Overseas student visa requirements

Purpose

Australian Business School will not knowingly enrol an overseas student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course, except in certain circumstances.

This standard sets out that registered providers must safeguard the integrity of Australia's migration laws by supporting overseas students to complete their course within the required duration and fulfil their visa requirements for course attendance and course progress. Standard 8 sets flexible provisions to allow online learning while maintaining appropriate standards for overseas students to comply with student visa conditions

Scope

This policy relates to all prospective students currently enrolled in other Australian educational institutions.

Definitions

At risk status. A student is determined at risk of not meeting course progress or attendance requirements where there is evidence from the overseas student's assessment tasks, participation in tuition activities or other indicators of academic progress that the overseas student is at risk of not meeting those requirements.

Distance learning. Any learning that an overseas student undertakes off campus and does not require an overseas student on a student visa to physically attend regular tuition for the course on campus at the provider's registered location.

ESOS Act. The Education Services for Overseas Students Act 2000, or ESOS Act, establishes legislative requirements and standards for the quality assurance of education and training institutions offering courses to international students who are in Australia on a student visa. ESOS also provides tuition fee protection for international students.

Online learning. Study where the teacher and overseas student primarily communicate through digital media, technology-based tools and IT networks and does not require the overseas student to attend scheduled classes or maintain contact hours. For the purposes of the ESOS framework, online learning does not include the provision of online lectures, tuition or other resources that supplement scheduled classes or contact hours.

PRISMS. The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DET by registered providers.

Study Period. A discrete period of study within a course, namely term, semester, trimester, short course of similar or lesser duration, or as otherwise defined by ABS as long as that period does not exceed six months. A compulsory study period does not include periods in which the student can elect to undertake additional studies.

Policy stipulations

Monitoring overseas student progress, attendance and course duration

8.1   The registered provider must monitor overseas students' course progress and, where applicable, attendance for each course in which the overseas student is enrolled.

8.2   The expected duration of study specified in the overseas student's COE must not exceed the CRICOS registered duration.

8.3   The registered provider must monitor the progress of each overseas student to ensure the overseas student is in a position to complete the course within the expected duration specified on the overseas student's COE.

8.4   The registered provider must have and implement documented policies and processes to identify, notify and assist an overseas student at risk of not meeting course progress or attendance requirements where there is evidence from the overseas student's assessment tasks, participation in tuition activities or other indicators of academic progress that the overseas student is at risk of not meeting those requirements.

8.5   The registered provider must clearly outline and inform the overseas student before they commence the course of the requirements to achieve satisfactory course progress and, where applicable, attendance in each study period.

Schools, ELICOS and Foundation Programs: course progress and attendance requirements

8.6   The registered provider of a school, ELICOS or Foundation Program course must have and implement a documented policy and process for monitoring and recording attendance of the overseas student, specifying:

    8.6.1   requirements for achieving satisfactory attendance for the course which at a minimum must be 80 per cent—or higher if specified under state or territory legislation or other regulatory requirements—of the scheduled contact hours

    8.6.2   the method for working out minimum attendance under this standard

    8.6.3   processes for recording course attendance

    8.6.4   details of the registered provider's intervention strategy to identify, notify and assist overseas students who have been absent for more than five consecutive days without approval, or who are at risk of not meeting attendance requirements before the overseas student's attendance drops below 80 per cent

    8.6.5   processes for determining the point at which the overseas student has failed to meet satisfactory course attendance.

8.7 The registered provider must have and implement a documented policy and process for monitoring and recording course progress for the overseas student, specifying:

    8.7.1 requirements for achieving satisfactory course progress for the course

    8.7.2 processes for recording and assessing course progress

    8.7.3 details of the registered provider's intervention strategy to identify, notify and assist students at risk of not meeting course progress requirements in sufficient time for those students to achieve satisfactory course progress

    8.7.4 processes for determining the point at which the student has failed to meet satisfactory course progress.

Higher education: course progress requirements

8.8 The registered provider of a higher education course must have and implement a documented policy and process for monitoring and recording course progress for the overseas student, specifying:

    8.8.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course, and processes to address misconduct and allegations of misconduct

    8.8.2 processes for recording and assessing course progress requirements

    8.8.3 processes to identify overseas students at risk of unsatisfactory course progress

    8.8.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress

    8.8.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.

