

MONITORING OVERSEAS STUDENT VISA REQUIREMENTS PROCEDURE



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1 PURPOSE

- 1.1 This sets out CQUniversity's obligations and processes for monitoring overseas student compliance with their student visa requirements and identifying and supporting students who may need assistance.

2 SCOPE

- 2.1 This procedure applies to overseas students studying in Australia on an overseas student visa who are:
- enrolled in CQUniversity higher education courses only, and
 - required to meet mandatory student visa condition 8202 ([Department of Home Affairs](#)) and the terms and conditions of their student agreement.
- 2.2 This procedure does not apply to students enrolled in English language (ELICOS) courses or vocational education and training (VET) courses.

3 PROCEDURE

- 3.1 CQUniversity has an obligation under the [ESOS Act 2000](#)¹ and the [National Code 2018](#)² to ensure that overseas students complete their course within the specified duration of their Confirmation of Enrolment (CoE) and fulfil their student visa requirements for course attendance and course progress.
- 3.2 CQUniversity is required to safeguard the integrity of Australia's migration laws by supporting overseas students to comply with their student visa conditions.
- 3.3 Sections 19.2 and 19.2A of the [ESOS Act](#) requires the University to give particulars of overseas students who breach their mandatory student visa conditions as soon as practicable after the breach occurs to the Department of Home Affairs via PRISMS³.

¹ ESOS refers to the Education Services for Overseas Students Act 2000.

² National Code refers to the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

³ PRISMS refers to the Australian Government's Provider Registration and International Student Management System.

- 3.4 As part of these obligations, CQUniversity will identify and engage with students who have achieved results of absent fail (AF), who are not achieving satisfactory attendance and/or submission of core/any coursework in accordance with their mandatory student visa conditions and the terms and conditions of their student agreement with the University.
- 3.5 CQUniversity will identify students who may require additional assistance as early as possible in their course and refer students to appropriate resources.

Breaching mandatory conditions

- 3.6 On the first working day after the certification and release of grades, International Student Support will run a report from the student management system, StudentOne to identify students with an AF result.
- 3.7 Students identified with an AF result in 50% or more units in a compulsory study term (including students who commence their studies in Term 3) will be sent an Absent Fail Notice of Intent to Report (AF NITR) to their CQUniversity email account.
- 3.8 The AF NITR will provide students with details of the units in which they received an AF result and advise them that they have breached mandatory student visa condition 8202 and the terms and conditions of their student agreement. The student will also be advised that their continued enrolment with CQUniversity and their Confirmation of Enrolment (CoE) may be subject to cancellation.
- 3.9 Students will have 20 working days from the date of the AF NITR in which to lodge an appeal. Students who have not submitted an appeal approximately 5 working days before the appeals deadline will be sent a reminder SMS message via SMS Global.
- 3.10 All communications and details, including a copy of the AF NITR, will be recorded in the customer relationship management (SugarCRM) system.
- 3.11 Students who achieve an AF result/s in a term will still be subject to normal academic progression processes as set out in the [Monitoring Academic Progress \(MAP\) Policy and Procedure – International Students](#).
- 3.12 Due to the serious nature of breaching mandatory student visa condition 8202, decisions made under this procedure will take precedence over decisions made under the [Monitoring Academic Progress Policy and Procedure – International Students](#).

Appeals and complaints

- 3.13 To lodge an appeal, a student must submit a written appeal to International Compliance at internationalcompliance@cqu.edu.au within 20 working days from the date the AF NITR that is emailed to the student.
- 3.14 Appeals must be supported by documentary evidence and will be considered on a case-by-case basis on the following grounds:
- a) Medical or allied health reasons, including disability, that prevented the student from attending classes and/or submitting assessments, or
 - b) Compassionate and compelling circumstances, misadventure or other exceptional circumstances beyond the student's control where the circumstances are not within the normal range of risk that affected a student's ability to attend classes and/or submit assessments.
- 3.15 Students will be notified in writing of the outcome of their appeal within 20 working days of International Compliance receiving their appeal.
- 3.16 If the appeal is successful, the student will be referred to the [Withdrawal Without Academic Penalty](#) and/or the [Removal of Financial Liability Due to Special Circumstances](#) process.
- 3.17 If the appeal is unsuccessful, the outcome notification will provide details of the reasons why the appeal was unsuccessful, and the avenue available to lodge an external appeal. Students will be required to notify that an external appeal has been lodged in accordance with the instructions in the appeal outcome letter.

- 3.18 Students who have a complaint, which may or may not relate to the appeal, may make a complaint in accordance with the [Student Feedback – Compliments and Complaints Policy and Procedure](#). Complaints and appeals, even if related, may be managed separately to ensure independence and both matters can be finalised as soon as possible.

Cancellation of enrolment

- 3.19 Cancellation of enrolment will be implemented and reported to the [Department of Home Affairs](#) where:
- a) the student has not lodged an appeal within the 20 working day period and this period has elapsed,
 - b) the student withdraws from the appeal process
 - c) the student's internal appeal is not successful and there is no evidence that an external appeal has been made, or
 - d) the student lodges an external appeal that is unsuccessful.
- 3.20 CQUniversity will notify the Department of Home Affairs via PRISMS of the details of students breaching mandatory student visa condition 8202 and the terms and conditions of their student agreement, subject to the outcome of any appeal and complaint processes.
- 3.21 The Department of Home Affairs may be notified before an appeal period is completed if the health or wellbeing of the student or others is likely to be at risk.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The Director, Student Experience and International Compliance are responsible for monitoring, reviewing and ensuring compliance with this procedure.

Reporting

- 4.2 International Compliance is responsible for reporting to the Department of Education and Training and Department of Home Affairs via PRISMS

Records management

- 4.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining records relevant to administering this procedure in a recognised University recordkeeping system and PRISMS.
- 4.4 Student enrolment records must be retained for the minimum period specified in the University Sector Retention and Disposal Schedule, accessible on the [Queensland State Archives website](#).

5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

6 RELATED LEGISLATION AND DOCUMENTS

[Application for Removal of Financial Liability Due to Special Circumstances](#)

[Application for Withdrawal Without Academic Penalty in Special Circumstances](#)

[Education Services for Overseas Students \(ESOS\) Act 2000](#) (Cwlth)

[Full Time Study – Duration of Study Policy and Procedure](#)

[Grades and Results Policy](#)

[Monitoring Academic Progress \(MAP\) Policy and Procedure – International Students](#)

7 FEEDBACK

7.1 University staff and students may provide feedback about this document by emailing policy@cqu.edu.au.

8 APPROVAL AND REVIEW DETAILS

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Administrator	Director, Student Experience
Next Review Date	17/10/2021.

Approval and Amendment History	Details
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