



**ACT**  
Government

Education

**Guidelines for Students on a Student Visa Subclass 500**  
**ACT Government Education Directorate**

**2017**

These guidelines have been created to assist students, parents, agents, schools and Education Directorate staff. Please note that these guidelines relate to students attending an ACT public school and who hold a visa subclass 500.

## **A ACCOMMODATION AND WELFARE**

- A.1** The Department of Immigration and Border Protection (DIBP) requires that students under 18 years of age must reside with a parent, relative, legal custodian or homestay accommodation arranged by the ACT Government Education Directorate for the duration of their study in an ACT public school. Failure to comply with this visa condition will result in the cancellation of the student's enrolment.
- A.2** Students under 18 years of age have three options for accommodation and welfare.
1. They may live with their parents or a relative approved by DIBP. All primary school students must elect this option.
  2. The student may nominate a family friend with whom to reside. All family members are required to be approved by the Education Directorate in the family friend and relatives program. Students are eligible for this program once they commence secondary school studies.
  3. The student may request homestay accommodation arranged by the Education Directorate, students are eligible for this program once they turn 16 years of age.
- A.3** Students issued with a Confirmation of Appropriate Accommodation/Welfare (CAAW) will have the period for welfare provision specified on the CAAW. This period will allow an additional seven days before the course start date and seven days after the course end date as nominated on the CoE. Students must not enter Australia prior to seven days before the course start date. If students ignore this visa requirement, enrolment may be terminated.
- A.4** Changing welfare/ accommodation arrangements without prior approval from the Education Directorate may result in a student's enrolment being cancelled.
- A.5** The welfare of students under the age of 18 years, who have been issued a CAAW, is delegated to the Director, Student Engagement, ACT Government Education Directorate.
- A.6** The Education Directorate takes no responsibility for any additional counselling or support arrangements entered into by parents with private agencies. Agencies appointed for additional arrangements cannot access information directly from ACT public schools or the Education Directorate under the Privacy Act (Commonwealth) 1988.
- A.7** Homestay accommodation, provided by a registered host family, is arranged by the Education Directorate. Students who elect to enrol into the family friends and relatives program are not eligible to transfer into homestay accommodation.
- A.8** Students under the age of 18 are required to remain in approved accommodation for the duration of their study as a condition of their enrolment in ACT public schools.
- A.9** Students over the age of 18 must stay in an approved homestay accommodation or with an approved family friend or relative for a minimum period of 6 months after arrival. Students may apply for move into independent accommodation once they turn 18 years of age and must complete the *Application for Independent Living* form. Once approval is given by the Education Directorate, students must provide their homestay host with two

weeks' notice. In order for approval to be given, the Education Directorate must be satisfied that the student has successfully attained the English language skills necessary to live independently. The student must also have satisfactory attendance, progress and no behaviour issues.

- A.10** Should the homestay host wish to terminate a homestay agreement; a minimum of two weeks' notice must be given to the student and the Education Directorate.
- A.11** During the school holiday periods a holding fee to secure the homestay accommodation is required as detailed in the Guidelines for participants in the Homestay Program for International Fee Paying Students.
- A.12** Students must have permission from the Education Directorate if they wish to stay away from their homestay overnight.
- A.13** Students travelling during holiday periods must provide the Education Directorate with a completed Permission Form to Travel Outside the ACT. This must be submitted five days prior to general weekend travel and by the given date for each school holiday period.
- A.14** Students are required to reimburse homestay hosts for any damages to property caused by the student, or costs incurred to the homestay host as a result of the student's activities at the residence.
- A.15** Complaints that cannot be resolved by the homestay host and the student should be referred in writing to the Homestay Coordinator at the Education Directorate and a roundtable mediation session will be arranged.

## **B COURSE PROGRESS**

- B.1** Students are required to demonstrate satisfactory course progress during the period of their enrolment as required by DIBP.
- B.2** Satisfactory course progress is assessed by the school on a semester basis and is consistent with requirements for domestic students as determined by the Board of Senior Secondary Studies.
- B.3** Students must complete their course of study within the agreed period as detailed on their Confirmation of Enrolment (CoE). Where compassionate or compelling circumstances exist, the Education Directorate has implemented intervention strategies or study deferment has been approved, an extension may be possible.
- B.4 Intervention Strategies**
  - B.4.1** Students, agents and parents will be advised if academic progress is of concern.
  - B.4.2** Where a student is not performing satisfactorily, counselling by the Education Directorate will be provided. Agents, parents and the homestay host will be advised
  - B.4.3** Where a student fails a unit of study they will be referred to the Education Directorate and written intervention strategies will be put in place.