Vocational education and training (VET): course progress and attendance requirements

8.9 The registered provider of a VET course as defined in the NVETR Act must have and implement a documented policy and process for assessing course progress that includes:

    8.9.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course and meet the training package or accredited course requirements where applicable, and processes to address misconduct and allegations of misconduct

    8.9.2 processes for recording and assessing course progress requirements

    8.9.3 processes to identify overseas students at risk of unsatisfactory course progress

    8.9.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress

    8.9.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.

8.10   The registered provider must have and implement a documented policy and process for monitoring the attendance of overseas students if the requirement to implement and maintain minimum attendance requirements for overseas students is set as a condition of the provider's registration by an ESOS agency.

8.11   If an ESOS agency requires a VET provider to monitor overseas student attendance as a condition of registration, the minimum requirement for attendance is 80 per cent of the scheduled contact hours for the course.

8.12   If an ESOS agency requires a VET provider to monitor overseas student attendance, the registered provider must have and implement a documented policy and process for monitoring and recording attendance of the overseas student, specifying:

8.12.1   the method for working out minimum attendance under this standard

8.12.2   processes for recording course attendance

8.12.3   details of the registered provider's intervention strategy to identify, notify and assist overseas students who have been absent for more than five consecutive days without approval, or who are at risk of not meeting attendance requirements before the overseas student's attendance drops below 80 per cent

8.12.4   processes for determining the point at which the overseas student has failed to meet satisfactory course attendance.

Reporting unsatisfactory course progress or unsatisfactory course attendance

8.13   Where the registered provider has assessed the overseas student as not meeting course progress or attendance requirements, the registered provider must give the overseas student a written notice as soon as practicable which:

8.13.1   notifies the overseas student that the registered provider intends to report the overseas student for unsatisfactory course progress or unsatisfactory course attendance

8.13.2   informs the overseas student of the reasons for the intention to report

8.13.3   advises the overseas student of their right to access the registered provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

8.14   The registered provider must only report unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:

8.14.1   the internal and external complaints processes have been completed and the decision or recommendation supports the registered provider, or

8.14.2   the overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period, or

8.14.3   the overseas student has chosen not to access the external complaints and appeals process, or

8.14.4   the overseas student withdraws from the internal or external appeals processes by notifying the registered provider in writing.

8.15   The registered provider may decide not to report the overseas student for breaching the attendance requirements if the overseas student is still attending at least 70 per cent of the scheduled course contact hours and:

8.15.1   for school, ELICOS and Foundation Program courses, the overseas student provides genuine evidence demonstrating that compassionate or compelling circumstances apply; or

8.15.2   for VET courses, the student is maintaining satisfactory course progress.

Allowable extensions of course duration

8.16   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:

8.16.1   there are compassionate or compelling circumstances, as assessed by the registered provider on the basis of demonstrable evidence, or

8.16.2   the registered provider has implemented, or is in the process of implementing, an intervention strategy for the overseas student because the overseas student is at risk of not meeting course progress requirements, or

8.16.3   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).

8.17   If the registered provider extends the duration of the student's enrolment, the provider must advise the student to contact Immigration to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

Modes of delivery

8.18   A registered provider must not deliver a course exclusively by online or distance learning to an overseas student.

8.19   A registered provider must not deliver more than one-third of the units (or equivalent) of a higher education or VET course by online or distance learning to an overseas student.

8.20   A registered provider must ensure that in each compulsory study period for a course, the overseas student is studying at least one unit that is not by distance or online learning, unless the student is completing the last unit of their course.

8.21   For school, ELICOS or foundation programs, any online or distance learning must be in addition to minimum face-to-face teaching requirements approved by the relevant designated State authority or ESOS agency as part of the registration of the course, if applicable.

8.22   The registered provider must take all reasonable steps to support overseas students who may be disadvantaged by:

8.22.1   additional costs or other requirements, including for overseas students with special needs, from undertaking online or distance learning

8.22.2   inability to access the resources and community offered by the education institution, or opportunities for engaging with other overseas students while undertaking online or distance learning.

