Deferral, Suspension and Cancellation Policy and Procedure (CRICOS)

Deferral, Suspension and Cancellation Policy and Procedure

Introduction

House of Learning Pty Ltd, trading as Builders Academy Australia (BAA) ensures that where International Students request a Deferral, Suspension or Cancellation of Studies in a CRICOS Registered Course that there is a process in place to guide International Students and Staff.

An International Student's enrolment can be Deferred, Suspended or Cancelled. This may be initiated by either the International Student for Compassionate and Compelling circumstances, or BAA for an International Student's breach of Student Visa conditions, failure to pay fees, misbehaviour, or other condition listed in this Policy and Procedure.

Purpose

This Policy and Procedure outlines BAA's procedure for assessing, approving and recording a Deferment of the commencement of study, Suspension of study, or the Cancellation of enrolment and CoE for the International Student in accordance with the requirements of the National Code 2018 -Standards 8,9 and 10 and Section 19 of the ESOS Act 2000.

The purpose is to ensure that BAA enables International Students to Defer or temporarily Suspend their studies, including granting a leave of absence, during their CRICOS registered course through formal agreement in certain limited circumstances. This Policy and Procedure also provides guidance on how International Student enrolment Cancellations are managed by BAA.

Scope

This Policy and Procedure applies to all Student enrolments in a CRICOS registered course at BAA. It provides a documented process for assessing, approving and recording a:

- Deferment of the commencement of study or
- Suspension of study or
- Cessation of an enrolment and Confirmation of Enrolment (CoE)

BAA will manage the enrolment of International Students and maintain up-to-date enrolment information in the Provider Registration and International Student Management System (PRISMS) database, including keeping documentary evidence on the Student's file of the assessment of the application and maintaining a record of any decisions made.

Responsibilities

Management

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Definitions

Accepted Student of a Registered Provider means a Student (whether within or outside Australia):

(a) who is accepted for enrolment, or enrolled, in **a course** provided by the Provider; and

(b) who is, or will be, required to hold a Student Visa to undertake or continue the course.

Therefore, Students are accepted into a program and not the organisation. Record keeping periods are applicable to the course enrolment at the time of any event.

Deferral means delaying the commencement of the International Student's enrolment in a CRICOS registered course.

Cancellation refers to all cancellations by an International Student in a CRICOS registered course or the cessation of an enrolment into a CRICOS registered course.

Suspension - means to temporarily delay the enrolment once the course has commenced. The enrolment of a Student in a course is suspended for a period of time, after which the Student may recommence study.

Compassionate and Compelling Circumstances means Compassionate or compelling circumstances are generally those beyond the control of the Student and which affect the 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 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 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 International 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.

Note: Listed above are only some examples of what may be considered Compassionate or Compelling circumstances. BAA uses their professional judgement to assess each case on its individual merits when determining whether Compassionate or Compelling circumstances exist. **Any claim of compassionate or compelling circumstances should be accompany by supporting evidence.**

Leave of Absence - a request by the Student to temporarily postpone study after the commencement of the study period (Student initiated). This may be granted in a compassionate or compelling circumstance.

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Misbehaviour means any conduct that is a breach of BAA's Policies and Procedures, including the BAA Code of Conduct and Disciplinary Policy, Australian Law, erratic course behaviour, behaviour that is not consistent with the International Student's principal purpose of enrolment at BAA being to learn or where the International Student's behaviour is so grave that it compromises the health, safety and/or wellbeing of any stakeholder of BAA. Misbehaviour also includes any Student Visa condition that the International Student may have breached that BAA is required by law to report (for example, non-payment of tuition fees).

Policy Statement

BAA ensures that it has in place documented procedures for assessing, approving and recording a Deferral of the commencement of study, Suspension of study or Cancellation of studies for the International Student in any CRICOS registered course that they are enrolled in at BAA, including keeping documentary evidence on the Student's file of the assessment and outcome of the application. It also manages the storage of those records in accordance with the relevant Privacy Legislation and other registration requirements.

