



International Deferment, Suspension and Cancellation (CRICOS) Policy and Procedure

AUSTRALIAN INSTITUTE OF WORKPLACE TRAINING

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1. Introduction

A student may request a deferment or suspension of their studies due to compassionate and compelling circumstances as set out in the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

AIWT may suspend or cancel a student's enrolment for non-payment of fees, no course progression, poor attendance or serious misbehaviour or academic misconduct.

This policy guides AIWT students and staff to understand and follow the process involved to defer, suspend or cancel an enrolment by a student or by AIWT (provider). This policy and procedure is communicated throughout a student's enrolment cycle via the AIWT website, the student handbook and on Orientation.

What is a deferment?

A deferral is a postponement of enrolment prior to commencement of study with AIWT. A course can be postponed to a maximum of up to 6 months.

What is a suspension?

A suspension is a temporary postponement of enrolment due to compassionate and compelling reasons after a course of study has commenced.

What is a cancellation of enrolment?

Withdrawal or cessation of enrolment in a course.

Alignment to the Standards for Providers of Education and Training to Overseas Students

National Code 2018 Part B

2.1.8 Prior to accepting an overseas student or intending overseas student for enrolment in a course, the grounds on which the overseas student's enrolment may be deferred, suspended or cancelled.

8.16.3 The registered provider must not extend the duration of the overseas student's enrolment if the overseas student is unable to complete the course within the expected duration, unless an approved deferral or suspension of the overseas student's enrolment has occurred under Standard 9 (Deferring, suspending or cancelling the overseas student's enrolment).

Standard 9 Deferring, suspending or cancelling the overseas student's enrolment

9.1 A registered provider must 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 overseas student, including maintaining a record of any decisions.

9.2 A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.

9.3 A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of:

9.3.1 misbehaviour by the student

9.3.2 the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement

9.3.3 a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).

9.4 If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:

9.4.1 inform the overseas student of that intention and the reasons for doing so, in writing

9.4.2 advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

9.5 When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:

9.5.1 inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa

9.5.2 report the change to the overseas student's enrolment under section 19 of the ESOS Act.

9.6 The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

2. Policy Statement

- 2.1 AIWT has documented procedures in place for assessing, approving and recording the process of deferment of the commencement of study, suspension of study and cancellation of study for AIWT international students enrolled into a CRICOS registered course.
- 2.2 AIWT must keep documentary evidence on a student's file of the assessment and outcome of the application.
- 2.3 AIWT manages the storage of those records in accordance with the relevant privacy legislation and other registration requirements.
- 2.4 A deferral, suspension or cancellation will be reported to the Department of Education and Training via PRISMS.
- 2.5 All applications must be made in writing by the applicant. AIWT communicates to the applicant in writing via emails, invite to meeting and informing the student of outcomes.
- 2.6 Students must seek advice from the Department of Home Affairs on the potential impact on their student visa if the enrolment has been deferred, suspended or cancelled. The Department of Home Affairs may cancel an international student's visa if the deferral, suspension or cancellation is due to:
 - misconduct or misbehaviour of the student
 - reasons other than compassionate or compelling circumstances
 - the compassionate or compelling circumstances which warranted the deferral or suspension of studies cease to exist
 - is based on fraudulent evidence or documents given to the registered provider.

Deferment, Suspension and/or Cancellation initiated by student

AIWT will only defer or temporarily suspend the enrolment of a 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).

“Compassionate or compelling circumstances” are generally those beyond the control of the overseas student and which have an impact upon the overseas 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 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:
- involvement in, or witnessing of a serious accident; or
- 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)

Cancellation by student (Student Default)

An application to cancel a course must be done in writing to studentservices@aiwt.edu.au using the Deferment, Suspension and Cancellation form.

Students wishing to cancel their course must ensure that the course fee for the current enrolled study period is paid for.

If a student wishes to cancel their course of study, it is important that the student is aware that he /she may need to access other related policies and procedures:

- Application for a Refund/ Fees, Charges & Refund Policy (contact accounts to check if a **cancellation fee or refund applies**)
- Application for a Letter of Release/ Transfer between registered providers policy and procedure

Suspension and/or Cancellation initiated by provider

AIWT may suspend or cancel an international student's enrolment, due to

- non-Payment of fees to undertake or continue the course as stated in the written agreement (LoO)
- breach of required course progress
- breach of attendance requirements
- Misbehaviour by the student

If AIWT is unable to offer the course as outlined in the written agreement or a pre-requisite unit of study cannot be offered due to either

- the student has not been deemed competent yet in a pre-requisite unit or
- the required pre-requisite unit is not offered in the required study period AIWT may initiate a suspension and/ or cancellation of enrolment.

