# ISP Student-Initiated Deferral, Suspension and Cancellation Policy

## Purpose

This policy outlines the circumstances in which the Department of Education’s (DE or department) International Education Division (IED) may approve an international student’s request for a deferral, suspension or cancellation of their enrolment as part of the International Student Program (ISP).

This policy should be read in conjunction with the [ISP Student-Initiated Deferral, Suspension and Cancellation Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Student_Initiated_Deferral_Suspension_and_Cancellation_Procedure.docx), and is for DE (IED) staff, international students and their parents, education agents and schools.

## Scope

This policy applies to international students participating or applying to participate in the ISP as the primary holder of a subclass 500 Student – Schools visa.

## Student-initiated deferrals

If a student has received their Confirmation of Enrolment (CoE) but has not had their visa granted, and requests to change their commencement date, the student should request this change by completing a Change Request Form. This is not a deferral.

If a student has received their CoE and has had their visa granted, and requests to change their commencement date prior to commencement, the student should request this change by completing a Change Request Form. This is a deferral. DE (IED) will assess and approve a student’s request to defer their enrolment when:

* the student submits a completed Change Request Form, which is signed by the student’s parent or agent
* the student provides written evidence that compassionate or compelling circumstances apply.

If the conditions above are not met, DE (IED) will refuse the student’s request for deferral.

After receiving a completed form and all supporting evidence requesting a deferral, DE (IED) advises the student, parent and school staff of its decision, in writing, within 14 days.

The maximum duration that DE (IED) will defer a student’s enrolment is generally six months.

If DE (IED) refuses a student’s request for deferral, DE (IED) will state the reasons for refusal and advise the student of their right to appeal within 20 working days, as outlined in the [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx).

If DE (IED) approves a student’s request for deferral of enrolment, it informs the student of the need to seek advice from the Department of Home Affairs (DHA) on the potential impact on the student’s visa, and may extend the duration of the student’s enrolment in accordance with the [ISP Variation to Enrolment Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Variation_to_Enrolment_Policy.docx).

DE (IED) must report any deferral to DHA by entering the information in Provider Registration and International Student Management System (PRISMS) within 14 days of its decision. This may affect the student’s visa.

DE (IED) must report students to DHA via PRISMS within 14 days if they do not commence their course on the date specified in their CoE (and DE (IED) has not approved a deferral). This may affect the student’s visa.

DE (IED) maintains records of deferment requests, assessment and decisions as outlined in the [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

## Student-initiated suspensions

Students may request a temporary suspension of enrolment after the course commencement date on the student’s CoE. Students must apply for a temporary suspension of studies within 14 days of the date they are proposing the temporary suspension of enrolment commence.

DE (IED) will assess and approve a student’s request to temporarily suspend their enrolment when:

* the student submits a completed [Temporary Suspension of Enrolment Form](https://study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Temporary_Enrolment_Suspension_Application.pdf), which is signed by the student’s parent and the school Principal
* the student provides written evidence that compassionate or compelling circumstances apply.

If the conditions above are not met, DE (IED) will refuse the student’s request for suspension.

After receiving a completed form and all supporting evidence requesting a suspension, DE (IED) advises the student, parent and school staff of its decision, in writing, within 14 days.

If DE (IED) refuses a student’s request for suspension, it provides the reasons for refusal and advises the student of their right to appeal within 20 working days, as outlined in the [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx).

If DE (IED) approves a student’s request for suspension of enrolment, it informs the student of the need to seek advice from DHA on the potential impact on the student’s visa, and may extend the duration of the student’s enrolment in accordance with the [ISP Variation to Enrolment Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Variation_to_Enrolment_Policy.docx).

DE (IED) reports any suspension to DHA by entering the information in PRISMS within 14 days, which may affect the student’s visa.

The maximum duration that DE (IED) will temporarily suspend a student’s enrolment is generally six months.

DE (IED) maintains records of suspension requests, assessment and decisions as outlined in the [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

## Student-initiated cancellations

Students may cancel their enrolment at any time.