BAA will only Defer or temporarily Suspend the enrolment of the Student on the grounds of Compassionate or Compelling circumstances (for example, illness where a Medical Certificate states that the Student is unable to attend classes). An International Student's Student Visa would not be cancelled if the Deferral is for Compassionate or Compelling circumstances.

An International Student's Student Visa may be cancelled if the Deferral or Suspension:

a) Is due to the conduct of the International Student
b) Is for reasons other than Compassionate or Compelling circumstances
c) The Compassionate or Compelling circumstances which warranted the Deferral or Suspension of studies cease to exist
d) Is based on fraudulent evidence or documents given to BAA

BAA may Suspend or Cancel an International Student's enrolment, including, but not limited to, on the basis of:

a) Misbehaviour by the International Student;
b) The International Student's failure to pay an amount that they were required to pay BAA to undertake or continue the CRICOS registered course as stated in the Written Agreement between the International Student and BAA;
c) A breach of course progress and/or attendance requirements by the International Student in accordance with BAA's Course Progress Policy and Procedure;
d) International Student is Deceased;
e) The International Student no longer holds a Student Visa;
f) Non commencement of studies by the International Student;
g) BAA is unable to deliver the CRICOS registered course.

Where BAA initiates a Suspension or Cancellation of an International Student's enrolment at BAA, before undertaking this action, BAA will:

a) Provide the International Student with the reasons for doing so in writing as an Intention to Report Letter within 21 working days;
b) Advise the International Student that they have a right to appeal the proposed decision through BAA's *Complaints and Appeals Policy and Procedure* within twenty (20) working days, in accordance with Standard 10 of the National Code 2018;
c) Inform the International Student of the need to seek advice from the Department of Home Affairs (DHA) on the potential impact on their Student Visa;

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d) Report the change to the International Student's enrolment under Section 19 of the ESOS Act 2000 to the Department of Home Affairs (DHA) via PRISMS.

BAA will ensure that it:

a) Informs the International Student that Deferring, Suspending or Cancelling their enrolment may affect their Student Visa; and
b) Notifies the Secretary of the Department of Education and Training (DET) via PRISMS as required under Section 19 of the ESOS Act 2000 where the International Student's enrolment is Deferred, temporarily Suspended or Cancelled.

If the International Student accesses the BAA's internal complaints and appeals process in relation to their proposed Suspension or Cancellation of their enrolment under this Standard, the Suspension or Cancellation cannot take effect until the internal process is completed, unless one of the following situations applies:

a) The International Student's health and/or wellbeing is at risk;
b) Another International Student's health and/or wellbeing is at risk;
c) The International Student is missing;
d) The International Student Has engaged or threatens to engage in behaviour that is reasonably believed to endanger themselves or others;
e) The International Student is at risk of committing a criminal offence; or
f) The health and wellbeing of BAA staff and other relevant stakeholders is compromised by the International Student's ongoing involvement and participation in their program; and

BAA will report the change to the International Student's enrolment on PRISMS in accordance with Section 19 of the ESOS Act 2000.

Procedure

BAA Initiated Deferral, Suspension or Cancellation

BAA may Suspend an International Student's enrolment in the following instances (not limited to):

a) Student misbehaviour as outlined in the BAA Code of Conduct;
b) Due to an intervention strategy for unsatisfactory course progress in accordance with the Course Progress Policy and Procedure; and/or
c) Compassionate and Compelling circumstances.

BAA may **Cancel** an International Student's enrolment in the following instances (not limited to):

a) Student demonstrates serious misconduct as outlined in the BAA's Code of Conduct;
b) Inappropriate course progress, for example, consistent unsatisfactory course progress in non-consecutive study periods or continuous absence from scheduled course hours;
c) Breaching BAA policies and procedures; and/or
d) Non-payment of outstanding fees.

