



POLICY TITLE: INTERNATIONAL STUDENT DEFERRING, SUSPENDING OR CANCELLING AN ENROLMENT POLICY

DEVELOPED / REVIEWED BY

Policy Committee
Director of Business Services and Advancement
Head of Admissions
Risk and Compliance Manager
Human Resources Manager

REVIEW SUMMARY

Policy to be presented to the Policy Committee for the first time at the May 2024 meeting. Policy to be reviewed in the first twelve months to ensure accuracy to current legislative components.

DOCUMENT DEVELOPMENT PROCESS

This document was first developed by Director of Business Services and Advancement and the Head of Admissions in 2024.

RATIONALE

Standard 9.1 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 requires the College to have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an international student, including maintaining a record of any decisions.

Standard 9.2 states that the College may defer or suspend the enrolment of the student if it believes there are compassionate or compelling circumstances.

Standard 9.3 states that the College may suspend or cancel a student's enrolment including, but not limited to, on the basis of:

- misbehaviour by the student
- the student's failure to pay an amount they were required to pay the College to undertake or continue the course as stated in the written agreement
- a breach of course progress or attendance requirements by the international student, which must occur in accordance with Standard 8 (Overseas student visa requirements).

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DEFINITIONS

CAAW	Confirmation of Appropriate Accommodation and Welfare
CoE	Confirmation of Enrolment
Cth (DoE)	Commonwealth Department of Education
National Code	National Code of Practice for Providers of Education and Training to Overseas Students 2018
PRISMS	Provider Registration and International Student Management System

PRINCIPLES / GUIDING PRINCIPLES

An international student's enrolment can be deferred, suspended or cancelled for different reasons. The student may initiate a deferment or suspension on the grounds of compassionate or compelling circumstances. The College may suspend or cancel an enrolment due to student misbehaviour, a failure to pay fees or a breach of course progress or attendance requirements.

Any decision to defer, suspend or cancel an international student's enrolment must be made in accordance with the requirements of the National Code.

PROCEDURES

Deferment or Suspension by the College: Compassionate or Compelling Circumstances

The College may decide to defer or suspend an international student's enrolment if it believes there are compassionate or compelling circumstances.

The College will consider the following as compassionate and compelling circumstances:

- medical illness or injury of the international student or international student's close relative which requires hospitalisation or impedes activities of daily living
- a mental health condition of the student or a student's close relative that results in hospitalisation or functional impairment
- death of a close family member
- adverse experience that has impacted on the international student which could include:
 - being a witness to or victim of a serious accident
 - being a witness to or victim of a crime, natural disaster, or terrorism event
- major political upheaval or natural disaster in the international student's home country which requires immediate emergency travel

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- inability to begin study in a program on the agreed starting date due to a delay in receiving an international student visa
- where the College is unable to offer a prerequisite 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
- other compassionate or compelling circumstances at the discretion of the College.

There is no maximum period for a deferral for compassionate or compelling reasons, but the deferral must be assessed in accordance with the processes in this Policy.

Suitable Evidence of Compassionate or Compelling Circumstances

In order for the College to grant the international student a deferment or suspension of their enrolment on the grounds of compassionate and compelling circumstances, the international student must:

- complete the application form: **International Student Application to Defer or Suspend Enrolment**; and
- provide the College with suitable documentary evidence to prove the compassionate and compelling circumstances. This may include:
 - a medical certificate
 - a note from a medical doctor
 - a death certificate (when possible)
 - a letter from parent or guardian specifying exceptional circumstances related to a family issue.

If the College becomes aware that the student has provided us with fraudulent evidence or documents given to support a claim of compassionate or compelling circumstances, we may decide to suspend or cancel their enrolment.

Where a deferral or suspension request is rejected, the student may decide whether to lodge an internal appeal within 20 working days.

Cancellation of Enrolment by the Parent and Student

The parent is to complete the **International Student Withdrawal Form**, outlining which of the following circumstances apply:

- Refusal, or cancellation of Visa, and the student provides the relevant letter from the Department of Home Affairs;
- Returning home, and the student provides a date of departure
- Transferring to a new CRICOS-registered provider and the student provides the relevant offer letter or CoE and CAAW (if applicable) from the new CRICOS-registered provider.

Provide the completed Withdrawal Form and supporting evidence to the Principal (or delegate) as soon as possible after deciding to withdraw the student (and within 14 days of the student's proposed last day at the school).

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For more information refer to: **International Student Refund Policy; International Student Transfer Policy and signed International Enrolment Agreement.**

Suspension or Cancellation by the College: Misbehaviour, Failure to Pay Fees, Breach of Course Progress or Attendance Requirements

The College may decide to suspend or cancel an international student's enrolment on the basis of, but not limited to:

- misbehaviour by the student
- the student's or the student's parents/guardians' failure to pay an amount they were required to pay the College to undertake or continue the course as stated in the written agreement
- a breach of course progress or attendance requirements by the international student, which must occur in accordance with Standard 8 (International student visa requirements). For more information, refer to our **International Student Unsatisfactory Course Progress or Attendance Policy**.

A decision to suspend or cancel an international student's enrolment for any of the reasons above cannot take effect until an internal appeals process is completed, unless the international student's health or wellbeing, or the wellbeing of others, is likely to be at risk. Refer to the **Initiating Suspension or Cancellation** section below.

