# International education unit

# guidelines for students holding a subclass 500 (school sector) visa

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# introduction

The International Education Unit (IEU) provides supporting services for international students studying in Canberra. The overarching aim of the international education program is to advice the economic, social cohesion and community outcomes for the ACT. Independent international students contribute $486 million (inclusive of tertiary) to the ACT economy and international education is considered the fifth largest growth industry in Australia.

These guidelines have been created to assist students, parents, agents, schools and ACT Education Directorate staff in understanding the obligations of international students studying in the ACT public school sector on subclass 500 visas.

Please note that these guidelines have been developed by the IEU as an information product and are not an official policy document of the Department of Home Affairs. Parties wishing to confirm their visa obligations should contact the Department of Home Affairs directly.

# accomModation and welfare

* 1. The Department Home Affairs requires that students holding a subclass 500 (school sector) visa who under 18 years of age must only reside with certain parties ) 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. These parties are:
		1. a parent or other relative (Guardian) approved by the Department of Home Affairs. All students wishing to study in an ACT government primary school must elect this option; or
		2. a nominated family friend or other relative (not a Department of Home Affairs Guardian) who is approved by the IEU as a participant in the Family Friends and Relatives (FFaRP) program; or
		3. a homestay host that is arranged by the IEU and is an approved Homestay host. Students are eligible to enter the Homestay program once they turn 16 years of age.
	2. Students issued with a Confirmation of Appropriate Accommodation/Welfare (CAAW) by the Education Directorate 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. Course dates are nominated on the Confirmation of Enrolment (CoE). Students must not enter Australia prior to seven days before the course start date. Failure to comply with this requirement may result in the cancellation of the student’s enrollment.
	3. The welfare of students under the age of 18 years, who have been issued a CAAW from the Education Directorate, is delegated to the Director International Education Unit.
	4. 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.
	5. Homestay accommodation (provided by an IEU registered host family) is arranged by the Education Directorate. During school holiday periods a holding fee to secure the homestay accommodation is required. For further information on the requirements of the Homestay program please refer to the *Guidelines for Participants in the Homestay Program for International Fee Paying Students.*
		1. Should the homestay host wish to terminate a homestay agreement, a minimum of two weeks’ notice must be given to the student and to the IEU.
		2. Students must have permission from the IEU if they wish to stay away from their homestay overnight.
		3. Students are required to reimburse homestay hosts for any damages to property caused by the student, or costs incurred to the homestay host because of the student’s activities at the residence.
		4. Complaints that cannot be resolved by the homestay host and the student should be referred in writing to the Homestay via email at ieu@act.gov.au.
	6. Students over the age of 18 must stay in an approved homestay accommodation or with an approved family friend or relative registered in the FFaRP program, for a minimum period of six months after arrival.
		1. Students may apply for move into independent accommodation once they turn 18 years of age. Students must complete the *Application for Independent Living* form.
		2. Once approval is given by the IEU, students must provide their homestay host with at least two weeks’ notice of their intention to move.
		3. For approval to be given, the IEU 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.
	7. Changing welfare or accommodation arrangements without prior approval from the Education Directorate may result in a student’s enrolment being cancelled.
		1. Students commencing their studies with a Department of Home Affairs Guardian, or as part of FFaRP, may apply to move to the Homestay program after a minimum of six months. Acceptance is not guaranteed and is dependant on the availability of homestay hosts.
		2. Students wishing to move from the Homestay program to FFARP may do so upon application to and approval from the IEU.
	8. Students wishing to travel travelling during holiday periods must complete the appropriate travel form. Forms must be submitted five days prior to general weekend travel and by the given date for each school holiday period.
	9. The Education Directorate takes no responsibility for any counselling or support arrangements entered in to by parents with private agencies. Under the *Privacy Act (Commonwealth) 1988,* agencies appointed for additional arrangements cannot access information directly from ACT public schools or the Education Directorate.

# course progress

* 1. As required by the Department of Home Affairs, students are required to demonstrate satisfactory course progress during the period of their enrolment. 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.
	2. Students must complete their course of study within the agreed period as detailed on their CoE. Where compassionate or compelling circumstances exist, and the Education Directorate has implemented intervention strategies or study deferment has been approved, an extension may be possible.
	3. Students, agents and parents will be advised if academic progress is of concern. Where a student is not performing satisfactorily, counselling by the Education Directorate will be provided. Agents, parents and the homestay host will be advised.
	4. 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. Where a student fails two units of study a report to both the Commonwealth Department of Education and Training and Department of Home Affairs will be made for non-compliance with visa conditions.

# attendance

3.1 Students are expected to attend all scheduled course contact hours. Students **must** attend a minimum 90 per cent of scheduled course contact hours. All absences including those explained or accompanied by a medical certificate are included in this overall attendance calculation.

3.2 Attendance is recorded daily by the school in compliance with visa conditions. Although absences explained with a medical certificate contribute to overall attendance calculation, illness will be considered as compelling circumstances, if relevant.