In cases where Suspension or Cancellation of the Student's enrolment is initiated by BAA, Students will be notified in writing and given twenty (20) working days to access BAA's internal Complaints and Appeals process in accordance with the National Code 2018, Standard 10 (see *Complaints and Appeals Policy and Procedure (CRICOS)*).

The change in enrolment status will not be reported to DHA until the internal appeals process is completed unless extenuating circumstances such as those relating to the welfare of the International Student, other International Students and/or other BAA stakeholders, an offence which would ordinarily attract police

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intervention or alleged criminal activity apply.

Once the Deferral, Suspension or Cancellation is processed, BAA will notify DHA via PRISMS.

BAA will continue to provide learning opportunities for the International Student during this twenty (20) working day period unless to do so would not be appropriate for an educational setting due to the safety of the International Student, other International Students or other stakeholders of BAA. The reason that BAA continues to provide learning opportunities for International Students while the twenty (20) working day period is in place is that to exclude the International Student from class for this time period might impact on the future capacity to maintain satisfactory course progress.

If the Student is successful in their appeal, it is possible that several weeks or months pass and the International Student may be disadvantaged by missing so much class time and this would then require extending the International Student's Confirmation of Enrolment (CoE) thus impacting on their Student Visa and pathway courses (where relevant). As such, it is expected that the International Student continues to attend classes and participate as normal.

Student Initiated Deferral, Suspension or Cancellation

In accordance with the National Code 2018 – Standard 8 and Section 19 of the ESOS Act 2000, International Students may **Defer commencement** of a course or **Suspend their enrolment** during their course in the following limited circumstances:

a) On the grounds of Compassionate or Compelling circumstances (at the discretion of BAA); or
b) Student Visa delay.

International Students may request a **Deferral of the commencement** of their course prior to the course commencing.

International Students need to complete an 'Application for Deferral of Studies' form and submit it, together with all supporting documentation to the BAA Student Admissions and Enrolments Team Leader.

Students will receive a Deferral/Suspension/Cancellation request – Student Acknowledgement Letter and BAA will formally advise the International Student within five (5) working days of the outcome of their application.

Once the Deferral is processed, the International Student will receive a revised CoE and will be issued with a new enrolment written agreement to reflect the new commencement.

International Students who wish to **Suspend** their enrolment must complete an 'Application for Suspension of Studies' form and submit it, together with all supporting documentation to the Student Admissions and Enrolments Team Leader.

For approval to be considered, International Students must submit the form a minimum of ten (10) working days before the requested suspension date. Where there is an emergency situation or Compassionate or compelling circumstances that compels the International Student to suspend their course, the minimum submission deadline of ten (10) working days may be waived.

Please refer to the definition in this Policy and Procedure to understand the definition of 'Compassionate and Compelling circumstances'.

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Students will receive a Deferral/Suspension/Cancellation request – Student Acknowledgement Letter and BAA will formally advise the International Student within five (5) working days of the outcome of their application.

Once the Suspension is approved, the International Student will receive a letter from BAA granting the suspension.

Where an International Student has had a break in their studies due to a Deferral or Suspension, the break is not counted for the purposes of determining if the International Student has completed six (6) months of their principal course.

International Students who wish to cancel enrolment in their course must obtain approval from BAA and attend an appointment with the Training Operations Manager.

International Students must complete an '*Application for Cancellation of Studies*' form or, where applicable, an '*Application for Letter of Release Form*' and submit it, together with all supporting documentation including, to BAA staff.

The BAA Authorised Delegate will assess the application and make a decision based on any supporting evidence provided by the International Student and in accordance with this Policy.

If the International Student wishes to concurrently seek a Refund, they must complete the relevant documentation ('*Application for a Refund Form*' and any supporting documentation) and submit the application in accordance with BAA's *Refund Policy and Procedure*.

If the International Student does not accept the outcome of their request for Cancellation, the BAA Authorised Delegate will escalate the Student's application to the CEO.