- B.4.4** Where a student fails two units of study a report to both the Commonwealth Department of Education and DIBP will be made for non-compliance with visa conditions.
- B.4.5** Before a report is made, an Intention to Report notification is issued. The student has 20 days to appeal the decision as required under the *Education Services for Overseas Students Act 2000* (ESOS Act) and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code).
- B.4.6** Compelling and compassionate circumstances will be considered before making a report.
- B.4.7** Students have the right to an internal appeal.
- B.4.8** Students have the right to an external appeal if they are not satisfied with the Education Directorate internal appeals process. An independent external body is appointed to conduct external appeals.

## **C ATTENDANCE**

- C.1** Students are expected to attend all scheduled course contact hours.
- C.2** Students **must** attend a minimum 90% of scheduled course contact hours. All absences including those explained or accompanied by a medical certificate are included in this overall attendance calculation.
- C.3** Attendance is recorded daily by the school in compliance with visa conditions.
- C.4** Absences explained with a medical certificate contribute to the overall attendance calculation; however, illness will be taken into account as compelling circumstances if required.
- C.5 Intervention Strategies**
- C.5.1** Students, agents and parents will be advised if attendance is of concern. Students and homestay families are contacted by their school after students are absent for three consecutive days.
- C.5.2** Should attendance fall below 95%, the student will be referred to the Education Directorate and written intervention strategies will be put in place.
- C.5.3** Should attendance fall below 90% a report to the Commonwealth Department of Education and DIBP will be made for non-compliance with visa conditions.
- C.5.4** Before a report is made, an Intention to Report notification is issued. The student has 20 days to appeal the decision as required under the ESOS Act and the National Code.
- C.5.5** The Education Directorate has discretion for those students who have an attendance calculation of between 80 % - 90% as compelling and compassionate circumstances will be considered case by case.
- C.5.6** Students have the right to an internal appeal.
- C.5.7** Students have the right to an external appeal if they are not satisfied with the Education Directorate internal appeals process. An independent external body is appointed to conduct external appeals.

## **D STUDENT BEHAVIOUR**

- D.1** Students are required to comply with the ACT public school's *Code of Conduct* and the Education Directorate *Guidelines for Students on a Student Visa Subclass 500*.
- D.2** Students must comply with all visa conditions and involvement in any activity that may endanger their safety or that of any other person or behaviour that could lead to police criminal charges will result in the termination of enrolment.
- D.3** Misbehaviour includes breaches of the school *Code of Conduct* or disregard of Education Directorate and the Guidelines for students on a Student Visa Subclass 500 or the Guidelines for participants in the Homestay Program for International Fee Paying Students. This includes the formal suspension from school.
- D.4** Before a report is made, an Intention to Report notification is issued. The student has 20 days to appeal the decision as required under the ESOS Act and the National Code.
- D.5** Compelling and compassionate circumstances will be considered before making a report.
- D.6** Students have the right to an internal appeal.
- D.7** Students have the right to an external appeal if they are not satisfied with the Education Directorate internal appeals process. An independent external body is appointed to conduct external appeals.

## **E DEFERRAL, SUSPENSION OR CANCELLATION OF STUDENT ENROLMENT**

### **E.1 DEFERRAL**

- E.1.1** A student may apply to Education Directorate to defer their course of study under compassionate or compelling circumstances. Examples of such circumstances could include: serious illness, injury or trauma, bereavement of close family members, major political upheaval or natural disaster in home country.
- E.1.2** The Education Directorate will consider the impact on the student's capacity and/or ability to progress satisfactorily in their course of study.
- E.1.3** The deferral application should include evidence of the circumstances involved and be made in writing to:  
Manager  
International Education Unit  
Education Directorate  
PO Box 158  
CANBERRA ACT 2601  
AUSTRALIA
- E.1.4** The deferral of studies is for a maximum period of six months and cannot be approved retrospectively. Deferral of studies may also impact on the validity of the student visa for study in Australia.

