



POLICY: INTERNATIONAL STUDENTS

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Purpose:	Outlines the policies relating to compliance with the ESOS Act and the National Code for the provision of educational services to international students
Responsible Executive:	Registrar
Responsible Office:	Student Administration
Contact Officer:	Deputy Registrar or International Officer, Student Administration
Effective Date:	1 July 2007
Modification History:	Created June 2007; DVC approved 31 July 2007; edited June 2008 (ID)

RATIONALE

The Education Services for Overseas Students (ESOS) Act 2000 is Commonwealth Government legislation that ensures providers of education and training are regulated in the delivery of education services to international students. All providers and courses available to international students are required to be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The Act also imposes obligations and restrictions on students to ensure compliance with the conditions of their student visa. Under the Act, the University is required to monitor and report on some of these conditions to the Department of Immigration and Citizenship (DIAC). The National Code provides for consistent standards for the registration and conduct of registered providers and the conduct of persons who deliver educational services on behalf of registered providers. This policy document only applies to an International Student (who is referred to as a Student(s) in this document).

DEFINITIONS

Condition 8202 – a condition of the student visa requiring a student to maintain full-time enrolment in a course.

CRICOS - Commonwealth Register of Institutions and Courses for Overseas Students (state-based).

DIAC - Commonwealth Department of Immigration and Citizenship.

eCoE - Electronic Confirmation of Enrolment form issued to each international student who intends to study on a student visa in Australia. The eCoE provides proof of acceptance into a specific course of study at a specific institution. It is entered onto the DIAC/DEST database by the educational institution when an offer of a place is made. An international student visa is issued by the Department of Immigration and Citizenship according to the details provided on the student's eCoE. The eCoE is amended by the educational institution when a student changes their enrolment in some way, eg changes course, is offered advanced standing, must extend their course duration and so on.

ESOS Act - Education Services for Overseas Students Act 2000.

Full-time study – EFTSL load no less than 1 EFTSL for a year (two semesters), in on-campus mode.

International Student - a student who is not an Australian citizen, permanent resident or New Zealand citizen, and who is studying in Australia on an overseas student or temporary resident visa.

Intervention Strategy - shall mean a document approved by the Dean of the Student's School as a record of the academic or other assistance which has or will be offered to the Student to ensure they are not at risk of Unsatisfactory Progress as defined by the University General Regulations. An Intervention Strategy Document will include authorisation for a student to extend their course duration up to a specified date if appropriate.

National Code – The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students. (http://www.dest.gov.au/sectors/international_education/publications_resources/other_publications_resources/esos_national_code/)

Overseas student - term used in the ESOS legislation to refer to International Students.

Provider - An institution (body or person) in Australia providing or seeking to provide courses to international students.

Student/Students – in this document refers to an International Student.

PRINCIPLES

Completion of Course within Course Duration stated on eCOE

1. A Student is required to complete their course within the duration stated on their Electronic Confirmation of Enrolment (eCOE) which is the time frame specified as the CRICOS registered course duration.
2. A Student will only be approved to extend the duration of their Student Visa in very restricted circumstances. These circumstances may be:
 - compassionate or medical in nature, with documented evidence provided to the University or
 - academic, in which case the reasons for the extended duration and its accompanying Intervention Strategy must be documented and placed on the student's file. The Intervention Strategy document must be forwarded to the International Officer, Student Administration, so that an amendment can be made to the student's eCoE.
3. A Student must be enrolled in a full-time course of study and must be able to complete the degree or award in which s/he is enrolled within the specified duration for that degree or award unless an Intervention Strategy has been implemented. The University is required by law to ensure that this visa condition is met. Part-time study may be permitted under exceptional circumstances. Full-time enrolment at The University of Notre Dame Australia is deemed to be 1.0 EFTSL for a year (two semesters), unless otherwise approved by the Dean of the School. An Intervention Strategy may allow an EFTSL study load of less than 1.0 (or 0.5 in any given semester) but the study load should not fall below studying one unit in a face to face mode in any given semester.
4. A Student enrolling in an approved part-time load may need to take additional units in a future semester in order to complete their course within the course duration specified on their visa. Should the student not complete within the course duration timeframe, the student will need to seek an extension of their visa from DIAC. The decision on whether to grant a student visa extension will be made by DIAC and cannot be guaranteed by the University.
5. Part-time study is only permitted during the final semester of a coursework degree to complete course requirements. Research students must be enrolled full-time at all times. Where a request for part-time enrolment is made the student must demonstrate to the satisfaction of the Dean that such enrolment is academically warranted and that the student is able to study in overload mode in order to complete within the registered CRICOS duration.
6. Students are expected to graduate from their course once they have successfully met all course requirements. Further enrolment in a completed course will only be authorised when a further major, minor or specialisation is deemed appropriate by the Dean of the student's School.
7. A Student can enrol in Summer Term/Winter Term and is not required to have full-time enrolment during that time. However, a Student must maintain full-time (0.5 EFTSL for each semester) enrolment during the main sessions of the year i.e. Semester 1 and/or Semester 2.
8. Failing a prerequisite unit does not exempt a student from the requirement to be enrolled in a full-time load, unless an Intervention Strategy has been implemented.
9. Students can repeat a failed unit provided they maintain full-time enrolment. The only exception is where, in order to complete a course, the only remaining required unit/s does not constitute a full-time load.

10. When a Student is repeating a unit in order to complete a course, the student may only do so once in a part-time study load.
11. The University is required to report to DIAC/DEST any changes to a student's enrolment status, course enrolment and including discontinuation from a course or the University.
12. The University is required to report to DIAC/DEST all Students who finish one or more semesters earlier than their expected course end date. A student who finishes their course early must either enrol in another CRICOS registered course or depart Australia immediately, unless given authorisation by DIAC/DEST to remain in Australia.

Intervention Strategy

13. Where a student is at risk of failing to meet satisfactory academic progress the University is obliged to implement an Intervention Strategy. One aspect of this strategy may include authorisation for the student to study a part-time load and, therefore, an approved extension of duration for the student's course.
14. The University will proactively notify and counsel Students who are at risk of failing to meet their course progress requirements. In such cases an Intervention Strategy will be implemented by the student's School and recorded on their student file.
15. The University is required to report to DIAC/DEST any Student who fails to maintain satisfactory academic progress, i.e. a student who is terminated from a course at the close of the appeals period.
16. A Student failing to make satisfactory academic progress as defined in the General Regulations, leading to the termination of their enrolment, may appeal their exclusion from the University within a 20 working day appeal period.

Changing Providers

17. In general circumstances, a Student is permitted to change their provider after the first 6 months of their study in their principal course. If a student requests a transfer before the end of their first 6 months of study in their principal course (not a qualifying course), the request will be assessed on a case-by-case basis taking into consideration the following factors:
 - a. The personal welfare and circumstances of the Student are enhanced by the transfer;
 - b. the transfer is not detrimental to the personal welfare or academic progress of the Student;
 - c. academic grounds make it difficult to continue with the University.
18. Transfer requests must be made to the Registrar on the appropriate form with supporting documentation.
19. If a Student is undertaking a qualifying course, they must remain with the University for the length of that course.
20. A Student is expected to remain with the University in their principal course of study for no less than the first 6 months of their course. However students may apply to the University to change education provider during this period. Permission to change provider, including a letter of release, will only be granted in exceptional circumstances.
21. A letter of release must be obtained by students from their current provider prior to transferring to the University of Notre Dame. The University of Notre Dame will

provide a letter of release for students wishing to transfer to another provider if such transfer has been authorised by the University.

Leave of Absence

22. A Student is only permitted to take course leave (leave of absence) under very limited circumstances. The circumstances under which a leave of absence will be approved must be compelling or compassionate in nature. The ESOS Act requires that leave of absence be granted only on documented medical or compassionate grounds. Therefore, students must provide supporting evidence of their circumstances.
23. Under the Act the University is obliged to report to DIAC/DEST any Student who has been granted leave of absence. DIAC will make a determination regarding the student's visa.

Advanced Standing

24. Credit granted for previous studies or uncredentialed experience does not exempt a student from the requirement to be enrolled in a full-time load, unless an Intervention Strategy has been implemented.
25. If exemption based on previous study or uncredentialed experience is granted after the visa is issued and results in a shorter course duration, the University is obliged to report the change of course duration to DIAC/DEST.

On-Line or Distance Study Mode

26. A Student cannot study in a distance or online mode whilst in Australia for more than 25% of their total course. If the only unit remaining in their course must be studied in a distance or online mode then the student must return to their home country to complete this unit.

Maintaining Student Records

27. Students must inform the University of their current residential details and inform the University of any changes within 7 days of any change to their contact details. The University is required by law to maintain a record of a student's residential address so they can be contacted when necessary.

Student Visas

28. Students must submit an application for visa extension before their current visa expires. Visa extensions are subject to approval by the DIAC.
29. Students who are granted a student visa with work rights are limited to 20 hours work per week while their course is in session. They may work full-time during semester breaks. Student visa holders found to be working in excess of their limited work rights may be subject to mandatory visa cancellation. If a student wishes to work while studying they must apply for a visa with 'permission to work' (Condition 8105) after they have commenced study.

Appeal to External Entities

30. This policy document, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.
31. After completion of the internal appeals process students are at liberty to appeal to the University's external arbitrator who will provide an unbiased determination on the appeal which is binding on both parties.

32. If not satisfied with a decision of the University's internal appeals process, a Student may request in writing to the Provost that the matter be dealt with through an external dispute resolution process by an independent person ("External Independent Appointee") appointed by the Provost.
33. The Provost must acknowledge receipt of the student's request to have the matter dealt with by an External Independent Appointee through an external dispute resolution process in writing within 5 working days.
34. If an External Independent Appointee makes recommendations in relation to a student's appeal they have reviewed, the External Independent Appointee will forward those recommendations to the Provost.
35. The Provost will ensure that the recommendations are implemented immediately by the University and the student advised of the outcomes in writing.
36. The University's external arbitrators are:
- For Western Australia, Fremantle and Broome Campuses:**
Mr Alec O'Connell
Assistant Director – People & Organisational Services
Catholic Education Office of Western Australia
Phone: (08) 9212 9212
- For New South Wales, Sydney Campus:**
Carolyn Hadley
Education Officer, Human Resources
Catholic Education Office, Sydney
(02) 9568 8492
37. Contacts for international student concerns are:
- Department of Education, Science and Training**
For New South Wales based students: ESOS Helpline (02) 6240 5069
ESOS Fax (02) 6240 7789
ESOS email: esosmailbox@dest.gov.au

Department of Education Services

For Western Australian based students: Western Australian Conciliator for Overseas Students
Department of Education Services
Ms Anne Duncan
(08) 9441 1953