Procedure 1: Expected course duration and allowable extensions of course duration

Step	What	By whom	By when
1	Ensure that all marketing collateral (print, online or other), including but not limited to the Student Handbook, course brochures, website and Orientation information, accurately states course duration, specifying tuition weeks, holiday weeks, the number and length of study periods and the number of contact hours per week	Marketing manager	Each November
2	Verify that all marketing collateral (print, online or other), including but not limited to the Student Handbook, course brochures, website and Orientation information, accurately states course duration, specifying tuition weeks, holiday weeks, the number and length of study periods and the number of contact hours per week	Director of Studies	Each December
3	Note that the expected duration of study specified in the overseas student's COE must not exceed the CRICOS registered duration	Admissions	On application
4	If the overseas student is unable to complete the course within the expected duration, ABS must not extend the duration of the overseas student's enrolment, except for the criteria specified in 8.16.1 to 8.16.3 as specified above	Admissions	On advice from Administration
5	If ABS extends the duration of the student's enrolment, ABS must advise the student to contact Immigration to seek advice on any potential impacts on their visa, including the need to obtain a new visa	Admissions	On occurrence
6	Record changes to course duration in EBECAS and PRISMS as required	Admissions	On occurrence
7	Securely retain records of all course extensions, including a statement of the outcome and reasons for the outcome, for at least two years after the person ceases to be an accepted student.	Administration	End of student's course

Procedure 2: Monitoring students' satisfactory course progress

Step	What	By whom	By when
1	Ensure students are given print and online information which advises students of the requirements for satisfactory course progress in each study period	Marketing manager	Prior to enrolment
2	Ensure students are given a Student Handbook and an Orientation presentation which advises students of the requirements for satisfactory course progress in each study period	Director of Studies	At orientation
3	Mark, assess and record assessment outcomes within ten working days of receipt of the assessment submission	Trainer	Ongoing
4	Record and assess each student's course progress on the student's Progress Profile sheet, progress recording document or EBECAS, and be able to predict or determine a point at which the student's may fail to make satisfactory progress	Trainer	Ongoing
5	Monitor each student's course progress to ensure the student is in a position to complete the course within the expected duration specified on the overseas student's COE	Trainer	Ongoing
6	Identify and inform Administration of At Risk students where there is evidence from the student's assessment tasks, participation in tuition activities or other indicators of academic progress that the student is at risk of not meeting course progress requirements	Trainer	Ongoing
7	Institute at risk emails, communication and meetings with the trainer and/or DOS where the student is determined to be at risk of not meeting course progress requirements	Administration	On advice from the trainer
8	Record in EBECAS all at risk interventions including emails, communication and meetings, and their outcomes	All authorised users	Ongoing
9	Provide additional and ongoing support as required and in sufficient time, to assist students to meet satisfactory course progress requirements	Trainer	Ongoing
10	Progress check and prepare for Certification each student's assessments file within ten working days of course completion	Trainer	Ten working days of completion

Procedure 3: Monitoring students' course attendance (ELICOS programs)

Step	What	By whom	By when
1	Advise trainers each term of the scheduled contact hours for the study period	Administration	Start of term
2	Ensure students are given print and online information which advises students of the requirements for satisfactory attendance in each study period	Marketing manager	Prior to enrolment
3	Ensure students are given a Student Handbook and an Orientation presentation which advises students of the requirements for satisfactory attendance in each study period	Director of Studies	At orientation
4	Record and assess each student's course attendance, as applicable, on sign-in sheets, print or electronic registers, or EBECAS, and be able to predict or determine a point at which the student's may fail to meet the minimum attendance requirement (80% of the scheduled contact hours)	Trainer	Ongoing
5	Institute at risk emails, communication and meetings with the trainer and/or DOS where the student is absent without approval for five consecutive days	Administration	On advice from the trainer
6	Before the student's attendance drops below 80 per cent, institute at risk emails, communication and meetings with the trainer and/or DOS where the student is determined to be at risk of not meeting attendance requirements	Administration	On advice from the trainer
7	Notify Administration of any student whose attendance, despite appropriate intervention, has failed to meet satisfactory course attendance	Trainer	On occurrence
8	Record in EBECAS all at risk interventions including emails, communication and meetings, and their outcomes	All authorised users	Ongoing
9	Report the student for breaching the attendance requirements, unless the student is still attending at least 70 per cent of the scheduled course contact hours and the student provides genuine evidence demonstrating that compassionate or compelling circumstances apply	Administration	On occurrence
10	Securely retain records of all suspensions, including a statement of the outcome and reasons for the outcome, for at least two years after the person ceases to be an accepted student.	Administration	At end of student's course