## **E.2 SUSPENSION OR CANCELLATION**

**E.2.1** Student enrolment may be suspended or cancelled if tuition fees are not paid by the specified date on the invoice.

**E.2.2** Student enrolment may be suspended or cancelled if visa requirements are breached. Examples of visa breaches include:

- Student attendance is less than 90% of scheduled course hours
- Student fails to meet course progress requirements
- Student fails to comply with the ACT public school's *Code of Conduct* and the Education Directorate *Guidelines for Students on a Student Visa Subclass 500*

**E.2.3** Suspension or cancellation of enrolment may also impact on the validity of the student visa for study in Australia.

## **E.3 NON COMPLIANCE**

### **E.3.1 ISSUING A NOTICE OF INTENTION TO REPORT**

**E.3.1.1** Students in breach of visa requirements are issued with a Notice of Intention to Report.

**E.3.1.2** The notice explains the visa breach, actions undertaken and the intervention strategies employed by the Education Directorate to assist the student.

**E.3.1.3** Students may appeal the Notice of Intention to Report for Non-Compliance within 20 working days from the date of issue.

### **E.3.2 APPEALING A NOTICE OF INTENTION TO REPORT**

**E.3.2.1** Students have the right of appeal and will be advised in writing the avenues of review. Students may elect to be accompanied and assisted by a support person at any relevant meetings.

**E.3.2.2** Internal appeals must be lodged in writing within 20 working days after the issue of the Intention to Report notification. Internal appeal decision to:  
Director  
Student Engagement  
Education Directorate  
PO Box 158  
CANBERRA ACT 2601  
AUSTRALIA

**E.3.2.3** The Education Directorate will commence a review of the appeal within ten working days of receipt of a written appeal.

**E.3.2.4** Appellants will be provided with a written statement of the outcome of the internal appeal within ten working days of the appeal panel meeting.

**E.3.2.5** Should a student be unsuccessful with the internal appeal a further appeal may be lodged with the Education Directorate whereby an independent external body will be appointed at no cost to the student.

**E.3.2.6** Internal appeals must be lodged in writing within ten working days after the issue of the Intention to Report notification. Internal appeal decision to:

Director  
Student Engagement  
Education Directorate  
PO Box 158  
CANBERRA ACT 2601  
AUSTRALIA

**E.3.2.7** The Education Directorate will advise the student of the outcome of the external appeal. The Education Directorate will implement the determinations of the independent body within ten working days.

**E.3.2.8** Students unsuccessful in the internal appeal process and who do not lodge a further external appeal will be reported

**E.3.2.9** A report will be made only once the appeals process has been exhausted.

**E.3.2.10** The Education Directorate will maintain student enrolment, including any accommodation and welfare arrangements until the completion of the appeals process, excepting extenuating circumstances relating to the welfare of the student.

## **F TRANSFER PROCEDURES**

**F.1** Students may apply to transfer to another education provider in the following circumstances:

- (a) post-payment and prior to commencement (in extenuating circumstances only)
- (b) less than six months (one semester) after commencement (in exceptional, compassionate and compelling circumstances, on a case-by-case basis and provided the transfer is in the student's best interest)
- (c) after six months (one semester) of enrolment

**F.2** The Education Directorate will issue a letter of release at no cost to the student provided:

- (a) the transfer application fulfils policy requirements
- (b) tuition and any other outstanding fees are fully paid
- (c) there is no risk that visa conditions will be breached
- (d) if the student is under 18 years of age, the parent or legal guardian provides written support for the transfer
- (e) If the student is under 18 years of age and is not cared for in Australia by a parent or suitable nominated relative, a valid enrolment offer must confirm that the new provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements

**F.3** All applications for a request to transfer must be in writing. Transfer applications will be processed within five working days from the receipt of a complete application.

The transfer application should be made in writing to:

Manager  
International Education Unit  
Education Directorate  
PO Box 158  
CANBERRA ACT 2601  
AUSTRALIA

**F.4** A transfer application decision may be appealed in writing within 20 working days of the decision. The appeal should be made in writing to:

Director  
Student Engagement  
Education Directorate  
PO Box 158  
CANBERRA ACT 2601  
AUSTRALIA

## **G STUDENT TRAVEL**

**This section applies to students who have been issued a CAAW. It does not apply to students residing with a parent or a DIBP approved relative.**

**G.1** The *Permission to Travel outside the ACT* form must be completed by the student for approval by the Education Directorate.