Students will receive a Deferral/Suspension/Cancellation request – Student Acknowledgement Letter and BAA will formally advise the International Student within five (5) working days of the outcome of their application.

Once the Cancellation is approved and processed, if applicable, the International Student will receive a Letter of Release from BAA Staff where BAA is the Principal Provider of the CRICOS registered course.

Once the Deferral, Suspension or Cancellation is processed, the BAA Authorised Delegate will notify DHA via PRISMS.

Additional Guidelines for International Students

When an International Student notifies BAA of any cessation of studies (Deferral, Suspension or Cancellation), the International Student must either leave Australia, obtain enrolment in an alternative course (Transfer between Registered Providers Policy and Procedure would apply) or apply for a different Student Visa within twenty-eight (28) days of the cessation being reported.

If an International Student chooses to leave Australia, their Student Visa will be subject to cancellation. An International Student who has left Australia and wishes to return to their studies must, at that point, apply for a new Student Visa.

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The International Student will be required to prove that they are returning home, such as providing their airline ticket to BAA. A staff member from BAA will take a copy of the airline ticket for the International Student's file.

International Students can temporarily suspend enrolment for a maximum period of one (1) Semester; however, see above additional guidelines for International Students that may apply.

In the case of exceptional circumstances or Compassionate and Compelling grounds, (supported by documented evidence), longer suspensions may be granted at the discretion of BAA's Management.

There is no maximum period for a Deferral under Compassionate or Compelling circumstances, but the Deferral will be assessed in accordance with this Policy and Procedure.

Deferral, Suspension or Cancellation of enrolment may affect the Student's Visa and International Students must be notified in writing of this fact.

If an International Student's enrolment is suspended for more than six (6) months, the Student's Visa may be affected and the Student is advised to contact the Department of Home Affairs (DHA) for further information.

Regardless of the reason, if an International Student's enrolment is Deferred or Suspended, the period of suspension of enrolment (as entered in PRISMS) will not be included in attendance monitoring calculations.

Effect on Confirmation of Enrolment (CoE)

Under Standard 9 of the National Code 2018, there are three possible outcomes for an International Student's CoE:

1. BAA notifies the DHA through PRISMS that they are Deferring or Suspending an International 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 International Student will still be listed as studying. However, the notice of Deferment or Suspension will be recorded in PRISMS.

2. BAA notifies the DHA through PRISMS that they are Deferring or Suspending an International Student's enrolment for a period which will affect the end date of the CoE. PRISMS will cancel the original CoE and immediately offer BAA the opportunity to create a new CoE with a more appropriate end date. If BAA does not know when the International Student will return, it can choose not to create a new CoE at that point, but to wait until the International Student has notified BAA of the intended date of return before creating a new CoE.

3. BAA notifies the DHA through PRISMS that it wishes to permanently Cancel (terminate) the International Student's enrolment. Once this process is complete, the International Student's CoE status will be listed as 'Cancelled'.

Document Handling and Record Keeping

All documentation relating to the assessment of International Student Deferral, Suspension and Cancellation applications will be kept in the International Student's file for 2 years after conclusion of the enrolment.

All discussions undertaken with the International Student during the processing of the application must be recorded on the Student's file or/and Student Management System (SMS) as they occur.

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Related Documents

- Records Management Policy and Procedure
- Application for Deferral of Studies
- Application for Suspension of Studies
- Application of Cancellation of Studies
- Deferral/Suspension/Cancellation Request – Student Acknowledgement Letter
- Deferral/Suspension/Cancellation Request – Student Outcome Letter
- Governance Management Policy.

Document Control			
Version	**Date**	**Author**	**Change Description**
001	2 February 2018	BAA	Creation of Policy
002	6 October 2019	BAA	Updated to incorporate amendments from ESOS Regulations 2019
003	30 April 2020	BAA	Review and Update as Required
004	<Select date>		

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