Where AIWT initiates a suspension or cancellation of an international student, AIWT follows the procedure to ensure the student is informed of the process and his/her rights. AIWT will

- provide the student with the reasons for doing so in writing; and
- advise the student that they have a right to appeal the decision made by AIWT through accessing the complaints and appeals policy and procedure within twenty (20) working days, in accordance with Standard 10 of the National Code 2018. The student will continue to be enrolled until the internal and/or external appeals process is completed
- except, if a student's health or wellbeing or the wellbeing of others is likely to be at risk, a student may not be given the opportunity to appeal. AIWT must keep evidence to support this. Situations may include but are not limited to:
 - refuses to maintain approved care arrangements, if they are under 18 years of age;
 - is missing;
 - has medical concerns, severe depression or psychological issues which lead the provider 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.
- inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa; and
- notify the Secretary of the Department of Education and Training (DET) via PRISMS as required under Section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

3. Procedure

Student initiates Deferment, Suspension or Cancellation

3.1 Application for Deferment prior to course commencement:

A student may request a deferral prior to course commencement due to compassionate and compelling circumstances.

| Student | AIWT |
|---|--|
| The request must be <ul style="list-style-type: none"> in writing by completing the Application for Deferral, Suspension or Cancellation form. must be addressed to AIWT Admissions and emailed to futurestudents@aiwt.edu.au. must have attached suitable evidence to support the application | AIWT will <ul style="list-style-type: none"> acknowledge the receipt of the application via email arrange a skype meeting if applicable assess the case within 7 days inform the student of the outcome in writing |
| The student must accept the new Letter of Offer and return the acceptance via email to Admissions futurestudents@aiwt.edu.au . | If the deferral is approved by AIWT, the student will receive <ul style="list-style-type: none"> A confirmation of deferral letter/ email A revised Letter of Offer A CoE reflecting the new dates |
| The student has the right to appeal the decision within 20 days if the application has been rejected in writing. | |

3.2 Application for Suspension after course commencement:

A student may request a suspension during the course due to compassionate and compelling circumstances. Suspension will not be granted due to financial hardship or as a "break".

A student can apply to be suspended for one study period and in extenuating circumstances up to 2 study periods.

| Student | AIWT |
|--|---|
| The request must be <ul style="list-style-type: none"> in writing by completing the Application for Deferral, Suspension or Cancellation form must be addressed to AIWT Student Services and emailed to studentservices@aiwt.edu.au. must have attached suitable evidence to support the application | AIWT will <ul style="list-style-type: none"> acknowledge the receipt of the application via email arrange a meeting with the applicant if applicable assess the case and verify the evidence within 7 days inform the student of the outcome in writing |
| If the application has been rejected, the student has the right to appeal the decision within 20 days in writing. If the application has been approved and the student is leaving Australia, the student must <ul style="list-style-type: none"> provide copies of the return flight ticket ensure that tuition fees are pre-paid for at least 1 study period | If the suspension is approved by AIWT, the student will receive <ul style="list-style-type: none"> A confirmation of suspension letter via email confirming the timeframe and date to return to study An extended CoE reflecting the approved variation |

3.3 Application for cancellation:

A student may request to cancel their enrolment with AIWT. In considering cancelling an enrolment, the student should carefully read the following if applicable:

- Terms and conditions of enrolment including applicable cancellation fee in the Letter of Offer and as outlined in the International Deferment, suspension and Cancellation Policy and Procedure and the Fees, Charges and Refund Policy (CRICOS)
- If a letter of release is required, the "Transfer Between Registered Providers" policy and procedure must be read. Please note that a cancellation does not grant a "Letter of Release".
- If a change of visa occurs, a cancellation fee applies to the current enrolment

| Student | AIWT |
|---|---|
| <p>The request must</p> <ul style="list-style-type: none"> • be in writing by completing the Application for Deferral, Suspension or Cancellation form • must be addressed to AIWT Student Services and emailed to studentservices@aiwt.edu.au. • identify future courses packaged with the enrolment • ensure that all course fees are paid in full for the applicable study period | <p>AIWT will</p> <ul style="list-style-type: none"> • acknowledge the receipt of the application via email • arrange a meeting with the applicant to determine any refund and or cancellation fee applicable – see Appendix A • assess the case and verify the evidence within 7 days |
| <p>If the application has been approved and the student is leaving Australia, the student must</p> <ul style="list-style-type: none"> • provide copies of the return flight ticket • ensure that tuition fees are pre-paid for at least 1 study period <p>If the application has been rejected, the student has the right to appeal the decision within 20 days in writing.</p> | <p>If the cancellation is processed by AIWT, the student will receive</p> <ul style="list-style-type: none"> • A confirmation of cancellation letter via email • A cancelled CoE reflecting the approved variation • An invoice for any outstanding fees – Academic Transcripts are only released if fees are paid for the applicable study period |

