- 1.1.3 The student must submit the application form at least 14 days before the requested suspension or deferral date.
- 1.1.4 The Administration Officer will review the application and use professional discretion, in line with this policy, to determine whether the application for deferment/suspension will be granted or denied. The Administration Officer will seek approval from the CEO and will provide a response within 10 working days.
- 1.1.5 Once the deferment or suspension is processed, the student will receive a written letter from the Administration Officer granting the deferral or suspension of study. Consequently, ACE will notify the DESE through PRISMS.
- 1.1.6 The student will be informed of the potential impact of the deferral or suspension on their student visa and will be advised to contact the DHA for advice.
- 1.1.7 Once the deferral is processed via PRISMS, the student will receive a copy of their new CoE (if relevant) and new training plan (if relevant) and copies will be stored in their student’s file.
- 1.1.8 The maximum suspension period of a student’s enrolment will be determined on a case-by-case basis and to the professional discretion of the CEO.

### 1.2 Cancellation of Enrolment (Student Initiated)

- 1.2.1 A student requesting cancellation of their enrolment will need to complete the *Application for Deferral, Suspension or Cancellation of Enrolment Form* and submit it with the relevant supporting evidence to the Administration Officer at least 14 days prior to their anticipated cancellation date.
- 1.2.2 The Administration Officer will review the application and determine whether the application for cancellation will be granted. The Administration Officer will seek approval from the CEO and will provide a response within 10 working days.

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- 1.2.3 The student will be informed of the potential impact the cancellation of their enrolment may have on their student visa and will be advised to contact DHA for advice.
- 1.2.4 Once the cancellation is processed, ACE will notify DESE via PRISMS.

### 2.0 ACE-initiated deferrals, suspensions or cancellations of enrolment

#### 2.1 Deferral of Enrolment (ACE Initiated)

- 2.1.1 ACE will defer commencement of a course when a course is not offered.

#### 2.2 Suspension of Enrolment (ACE Initiated)

- 2.2.1 ACE will temporarily suspend a student's enrolment in the following instances:
  - 2.2.1.1 Compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes)
  - 2.2.1.2 Student misbehaviour, as outlined in the Student Code of Conduct.
- 2.2.2 The student will be notified in writing and given 20 working days to access ACE's internal Complaints and Appeals process.

#### 2.3 Cancellation of Enrolment (ACE Initiated)

- 2.3.1 ACE will cancel a student's enrolment in the following instances:
  - 2.3.1.1 Student demonstrates serious misconduct as outlined in the Student Code of Conduct.
  - 2.3.1.2 Unsatisfactory course progress.
  - 2.3.1.3 The student visa or enrolment was based on fraudulent evidence.
  - 2.3.1.4 Non-payment of fees.
  - 2.3.1.5 Student notifies cessation of studies (as per Policy clause 5.3)
- 2.3.2 ACE will cancel a student's enrolment due to Non-Commencement of studies when a student does not or has not or will not commence their course when expected. ACE will initiate the cancellation due to Non- Commencement and report to PRISMS within 31 days (for students over the age of 18 years) of the expected commencement date.
- 2.3.3 The student will be notified in writing and given 20 working days to access ACE's internal Complaints and Appeals process.
- 2.3.4 If the student **does not choose** to access the Internal Complaints and Appeals process, ACE will cancel the student's enrolment after the 20 working days period.
- 2.3.5 If the student **chooses to access** the Internal Complaints and Appeals process, they will need to complete the Complaints and Appeals application form along with the supporting documents.
- 2.3.6 While the Complaints and Appeals process is ongoing, ACE will maintain the student's enrolment (i.e. not notify DESE via PRISMS) until the internal complaints and appeals process is completed, unless extenuating circumstances relating to the welfare of the student or the safety of others apply (e.g., student is missing, has medical or psychological concerns, behaviour is threatening danger on others, is at risk of committing a criminal offence).
- 2.3.7 The student will be informed on the potential impact the cancellation or suspension of their enrolment on their student visa and will be advised to contact DHA for advice.
- 2.3.8 During the 20 working days appeals process, students will be provided the opportunity to continue to attend class so as not to deny them learning opportunities and

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disadvantage their subsequent studies should the appeals process find in their favour. The only exclusion to this is in the case of a student who is in breach of the Student Code of Conduct and is a risk to his/herself or to the safety of others.

### 3.0 Supporting Evidence for Compassionate or Compelling Reasons

3.1 Supporting evidence supplied by a student initiating a deferral, suspension or cancellation of enrolment will be assessed and deemed valid by ACE according to the following guidelines:

Medical Certificates	<ul style="list-style-type: none"> <li>• Must be issued by a Certifying Health Practitioner (i.e. General Practitioner, Psychiatrist or Specialist)</li> <li>• Must state that the student was medically unfit to attend classes</li> <li>• Must state the duration of absence</li> <li>• Must state the Certifying Health Practitioner's contact details</li> </ul>
Death Certificate	<ul style="list-style-type: none"> <li>• Must be certified</li> <li>• Must be translated into English</li> </ul>
Police Reports	<ul style="list-style-type: none"> <li>• Must state the police officer's contact details</li> </ul>
Psychological Reports	<ul style="list-style-type: none"> <li>• Must be issued by a registered psychologist</li> <li>• Must indicate the student's psychologically incapacity to attend class</li> <li>• Must state the psychologist's contact details</li> </ul>
Visa Refusal	<ul style="list-style-type: none"> <li>• Must be a letter from the Australian Government with their letterhead.</li> </ul>
Government-Issued Notification (e.g. in the case of a Pandemic)	<ul style="list-style-type: none"> <li>• Must be written on Government's letterhead or taken from a directive documented on the Government's official website.</li> </ul>
Statutory Declaration	<ul style="list-style-type: none"> <li>• Must be signed in the presence of an approved authorised witness – see <a href="https://www.justice.vic.gov.au/statdecs">https://www.justice.vic.gov.au/statdecs</a></li> </ul>

3.2 Failure to supply documented evidence will result in compassionate or compelling circumstances being deemed as non-existent.

### Legislative Context

- National Code of Practice for Providers of Education and Training to Overseas Students 2018 – Standard 9

### Related Policies and Procedures

This policy is to be read in conjunction with the following policies and procedures:

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- Complaints and Appeals Policy and Procedure
- Fees and Charges Policy and Procedure (International)
- Monitoring Course Progress Policy and Procedures (International)
- Plagiarism and Cheating Policy and Procedure
- Refund Policy and Procedure (International)
- Student Code of Conduct Policy and Procedure

### Related Forms

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- Application for Deferral, Suspension or Cancellation of Enrolment Form
- Complaints and Appeals application form
- Refund Request Form

### Responsible Parties

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The CEO, Compliance Manager, staff and students of ACE are responsible for the use and implementation of this policy.

### Version History

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Version	Date	Description of changes
8.0	19.03.2022	Added Version History section, additions to ACE-initiated cancellations, additions to the range of compassionate grounds (i.e. pandemic-related grounds) and some other minor changes, including updated references to related forms and policies .
7.0	01.04.2021	Currently released version

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