Students should refer to the [ISP Transfer Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Transfer_Policy.docx) if they are seeking to transfer to another CRICOS-registered provider.

Students must notify DE (IED) that they are cancelling their enrolment through the following:

* submitting a completed [Withdrawal Form](https://study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf), which is signed by the student’s parent and the school Principal (CAAW students only)
* the student provides written evidence that one of the following circumstances applies:
* refusal or cancellation of visa, and the student provides the relevant letter from DHA
* change of visa category to a category which is not part of the ISP (e.g. fee-exempt dependent)
* returning home, and the student provides a date of departure.
* moving to a new CRICOS-registered provider.

School staff monitor circumstances that could lead to a student-initiated cancellation, including student failure to return to school after an arranged holiday break, suspension or deferment, or failing to enrol in any subjects for a compulsory study period. Where school staff identify these circumstances, school staff notify DE (IED) who will cancel the student’s enrolment.

If DE (IED) cancels a student’s enrolment, it:

* informs the student of the need to seek advice from the DHA on the potential impact on the student’s visa
* continues to check the suitability of care arrangements for students living in a homestay, until the international student has approved welfare arrangements in place by another CRICOS-registered provider, or the student leaves Australia (as set out in the [ISP Homestay Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Homestay_Policy.docx))
* reports any cancellation to DHA by entering the information in PRISMS within 14 days of notification.

Students should refer to the [ISP Refund Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Refund_Policy.docx) to determine whether tuition fees are refundable and how to apply for a refund.

DE (IED) maintains records of student requests for a cancellation of enrolment as outlined in [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

## Legislation

* *Education Services for Overseas Students Act 2000* (Cth)
* *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth)
* *Migration Act 1958* (Cth)
* *Education and Training Reform Act 2006* (Vic)
* *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)

## Associated documents

* [ISP Student-Initiated Deferral, Suspension and Cancellation Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Student_Initiated_Deferral_Suspension_and_Cancellation_Procedure.docx)
* [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx)
* [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx)
* [ISP Homestay Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Homestay_Policy.docx)
* [ISP Written Agreement,](https://study.vic.gov.au/Shared%20Documents/en/Standard-Application-Written-Agreement.docx) see Student Behaviour
* [ISP Refund Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Refund_Policy.docx)
* [ISP Variation to Enrolment Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Variation_to_Enrolment_Policy.docx)
* [ISP Transfer Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Transfer_Policy.docx)
* [PAL ISP Toolkit Guidance 8. Transfers and cancellations](https://www2.education.vic.gov.au/pal/international-student-program/guidance/transfers-and-cancellations-section-8)
* [ISP Withdrawal Application form](https://study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf)

## Definitions

* **Compassionate circumstances** refers to circumstances that are not in the student’s control or created by the student and adversely impact on student welfare or course progress (for example, illness, bereavement or traumatic events may qualify), as assessed on a case-by-case basis.
* **Compelling circumstances** are circumstances which in the opinion of DE (IED) are in the student’s best interests, as assessed on a case-by-case basis.
* **DE (IED)** means the Department of Education – International Education Division. IED is the division in DE that administers the International Student Program in Victorian government schools. IED is not a separate entity to DE. DE is the CRICOS-registered provider.
* **DE (IED) staff** includes the Executive Officers, managers and employees (full time, part time, ongoing, fixed term, casual and contractor) of DE who work directly or indirectly with the ISP. This excludes school staff.
* **Homestays** are international student accommodation arranged by schools where DE (IED) is responsible for the welfare of the student at all times, including outside school hours.
* **International students (students)** for the purpose of this policy are defined as students participating in the ISP who are applying for, or hold, a subclass 500 Student – Schools visa.
* **Parent** refers to the parent(s) or legal guardian(s) of an international student.
* **School staff** are employees of schools, for example – International Student Coordinator, Homestay Coordinator, Head of Department, Deputy Principal, and Principal.

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## Authorised

Executive Director, International Education Division

**Date of authorisation**: 29/11/2019

**Review frequency**: This policy will be reviewed at minimum every 12 months or when any changes arise impacting its currency, including legislative or regulation change.