AIWT initiates Deferment, Suspension or Cancellation

If AIWT initiates a suspension or cancellation of an international student, AIWT will:

- provide the student with the reasons for doing so in writing;
- advise the student that they have a right to appeal the decision made by AIWT through accessing the complaints and appeals policy and procedure within twenty (20) working days, in accordance with Standard 10 of the National Code 2018. The student will continue to be enrolled until the internal and/or external appeals process is completed
- except, if a student's health or wellbeing or the wellbeing of others is likely to be at risk. AIWT must keep evidence to support this. Situations may include but are not limited to:
 - refuses to maintain approved care arrangements, if they are under 18 years of age;
 - is missing;
 - has medical concerns, severe depression or psychological issues which lead the provider 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.
- inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa; and
- notify the Secretary of the Department of Education and Training (DET) via PRISMS as required under Section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

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APPENDIX A – REFUND/ CANCELLATION FEE

Cancellation/ Refund of Fees – please note that the **Application Fee is non-refundable!**

Student Default – Visa refused

| Student Default | Timeline | Evidence Required | Cancellation Fee | Refund |
|--|----------------------------|---|---|--|
| Student Visa refused before Commencement | Before Course Commencement | Copy of Letter from DHA student visa decision | 5% of total course fee or \$ 500 whichever is less | Full refund minus the cancellation fee |
| Student Visa refused due to fraudulent documents | Before Course Commencement | Copy of Letter from DHA student visa decision | | No Refund |
| Student Visa refused after the course has started | After Course Commencement | Copy of Letter from DHA student visa decision | 5% of total course fee or \$ 500 or applicable tuition fee pro rata | Refund calculated pro rata |

Student Default after student visa has been issued

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| Student with a student visa withdraws | More than 10-weeks before course start | | \$ 750.00 withdrawal administration fee | Full refund on prepaid tuition fees |
| Student with a student visa withdraws | Less than 10 weeks but more than 4 weeks before course start | | \$ 1000.00 withdrawal administration fee | 80% on prepaid tuition fees |
| Student with a student visa withdraws | Less than 4 weeks before course start | | \$ 1500.00 withdrawal administration fee | 50% on prepaid tuition fees |
| Student with a student visa withdraws | On course start | | Full Course Fee | Nil |
| Change of Visa Subclass | Less than 10 weeks but more than 4 weeks before course start | | \$ 1000.00 withdrawal administration fee | Pro rata minus the withdrawal administration fee |
| Change of Visa Subclass | Less than 4 weeks before course start | Copy of new visa | \$ 1500.00 withdrawal administration fee | Pro rata minus the withdrawal administration fee |
| Change of Visa Subclass | On or after course start | Copy of new visa | Full course fee for the applicable study period before eligible to switch to domestic course fees | Nil on prepaid tuition fees for the applicable study period |

AIWT Default

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| AIWT fails to provide the course offered, or terminates a service offered or ceases to operate | At all times | Full Refund if the student wishes to transfer to another provider except if the students gets cancelled by provider due to non-payment of fees or non-progression in their course. If TPS is responsible, please check the website https://tps.gov.au/StaticContent/Get/StudentInformation | | |
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Version Control

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| Policy Owner | Director, Student Services |
| Policy Number | 0402 |
| Approved by | Executive Management 13 June 2018 |
| Version History Version 001 Version 002 | Original creation Update reflects improved AIWT processes under new management Improved lay out Update to incorporate the National Code 2018 Improved the use of plain language and logical flow of events |
| Version 002.1 | Visa refused after the course has started – minor adjustment made to be clearer how the refund related to the number of weeks that have passed since commencement |
| Version 002.2 | Feb 2019 - Cancellation by student – minor update to make cancellation options clearer |
| Version 2.3 | Aug 2019 Minor update on wording for refund chart for students with an approved student visa withdraws |
| Version 2.4 | August 2020 Update of REFUND/ CANCELLATION FEE Table Updated Footer to reflect West Perth Campus Address |