GUIDELINES FOR THE ENROLMENT OF OVERSEAS STUDENTS  
(Visa Sub Class 571)  
FOR DIOCESAN CATHOLIC SCHOOLS

1.0 RATIONALE

A small number of places in schools in the Diocese of Maitland/Newcastle may be available to overseas students who share the Catholic faith and ethos embedded in our schools.

The enrolment of an Overseas Student is, in the first instance, in accordance with the Enrolment Policy.

2.0 CONTEXT

The Catholic Schools Office (CSO) Leadership Team, determined during 2012 that the CSO Newcastle should apply for accreditation as a CRICOS (Commonwealth Register of Institutions and Courses for Overseas Students) provider. For the purpose of this document the Chief Executive Officer is the Director of Schools.

Within this approval:

i. Any school may request approval to enrol an overseas student.

ii. Application for approval for enrolment should be directed to the Assistant Director of Schools, who acts under the delegated authority of the Director of Catholic Schools.

iii. The Assistant Director of Schools will discern applications for enrolment based on the following criteria:

   • a school applying to enrol an overseas student can demonstrate a commitment to meeting the requirements of, and compliance with, the relevant government legislation, as outlined in this Policy, Section 3.0.

   • the student is (generally) Catholic

   • the student will, for the duration of the period of study, remain in the direct care, and living in the same household, as a parent or guardian that has been approved and accepted by the CSO Newcastle

   • the Principal is confident that the student will remain in a safe, secure and suitable environment
• if the student will be in the care of a DIAC approved relative, written evidence must be provided that the student’s parents are aware of, and approve of, the accommodation arrangements approved by the Principal and the CSO Newcastle

• the student’s parents or, under their written agreement, guardian, has agreed to and signed a Letter of Agreement with the school acknowledging:
  
  o the requirement for all school fees to be paid each year in advance for the full year

  o that, following due process, the CSO may terminate the student’s enrolment if approved welfare and accommodation arrangements change over the duration of the course of study

iv The Assistant Director of Schools holds the right to approve or refuse an application following due discernment.

3.0 COMPLIANCE WITH AUSTRALIAN GOVERNMENT LEGISLATION (ESOS Framework) and NSW LEGISLATIVE FRAMEWORK

The Education Services for Overseas Students (ESOS) legislative framework mandates the delivery of quality education services, consumer protection and care of overseas students. ESOS legislation is strongly interfaced with immigration law.

The ESOS framework includes:
  

These set out clear roles and responsibilities for education institutions wanting to teach overseas students.

The National Code includes 15 Standards which form the essence of the education provider’s responsibility in the enrolment of overseas students.

The Australian Government Department of Education, Employment and Workplace Relations regulates the education sector’s involvement with overseas students studying in Australia, under designated authority to each state. In New South Wales, the Board of Studies is the designated authority for the approval of school providers to deliver courses to overseas students, as well as in the oversight of compliance with the requirements of the NSW and Australian Government legislation and guidelines.

The NSW Vocational Education and Training (Commonwealth Powers) (Transitional) Regulation 2011 provides the legislative framework for the approval of NSW school providers to deliver courses for overseas students.

**Monitoring school system providers**

The Board of Studies will annually monitor the CEO monitoring procedures in schools that have enrolled overseas students to ensure compliance within the ESOS framework. This will include on-site and document audits of schools.

The Catholic Schools Office will monitor its school delivery sites in the following manner:

**Existing School Site Delivery**

- There will be a school visit by CSO Assistant Director with responsibility for monitoring schools with overseas students enrolled during Term 4 of each year. During these visits the following documentation will be validated:
  - Attendance register and leave application (note)
  - Minutes statements from guardian meeting(s) including accommodation
  - School reports
  - Complaints/greivances documentation
  - School documentation to guardian regarding welfare matters
  - Evidence of required courses being delivered

**New School Site Delivery**

- When a new delivery site (school) seeks advise in relation to the enrolling of overseas students, the Assistant Director with responsibility for monitoring schools will visit the school to:
  - Inform school Principal of the compliance issues involved and documentation required to provide to families.
  - Provide school with the CSO provider’s booklet that includes all relevant policies/procedures and advise how they are implemented.
  - Confirm the need to ascertain the student’s language proficiency so that completion of courses is attainable. (ie senior secondary students may be at risk due to poor English language proficiency).