3.3 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.

3.4 Should attendance fall **below 95 per cent**, the student will be referred to the Education Directorate and written intervention strategies will be put in place. Should attendance fall **below 90 per cent** a report to the Commonwealth Department of Education and Training and the Department of Home Affairs and will be made for non-compliance with visa conditions.

* + 1. The Education Directorate has discretion for those students who have an attendance calculation of **between 80 per cent and 90 per cent**. Compelling and compassionate circumstances will be considered on a case by case basis.

# student behaviour

4.1 Students are required to comply with the relevant ACT public school’s *Code of Conduct*, and these guidelines. Students must comply with all visa conditions. Involvement in any activity that may endanger their own safety, or the safety of any other person, or behaviour that could lead to police criminal charges, will result in the termination of enrolment.

4.2 Misbehaviour also includes breaches of the *Guidelines for Participants in the Homestay Program for International Fee Paying Students* and includes formal suspension from school.

4.3 If unacceptable student behaviour is identified or occurs, a report to the Commonwealth Department of Education and Training and the Department of Home Affairs and will be made for non-compliance with visa conditions.

# deferral, suspension or cancellation of student enrolment

5.1 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.

5.2 The Education Directorate will consider the impact on the student’s capacity and/or ability to progress satisfactorily in their course of study.

5.3 The deferral of studies is for a maximum period of six months and cannot be approved retrospectively Deferral of studies may impact on the validity of the student’s visa.

5.4 Applications for deferral must be made in writing and must include supporting evidence. Applications should be addressed to Director International Education Unit and should be submitted via email at ieu@act.gov.au.

5.5 A student’s enrolment may be suspended or cancelled due to breach of visa conditions. Some examples included:

* Failure to meet attendance requirements (for example, attendance falls below 90 per cent).
* Failure to meet course progress requirements.
* Failure to comply with the relevant schools *Code of Conduct* or these guidelines.
* Failure to pay tuition fees by the due date nominated on the invoice.

# notice of intent to report

* 1. Before the Education Directorate makes a report to the Commonwealth Department of Education and Training and the Department of Home Affairs for non-compliance of student visa conditions, the student in breach of any visa requirements will be issued with a *Notice of Intent to Report*. The notice outlines the visa breach, actions undertaken to remedy the breach, and interventions implemented by the Education Directorate to support the student.
	2. 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), the student may appeal the *Notice of Intent to Report* within 20 working day from the date of issue.
	3. The Education Directorate will consider sompelling and compassionate circumstances before making a report.
	4. Students have the right to an internal appeal and 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.

# appeals

* 1. All students have the right of appeal of a decision by the Education Directorate. There is no cost associated with making an appeal.
	2. The first avenue of appeal is an internal appeal. International appeals should be addressed to Director International Education Unit and should be submitted via email at ieu@act.gov.au.
	3. The IEU will commence a review of the appeal within 10 working days of receipt. The appellant/s will be provided with a written statement of the outcome of the appeal within 10 working days of the appeal panel meeting.
		1. The internal appeals panel will consist of three members. An external Executive Branch Manager of an external branch to the IEU will by the Chair of the panel and is a compulsory member.
		2. Membership will be made up of three panel members from:
* Executive Branch Manager of external branch (Chair)
* Executive Branch Manager Learning and Teaching
* Director International Education Unit
* Assistant Director International Education Unit
	1. Should the appellant/s be unsuccessful with the internal appeal, the student may lodge an external appeal of the decision. The available external appeals mechanisms will be advised to the appellant/s in their decision letter of the internal appeals panel.
	2. The Education Directorate will maintain the appellant/s enrolment during the period of both internal and external appeal.

# transfers

8.1 A student may apply to transfer to another education provider in the following circumstances:

* Post-payment and prior to commence of studies with the ACT public school system (in extenuating circumstances only).
* Less than six months (one semester) after commencement (only in exceptional, compassion and compelling circumstances and on a case by case basis provided the transfer is in the student’s best interests).
* After six months (one semester) of enrolment.

8.2 The Education Directorate will issue a *Letter of Release* at no cost to the student provided that:

* the transfer application fulfils policy requirement; and
* tuition and any other outstanding fees are fully paid; and
* there is no risk that visa conditions will be breached; and
* (if the student is under 18 years of age) the parent of legal guardian provides writing support for the transfer; and
* (if the student is under 18 years of age and is not cared for in Australia by a parent of Department of Home Affairs approved Guardian) a valid enrolment offer confirms that the new provider accepts responsibility for the student’s accommodation, support and general welfare arrangements.

8.3 All applications for transfer must be made in writing and submitted via email to ieu@act.gov.au. Applications will be processed within five working date from receipt of a completed application.

# student travel

9.1 Students who have been issued with a CAAW by the Education Directorate must adhere to student travel requirements as outlined in the *Travel for International Fee Paying Students* policy.