Procedure 4: Reporting unsatisfactory course progress or unsatisfactory course attendance

Step	What	By whom	By when
1	Where ABS has assessed the overseas student as not meeting course progress requirements, ABS must give the overseas student a written notice as soon as practicable which meets the criteria specified in 8.13.1 to 8.13.3 as specified above	Administration	On occurrence
2	Advise the student by email (copy to the agent), SMS and phone call that they have 20 working days in which to gain satisfactory progress	Administration	On occurrence
3	Record in EBECAS all at risk interventions including emails, communication and meetings, and their outcomes	All authorised users	Ongoing
4	Record on the ABS calendar, the date on which 21 working days will have elapsed. Set a five-day reminder. Invite the trainer and the DOS to the appointment	Admissions	On occurrence
5	Invite the student to a meeting with the trainer and/or DOS to discuss how the student may gain satisfactory progress and the fees that may apply	Administration	On notification
6	Provide additional and ongoing support as required and in sufficient time, to assist students to meet satisfactory course progress requirements	Trainer	Within 20 working days
7	Mark each assessment and record each assessment outcome within 48 hours of receipt	Trainer	Within 48 hours
8	Record outcomes on the student's Progress Profile sheet, progress recording document or EBECAS	Trainer	Within 48 hours
9	At the fifth penultimate day prior to reporting, institute a daily process of contacting the student daily (email, SMS and phone)	Administration	Days 15 to 20
10	After 21 working days, finalise the paperwork	Admissions	After 21 working days
11	Note that ABS must only report students for unsatisfactory progress if the criteria specified in 8.14.1 to 8.14.3 as specified above are met	Administration	After 20 working days
12	Unless the student has met minimum requirements, report the student for breaching the course progress requirements,	Administration	On occurrence

Step	What	By whom	By when
13	Record the outcome in EBECAS and PRISMS as required	Admissions	On occurrence
14	Securely retain records of all reporting for unsatisfactory course progress, including a statement of the outcome and reasons for the outcome, for at least two years after the person ceases to be an accepted student.	Administration	At end of student's course

Procedure 5: Modes of delivery

Step	What	By whom	By when
1	ABS will not deliver a course exclusively by online or distance learning to an overseas student	DOS	On program design and timetabling
2	Ensure that ABS does not deliver more than one-third of the units of a VET course by online or distance learning to an overseas student	DOS	On program design and timetabling
3	Ensure that in each compulsory study period for a course, the overseas student is studying at least one unit that is not by distance or online learning, unless the student is completing the last unit of their course	DOS	On program design and timetabling
4	Ensure that for ELICOS or foundation programs, any online or distance learning must be in addition to minimum ESOS face-to-face teaching requirements	DOS	On program design and timetabling
5	To allow students to undertake online or distance learning,	DOS	On program design and timetabling
6	Take all reasonable steps to support overseas students who may be disadvantaged by additional costs, special needs, inability to access the resources and community offered by the education institution, or opportunities for engaging with other overseas students while undertaking online or distance learning.	DOS	On program design and timetabling

Relevant legislation

National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
- Standard 8

User's guide to the standards for Registered Training Organisations 2015
- Standard 3, 6

Related policies or forms

- Plagiarism and academic misconduct policy (New policy to be developed)
- Fees schedule
- Assessments, marking and certification (New policy to be developed)
- Student Handbook, course brochures, website and Orientation PowerPoint
- Training plans
- Course and class timetables