**G.2** Students are permitted to travel subject to Education Directorate approval. This includes:

**G.2.1** travelling with the homestay family, family friend or relative on a holiday

**G.2.2** travelling with a person(s) over 21 years of age and of sound character

**G.2.3** travelling on school arranged activities

## **H PART-TIME WORK**

**H.1** All students in Australia under a student visa subclass 500 are permitted to work up to 40 hours per fortnight whilst their course is in session. However, all international students enrolled in ACT public schools are permitted to work 10 hours maximum during the academic school year.

**H.2** In the school holiday periods, there is no limit to the hours a student may work under a student visa subclass 500.

**H.3** Prior to admission and the visa grant, parents make a declaration that they are able to support their secondary age school children whilst they are studying in Canberra. Thus, the primary objective of part-time work is not to supplement a student's income. Rather, part-time work is encouraged to assist students in their English language acquisition.

**H.4** Voluntary, unpaid work, is not included in the limit of 40 hours per fortnight if it is of benefit to the community or is for a non-profit organisation.

**H.5** Before commencing paid employment, all students must obtain a Tax File Number to be able to work in Australia. This is available from the [Australian Tax Office](#).

**H.6** Workers in Australia (including visa holders with permission to work) have rights under Australian workplace law. [The Fair Work Ombudsman Pay and Conditions Tool \(PACT\)](#) provide information on pay rates, shift calculations, leave arrangements and notice and



redundancy entitlements. More information is available about [Workplace rights – for all visa holders working in Australia](#).

## **I COMPLAINTS AND APPEALS**

- I.1** The Education Directorate is has a mechanism to deal with complaints and appeals impartially, promptly and confidentially.
- I.2** The formal investigation of a complaint or appeal will require that all complaints or appeals are lodged in writing.
- I.3** Complaints and appeals processes will commence within ten working days of the formal lodgement. Students may be accompanied and assisted by a support person at any relevant meetings.
- I.4** There is no cost associated with lodging a complaint or appeal
- I.5** The Education Directorate will maintain student enrolment, including any accommodation and welfare arrangements until the completion of the appeals process, excepting extenuating circumstances relating to the welfare of the student.
- I.6** Appellants will be provided with a written statement of the outcome within ten working days.
- I.7** Appellants will be advised of further avenues for external appeal.

## **J PRIVACY**

**J.1** The enrolment form requires personal information regarding the student and family. This information enables the Education Directorate to allocate staff and resources to meet the student's education and welfare requirements. The information collected may be shared with other Government and contracted organisations where applicable.

### **J.2 Student Details**

**J.2.1** This includes information about the student's country of birth, English language level and current level of study. This information allows the Education Directorate to determine the appropriate level of schooling. This information is kept strictly confidential and cannot be disclosed without consent unless required by law.

### **J.3 Emergency Contacts**

**J.3.1** The student must ensure that the persons named are aware that they have been nominated and agree to their details being provided to the Education Directorate.

### **J.4 Family Details**

**J.4.1** Information pertaining to student's families is collected to facilitate enrolment in ACT public schools and for parental contact when required. Only family members nominated on the application form may be privy to student information.

### **J.5 Health Information**

**J.5.1** Any medical condition or disability must be disclosed. The student's name, date of birth, gender and health cover status is required by the Overseas Student Health Cover (OSHC) provider for the provision of compulsory medical insurance.

## **J.6 Visa Status**

**J.6.1** The Education Directorate requires student visa and passport status in order to facilitate enrolment.

## **J.7 Welfare and arrival**

**J.7.1** The Education Directorate requires confirmation of arrival details to ensure student safety upon arrival.

## **J.8 School Placements**

**J.8.1** The Education Directorate requires three school nominations of which one is guaranteed. In the event that the three nominated schools are at enrolment capacity, another ACT public school will be selected by the Education Directorate.

## **J.9 Information**

**J.9.1** Information regarding the *Information Privacy Act 2014* can be obtained at [http://www.det.act.gov.au/about\\_us](http://www.det.act.gov.au/about_us)

# **K PAYMENTS AND REFUNDS**

**K.1** Payment of invoiced tuition fees is due on acceptance of an Offer of Place by a new student.

**K.2** Returning students' tuition fees are due as stated on the invoice provided.

**K.3** Late payment of tuition fees will incur a surcharge.

**K.4** The Education Directorate will refund all tuition fees if an application for student visa is unsuccessful. The Manager of the International Education Unit (IEU) should be informed in writing by the parents or agent of the student if the visa application has been declined. The original letter from the Australian diplomatic mission must be included with the advice.