# part-time work

10.1 All students who are studying in Australia on a subclass 500 visa are permitted to work up to 40 hours per fortnight whilst their course is in session. The Education Directorate permits international students enrolled in an ACT public school to work a **maximum of 10 hours per week** during the academic school year. There is no limit to the hours a student may work during school holiday periods.

10.2 The primary objective of part-time work is to assist students in their English language proficiency. It is not designed to supplement the student’s regular income provided by parents.

10.3 Voluntary, unpaid work is not included in the 10 hours per week limit if it is of benefit to the community or is for a non-for-profit organisation.

10.4 Before commencing paid employment, all students must apply for a Tax File Number. Application can be made to the Australian Taxation Office at the following URL <https://www.ato.gov.au/individuals/tax-file-number/apply-for-a-tfn/>.

10.5 All workers in Australia (including visa holders with permission to work) have rights under Australian workplace law. The Fair Work Ombudsman website provides information on pay rates, shift calculations, leave arrangement and other information. The website can be reached at the following URL <https://www.fairwork.gov.au/>.

# payments and refunds

11.1 The payment of invoiced tuition fees is due on acceptance of an offer of place by a new student. Returning student tuition fees are due by the date stated on the invoice. Late payment of tuition fees may incur a late payment fee of AUD$600.

11.2 All payment must be made in Australian dollars. Refunds will also be made in Australian dollars in the form of a cheque or EFT payment. Payments will be sent to the student’s home country address unless otherwise specified.

11.2 The Education Directorate may provide a refund of tuition fees if:

* The student visa application is unsuccessful; or
* study arrangements change before the student’s visa is granted; or
* family illness makes travel to Australia impossible; or
* after arrival in Australia, the applicant is required to return home due to illness or other compelling circumstances; or
* after arrival in Australia the student’s permanent residency status changes.

11.3 For continuing students who do not complete a course in which they have enrolled, the amount the Education Directorate will refund will depend on when the advice of withdrawal from the course is received.

11.3.1 If written advice is received before 9.00am on the first day of term, 90 per cent of tuition fees will be refunded.

11.3.2 If written advice is received on or after the first day of term, and before 5.00pm Friday of week four of term, 50 per cent of tuition fees will be refunded.

11.3.3 If written advice is received after 5.00pm on Friday of week four of term, no refund will be provided.

11.4 The Education Directorate will endeavour to refund tuition fees owing within four weeks of receiving a completed claim.

11.5 The Education Directorate is required to advise the Department of Home Affairs or changes to all student study programs. Withdrawal of an application may result in changes to the entitlement of the student to enter and/or remain in Australia.

11.6 Applications for tuition fee refunds should be made to the Finance Manager via email at ieu@act.gov.au. Applications must include supporting documents, including any advice on visa grants as issued by the Department of Home Affairs.

# privacy

12.1 The *Application for Enrolment* form requirements personal information regarding the student and their 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. Information is kept strictly confidential and cannot be disclosed without consent unless required by law. The type of information collected includes:

* **Student Details**: this includes information about the student’s country of birth, English language proficiency and current level of study. This information allows the Education Directorate to determine the appropriate level of school for the student.
* **Emergency Contacts**: the student must ensure that the persons named are aware that they have been nominated as emergency contacts and agree to their details being provided.
* **Family Details**: Information pertaining to the student’s family is collected to facilitate enrolment and for parental contact, when required.
* **Health Information**: any medical condition or disability must be disclosed. The student’s name, date of birth, gender and Overseas Student Health Cover (OSHC) provider must be provided.
* **Visa Status**: The student’s visa and passport details are required in order the facilitate enrolment.
* **Welfare and Arrival**: The Education Directorate requires confirmation of arrival details to ensure student safety upon arrival.
* **School Placements**: The Education Directorate requires three school nominations of which one is guaranteed. If the three nominated schools are at enrolment capacity, another ACT government school will be selected by the IEU.

12.2 Information about the Education Directorate’s freedom of information policy can be found at the following URL <https://www.education.act.gov.au/about_us/freedom_of_information>.

# student declaration

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

13.2 The Education Directorate takes no responsibility for any event that may occur because of non-disclosure or the provision of false of misleading information and reserves the right to cancel the student’s enrolment should such issues arise.

13.3 Students are required to sign the *Information Sheet for Students* included with these guidelines, to declare that they have been advised of obligations.

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| **Guidelines for Students Holding a Subclass 500 (School Sector Visa)****Information Sheet for Students**Subclass 500 (school sector) visas are granted subjected to several 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.**8202 – Attendance** * I must maintain full time enrolment
* I must attend 90% of classes

**8202 – Academic Performance*** I must maintain satisfactory course progress
* I cannot fail any unit of study

**8202 – In School Behaviour** * Suspension will affect my attendance record and course progress which may result in the cancellation of my student visa

**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

**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

**8533 – Changing Education Provider** * I am not permitted to change education provider until I have completed six months of my study.

**8533 – Residential Address*** I must notify the Education Directorate of any change of address within seven days

**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 Home Affairs Entitlement Verification Online (VEVO) system.Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Student Name in English (as in passport): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |