# ISP Department-Initiated 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 suspend or cancel an International Student Program (ISP) student’s enrolment in a course.

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

## Scope

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

## Decision to suspend or cancel an enrolment

DE (IED) may suspend or cancel a student’s enrolment in a course on the basis of the requirements outlined in this policy. Schools must inform DE (IED) of student issues which could trigger a department-initiated suspension or cancellation.

Where DE (IED) initiates a suspension or cancellation of the student’s enrolment, before imposing a suspension or cancellation, DE (IED):

* ensures that natural justice procedures have been followed
* ensures there are compassionate or compelling circumstances
* ensures that any suspension or cancellation actions will be undertaken in accordance with the necessary actions outlined in the [School Policy on Expulsions](https://www2.education.vic.gov.au/pal/expulsions/policy) and [School Policy on Suspensions](https://www2.education.vic.gov.au/pal/suspensions/policy)
* informs, in writing, the student and parents of the intention to suspend or cancel and the reasons for doing so through issuing a Notice of Intention to Report, prior to reporting a student to the Australian Government in the Provider Registration and International Student Management System (PRISMS)
* advises the student of their right to appeal 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), within 20 working days
* 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.

Any department-initiated suspension or cancellation of the student’s enrolment does not take effect until the internal appeals process is completed 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).[[1]](#footnote-2) An exception to this is when the student’s health or wellbeing, or the wellbeing of others, is likely to be at risk, including when the student:

* refuses to maintain approved care arrangements, if they are under 18 years of age
* is missing
* has medical concerns, severe depression or psychological issues which lead the provider to fear for the student’s wellbeing
* has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others
* is at risk of engaging in conduct that may harm the health and safety of the student or others.

DE (IED) reports the suspension or cancellation of a student’s enrolment within 14 days of the suspension or cancellation taking effect by entering the information in PRISMS.

All assessments and decisions in relation to department-initiated suspensions and cancellations are recorded according to the [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

In accordance with the [ISP Homestay Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Homestay_Policy.docx), when DE (IED) suspends or cancels the enrolment of an international student on a CAAW, DE (IED) continues to approve the welfare arrangements for that student until the international student has approved welfare arrangements in place by another CRICOS-registered provider, DHA approves care of the student by a parent or nominated relative, the student leaves Australia, or DE (IED) notifies DHA that it is no longer able to approve the student’s welfare arrangements or is unable to contact the student after taking all reasonable efforts to contact them.

## Circumstances which may lead to department-initiated suspensions

As outlined in the Written Agreement, DE (IED) may temporarily suspend a student’s enrolment in a course on the basis of:

* compassionate or compelling circumstances
* a student not fulfilling the requirements of the school’s policies and rules and/or engaging into activities that are unsafe
* the student’s health or wellbeing, or the wellbeing of others, is or is likely to be at risk

Where compassionate or compelling circumstances apply, DE (IED) can decide to initiate a temporary suspension of enrolment, for example, where the student is, or is likely to be, absent for more than four school days due to an illness, injury or other serious event.

## Circumstances which may lead to department-initiated cancellations

As outlined in the Written Agreement, DE (IED) may cancel a student’s enrolment in a course on the basis of:

* the student not maintaining appropriate Overseas Student Health Cover for the duration of the visa, as this constitutes a breach of visa conditions
* the student’s failure to pay an amount required to be paid to undertake or continue the course
* unsatisfactory attendance, as outlined in the [ISP Attendance Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Attendance_Policy.docx)
* unsatisfactory course progress, as outlined in the [ISP Course Progress Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Course_Progress_Policy.docx)
* a student not fulfilling the requirements of the school’s policies and rules and/or entering into activities that are unsafe
* failure to disclose or update information required to administer the student’s enrolment
* information provided regarding the student’s participation in the ISP which is false, misleading or incomplete
* breach of student visa conditions or cancellation of student visa
* if the student is living with a homestay provider, and DE (IED) either:
	+ is concerned, by reason of the student’s conduct or circumstances, about the welfare of the student or others
	+ determines that DE (IED) is no longer able to approve the student’s welfare and accommodation.
* the student’s health or wellbeing, or the wellbeing of others, likely being at risk
* when a student fails to meet acceptable behavioural standards, the student may be subjected to a school level suspension (or expulsion). Suspensions are conducted in accordance with the school policy on [Suspensions](https://www2.education.vic.gov.au/pal/suspensions/policy), and the suspensions considerations and suspension process supporting documents. Expulsions are conducted in accordance with the school policy on [expulsions](https://www2.education.vic.gov.au/pal/expulsions/policy).

## 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 1125 – Procedures for Suspension and Expulsion of Students in Government School* (Vic)
* *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)

## Associated documents

* [ISP Department-Initiated Suspension and Cancellation Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_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 Attendance Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Attendance_Policy.docx)
* [ISP Course Progress Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Course_Progress_Policy.docx)
* [ISP Homestay Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Homestay_Policy.docx)
* [ISP Refund Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Refund_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 Terms, Conditions and Policies](https://www.study.vic.gov.au/en/brochures-and-forms/Pages/BrochureForms.aspx)
* [School Policy on Expulsions](https://www2.education.vic.gov.au/pal/expulsions/policy) [School Policy on Suspensions](https://www2.education.vic.gov.au/pal/suspensions/policy)

## 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)** 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 staff of ISP-accredited schools.
* **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.
* **Written Agreement** is an agreement with the international student or intending international student and their parent(s) or legal guardian(s), which includes Standard Terms and Conditions; signed by the international student as well as parent(s) or legal guardian(s). The Written Agreement cannot be signed or accepted on behalf of the student or their parent(s) or legal guardian(s) by an Agent.

## Policy maintenance officer

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## Authorised

Executive Director, International Education Division

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

**Date last reviewed:** 19/03/2024

**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.

1. Suspension or cancellation action on the basis of unsatisfactory course progress or attendance does not take effect until the external appeals process is also resolved. [↑](#footnote-ref-2)