

STUDENT HANDBOOK

Part B – International Students

Section 12 – Deferring, suspending or cancelling the overseas student's enrolment

In addition to the information in Part A of this Student Handbook the following applies to International Students.

Only in certain limited circumstances may ALG may enable students to either:

- a) defer commencement of study or
- b) temporarily suspend their studies, including granting a leave of absence

The national code allows ALG to grant deferral of commencement of studies or suspension of studies for students who request such a change to their enrolment status on the grounds of compassionate or compelling circumstances.

The national code also allows ALG to defer or temporarily suspend the enrolment of students due to misbehaviour of the students. Misbehaviour of students can also be grounds for cancellation of studies as long as the student was informed of this prior to enrolment.

In all cases ALG must notify the Australian immigration department through PRISMS of deferment, suspension and cancellation of enrolment.

Definition of a Deferment or Suspension of Studies

To defer or suspend enrolment means to temporarily put studies on hold (adjourn, delay, postpone).

- a) A student may request a temporary deferment or suspension to his or her enrolment on the grounds of compassionate or compelling circumstances.
- b) A provider may also initiate suspension of a student's enrolment due to misbehaviour of the student.
- c) A retrospective deferment initiated by ALG where circumstances have not allowed the student to request a deferment i.e. accident or injury

It is important to note the meanings of the terms for this context – suspension of enrolment is not necessarily due to misbehaviour – suspension of enrolment may also be initiated by the student

Can a Deferment, Suspension or Cancellation of Studies Affect your Visa?

Students should note that regardless of the reasons for notifying the Australian immigration department of a change of enrolment status with a deferment, suspension or cancellation of studies (i.e. due to student request, misbehaviour or for other reasons) this may affect your student visa.

As each student's situation will be different. It is recommended Students directly contact the Australian immigration department website or helpline (131 881) for information, and the local the Australian immigration department office for advice, on how the potential change to enrolment status may impact upon his or her visa.

What Impact can this have on a Student's Confirmation of Enrolment?

In the case of a deferment, suspension or cancellation there are three (3) different outcomes for the student's Confirmation of Enrolment (CoE):

1. **No affect to COE** - ALG notifies the Australian immigration department through PRISMS that it is **deferring or suspending** a student's enrolment for a period **without affecting the end date of the CoE**.
2. **It does affect end date COE** - ALG notifies the Australian immigration department through PRISMS that it is **deferring or suspending** a student's enrolment for a period which **will affect the end date of the CoE**. In such situations, PRISMS will cancel the original CoE, and immediately offer the provider the opportunity to create a new CoE with a revised re-commencement and end date. If the provider does not know when the student will return, it can choose not to create a new CoE at that point, but to wait until the student has notified the provider of the intended date of return before creating the new CoE.
3. **Permanent cancellation** - The provider notifies the Australian immigration department through PRISMS that it wishes to **permanently cancel (terminate)** the student's enrolment.

Student Request for Deferment or Suspension of Studies

Students may submit a request for deferment or suspension of their studies if they have good reason for doing so (compassionate or compelling circumstances).

ALG may choose to grant or decline any student's request for deferment or suspension of studies.

An 'Application for Deferral' form must be completed along with a written letter of request and provide evidence to support grounds of deferral request.

Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury or medical condition (including pregnancy), 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; or
- 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
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

Please note that the above are only some of examples of what may be considered compassionate or compelling circumstances. ALG will use our professional judgement and assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, ALG will consider documentary evidence provided to support the claim, and should keep copies of these documents in the student's file.

ALG Action to Suspend or Cancellation a Student's Studies

In the cases of international students, after making a decision to suspend or cancel studies of a student, ALG must inform the student of its intention to suspend or cancel the student's enrolment and notify the student that he or she has 20 working days to access the registered provider's internal complaints and appeals process.

If the student accesses the registered provider's internal complaints and appeals process, suspension or cancellation of the student's enrolment under this standard cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

If the student chooses to access the provider's appeals process, the provider maintains the student's enrolment until the internal appeals process is completed (and has supported the provider's intention to suspend or cancel the student's enrolment). To 'maintain the student's enrolment' means the provider does not notify the Australian immigration department of any change to the student's enrolment status through PRISMS.

The student may choose to access an external appeals process as per the provider's policy, but the provider does not have to wait for the outcome of an external appeal before notifying the Australian immigration department of the change to the student's enrolment status.

'Extenuating circumstances' relating to the welfare of the student may include, but are not limited to the following. The student:

- refuses to maintain approved care arrangements (only for students under 18 years of age);
- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence.
- Any claim of extenuating circumstances will need to be supported by appropriate evidence.

Retrospective Deferment

A retrospective deferment initiated by ALG where circumstances have not allowed the student to request a deferment i.e. accident or injury and the student was unable to contact the provider following the accident.

In this case ALG may initiate a deferment as a course of action which is then confirmed with the student when he or she returns to their study and requests this suspension.

A deferment or suspension retrospectively cannot be actioned unless there are unusual circumstances where it may be required and compassionate and compelling circumstances exist.

Attendance and Deferments and Suspensions

The period of deferment or suspension of enrolment (as entered in PRISMS) is not included in attendance monitoring calculations

Deferments and Suspensions and Unavailable Units

Deferments and suspensions of enrolment can also be based on unavailability of units or study modules. This is considered a compelling reason. Before granting such a request, the provider must inform the student that suspending his or her enrolment may affect his or her visa.

Deferments and Suspensions and Study Load

The National Code 2007 does not include a requirement for students to be enrolled in a full-time study load, but rather to enrol in a load which will allow them to complete their studies within the normal duration of the course.

When a student requests suspension of enrolment under Standard 13, the provider notifies the Australian immigration department through PRISMS and the Australian immigration department receives electronic notification of the change to enrolment status. As the student's course end date is likely to be affected by the suspension (unless the student can 'catch up') the student will need to apply for a new visa before the current visa expires

When structuring a return to studies from a deferment or suspension, ALG may plan a study program not equivalent to a full time study load if this means a shorter extension to the COE.

Student Visa and Granted Suspension of Enrolment

If the student cannot catch up on the course requirements within the period covered by the visa i.e. the end date of their course is extended, the student must apply for a new one before their existing visa expires. This will be at the student's expense.

Deferments and Suspensions and remaining in Australia

If deferments or suspensions are for a long period of time, typically more than 6 months, in some student cases a student may be asked to leave Australia for the duration of their deferment and only return back to Australia when they are to resume their studies.

As each student's situation will be different. It is recommended Students directly contact the Immigration Department website or helpline (131 881) for information, and the local the Australian immigration department office for advice, on how the potential deferment period can affect their stay in Australia.

ALG Deferment Suspension or Cancellation FLOWCHART Updated 2014