Initiating Suspension or Cancellation

Standard 9.4 requires that if the College initiates a suspension or cancellation of the international student's enrolment, before imposing a suspension or cancellation, the College must:

- inform the international student and their parents/guardians of that intention and the reasons for doing so, in writing; and
- advise the international student of their right to appeal through the College's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals) and our **International Student Complaints Handling Policy** and **International Student Complaints Appeals Policy**, within 20 working days.

Deferral, Suspension or Cancellation Action

Standard 9.5 requires that when there is any deferral, suspension or cancellation action taken by the College under this Standard, the College will:

- inform the international student of the need to seek advice from the Department of Home Affairs on the potential impact on their student visa (see **Effect on CoE** below)
- report the change to the international student's enrolment under section 19 of the Education Services for Overseas Students Act 2000 (ESOS Act). For more information, refer to **PRISMS Maintenance Obligations**.

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Effect on CoE

The College must inform international students that deferring, suspending or cancelling an enrolment on any grounds may affect their student visa.

In the event of a decision to defer, suspend or cancel an enrolment, there are three possible outcomes on a student's CoE:

1. The College notifies the Cth (DoE) through PRISMS that they are deferring or suspending an international student's enrolment for a period without affecting the end date of the CoE. The notice of deferment or suspension will be recorded in PRISMS but this will not change the CoE. The international student will be still listed as studying.
2. The College notifies the Cth (DoE) 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 the College the opportunity to create a new CoE with a more appropriate end date. If the College does not know when the international student will return, the College can choose to not create a new CoE, but to wait until the international student has notified it of their intended date of return to the College.
3. The College notifies the Cth (DoE) through PRISMS that it wants to permanently cancel (terminate) the international student's enrolment. Once the PRISMS notification process is complete, the international student's CoE status will be listed as 'cancelled.' If the student is under the age of 18, the CoE cancellation won't cancel the CAAW and the College is still responsible for welfare arrangements until one of the conditions of Standard 5.6 are met. For more information, refer to our **Younger International Students Policy**.

Procedural Fairness

The College is committed to ensuring procedural fairness when deferring, suspending or cancelling an international student's enrolment with Siena College.

Where a decision has been considered to defer, suspend or cancel the enrolment of the student, the Principal will:

- write to the student, and the student's parents/guardians stating:
 - the reasons that the student's enrolment is under consideration for deferral, suspension or cancellation
 - the relevant rules, policies, standards of behaviour alleged to be breached
 - the relevant allegations said to warrant suspension or expulsion
- allow the student and/or the student's parents/guardians to give a response, either in writing or verbally
- allow the student to have a support person of the student's choosing

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- arrange a meeting with the student, the student's support person where applicable, and the student's parents/guardians where possible
- arrange for an interpreter, if one is required
- ensure that any meetings are documented.

Impact of Deferral and Suspension on Student Attendance

If an international student's enrolment is deferred or suspended, the period of suspension or deferral of enrolment (as recorded in PRISMS) should not be included in attendance monitoring calculations. For more information, refer to our **International Student Monitoring Course Progress, Attendance and Duration Policy**.

Record keeping

Each decision relating to international students' enrolment, including evidence of any assessments made by the College and notifications to the Cth (DoE) through PRISMS, is recorded and maintained on the file, in accordance with our **International Student Records Management and Retention Policy**.

RESPONSIBILITY

- Principal
- International Student Coordinator
- Deputy Principal Wellbeing and Strategy

RELATED LEGISLATION

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Education Services for Overseas Students Act 2000 (Cth)
- Education Services for Overseas Students Regulations 2001 (Cth)
- Migration Act 1958 (Cth)

RELATED SIENA COLLEGE POLICIES

- International Student Unsatisfactory Course Progress or Attendance Policy
- International Student Complaints Handling Policy
- International Student Complaints Appeals Policy
- Younger International Student Policy
- International Student Monitoring Course Progress, Attendance and Duration Policy
- International Student Records Management and Retention Policy
- International Student Refund Policy
- International Student Transfer Policy

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RISK

In the Committee's deliberations it is important to consider the College's main strategic processes and the identification of associated risks. Some sample questions are included for referral.

Answers are to be documented as part of the policy.

1. **Faith and Catholic Identity.** Identify any risks to Catholic Identity or Dominican charism of the school. How will this policy harm or enhance either?
2. **Reputation.** Identify if there are any reputational risks to the College. How will this policy impact Siena and wider communities?
3. **Financial.** Identify any financial risks to the College. How will this policy impact the financial stability of the College?
4. **Contemporary Learning and Teaching.** Identify any risks to learning and teaching. How will this policy impact the academic performance of the College?
5. **Wellbeing.** Identify any risks to safety and wellbeing. How will this policy impact the mental and physical wellbeing of the College community?
6. **Community Engagement.** Identify any risks to building community engagement. How will this policy impact community relationships?
7. **Governance and Leadership.** Identify any risks to governance and leadership in the College. How will this policy affect the strategic direction of the College?

Do any risks identified above warrant changes to the proposed policy? If so the policy should be referred back to the developer/s.

NEXT REVIEW

May 2025

POLICY LOCATION

<https://sienacentral.siena.vic.edu.au/homepage/3452>
www.siena.vic.edu.au

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