**K.5** The Education Directorate will provide a refund once written evidence is provided stating that:

**K.5.1** arrangements changed before a visa grant

**K.5.2** family illness makes it impossible for travel to Australia to occur. In this case, the issuing DIBP office must be advised that the visa should be cancelled and evidence of the cancellation must be provided to the Education Directorate

**K.5.3** after arrival in Australia, the applicant is required to return to home country due to illness or other compelling circumstances The Education Directorate will require evidence that appropriate visa arrangements have been made with DIBP

**K.5.4** after arrival in Australia the student's residential status changes

**K.6** A request for refund should be in writing, addressed to:

Manager  
International Education Unit  
Education Directorate  
PO Box 158

The Education Directorate will refund the balance of fees owing within four weeks after receiving a written claim from the student or the person who paid tuition fees on behalf of any student under 18 years of age.

**K.7** For continuing students who decide not to complete a course in which they have enrolled, the amount that the Education Directorate will refund will depend on when the advice of withdrawal from the course is received:

**K.7.1** If written evidence is received before 9am on the first day of term, 90% of the tuition fees will be refunded.

**K.7.2** If written advice is received on or after the first day of term and before 5pm on the Friday of week four of the semester, 50% of the tuition fees will be refunded.

**K.7.3** If written evidence is received after 5pm on the Friday of week four of term, no refund will be possible.

**K.8** The Education Directorate is required to advise DIBP of changes to all study programs. Withdrawal of an application may result in changes to the entitlement to enter or remain in Australia.

**K.9** All fees must be paid in Australian dollars. Refunds will be reimbursed in Australian dollars in the form of cheque or bank draft and the payment will be sent to the student's home country address unless otherwise requested by the person paying the tuition fee. Agency fees, if applicable, cannot be refunded.

## **L STUDENT DECLARATION**

**L.1** Students and their parents are required to sign a declaration, stating that all information stated in the *Application for Enrolment* form is correct and all the terms and conditions stated in the form, including the *Refund Policy* have been agreed upon.

**L.2** The Education Directorate takes no responsibility for any event that may occur as a result of non-disclosure or the provision of false or misleading information. The Education Directorate reserves the right to cancel the student's enrolment should such issues arise.



## **Guidelines for Students on a Student Visa Subclass 500 Information Sheet for Students Student Visa Compliance**

### **IMPORTANT**

Student visa subclass 500 are granted subject to a number of conditions. The information below provides a summary of each of these conditions and you should read and understand them. Non compliance could result in your visa being cancelled and you would be required to leave Australia.

#### **Visa Condition No 8202 – Attendance**

- I must maintain full time enrolment
- I must attend 90% of classes

#### **Visa Condition No 8202 – Academic Performance**

- I must maintain satisfactory course progress.
- I cannot fail any unit of study.

#### **Visa Condition No 8202 – In School Behaviour**

- Suspension will affect my attendance record and course progress which may result in the cancellation of my student visa.

#### **Visa Condition No 8303 – Out of School Behaviour**

- I must not be involved in violent activities or activities that break Australian Law.
- I must behave in an acceptable manner at all times

#### **Visa Condition No 8532 – Accommodation Arrangements**

- If I am under 18 I must stay in
  - Approved homestay accommodation or
  - With my parents/s or
  - With an approved relative or family friend
- I must not change my accommodation arrangements without written approval from the Education Directorate

#### **Visa Condition No 8533 – Changing Education Provider**

- I am not permitted to change education provider until I have completed six months of my study.

#### **Visa Condition No 8533 – Residential Address**

- I must notify the Education Directorate of any change of address within seven days

#### **Visa Condition No 8501 – Health Insurance**

- I must maintain adequate arrangements for health insurance while in Australia

I have read and understand the conditions relating to my student visa. I understand that my visa may be cancelled if I do not comply with the above conditions.

I also give permission for the ACT Government to access my student visa information through the Department of Immigration and Border Protection Entitlement Verification Online (VEVO) system.

Signed: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Full Name (in English as per passport): \_\_\_\_\_