**Approval of schools for enrolment of overseas students**

In order to be considered eligible to enrol overseas students schools must demonstrate, to the satisfaction of the Assistant Director of Schools, a commitment to meeting the requirements of and compliance with the above stated legislation and in particular the following Requirements for approved school providers, section 3 of the BoS Guidelines.
Guidelines for Approved NSW School Providers Delivering Courses to Overseas Students

**BoS 3.7 Marketing information and practices**

Registered providers ensure that marketing of their education and training services is professional, accurate and maintains the integrity and reputation of the industry. (National Code Standard 1)

i. Maitland/Newcastle Diocesan Schools may not, under any circumstances, actively advertise or market for overseas students, nor recruit the services of an Agent for that purpose.

ii. The Catholic Schools Office, Newcastle will maintain responsibility for ensuring that the public website, [www.mn.catholic.edu.au](http://www.mn.catholic.edu.au) contains current and accurate information regarding the enrolment of overseas students.

iii. Schools will not include specific reference to the enrolment of overseas students on their public websites or any school produced marketing material.

**BoS 3.8 Student engagement before enrolment**

Registered providers recruit students in an ethical and responsible manner and provide information that enables students to make informed decisions about studying with the registered provider in Australia. Registered providers ensure students’ qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought. (National Code Standard 2)

i. Maitland/Newcastle Diocese Schools may not, under any circumstances, actively advertise or market for overseas students nor recruit the services of an Agent for that purpose.

ii. Student enrolment commencement will be:
   - For junior or senior secondary courses, at the commencement of a school year or at the discretion of the Principal following confirmation of the student’s English language proficiency
   - For primary courses, at the discretion of the Principal

iii. If a school wishes to pursue an overseas student enquiry for enrolment, the school will be responsible for ensuring that clear and accurate information is given to the prospective student, their parent and/or guardian regarding:
   - Relevant year of schooling for which the student may qualify to enrol.
   - Factors considered by the school in determining relevant year of schooling including evidence of current educational qualifications, testing and assessment of English language proficiency in accordance with standard school practice.
If enrolment proceeds the CSO will document, as evidence retained on the student’s file, the procedures used to assess both student’s achievements and English language proficiency (see CSO-OS-8). The school must also provide:

- Course information including course content and assessment methods
- Indicative current course related fees and expected fees over the duration of the course
- General description of the school’s facilities, equipment and learning and library resources available to students
- Information about the grounds on which the student’s enrolment may be deferred, suspended or cancelled (refer Student Management: Suspension, Transfer and Exclusion document)

**BoS 3.9 Formalisation of enrolment**

*Written agreements between registered providers and students set out the services to be provided, fees payable and information in relation to refunds of course money.*  (National Code Standard 3)

Upon acceptance of enrolment and prior to the issue of a Confirmation of Enrolment, the school, on behalf of the CSO Newcastle, as registered provider, is required to enter into a written agreement with the student’s parent or guardian to be signed as acceptance by both the school Principal and student’s parent or guardian. This agreement will include:

- Identification of the course/s in which the student will be enrolled
- An itemised list of course money payable by the student
- Information that the course money is payable each year for the full year in advance
- Information in relation to refunds of course money (Catholic Schools Office, Newcastle Refund Policy for Overseas Students,
- Information on the student’s need to ensure they have secured Overseas Student Health Cover for the duration of the course, and that evidence of this cover must be provided to the Principal prior to commencement of the course of study
- Circumstances in which personal information about the student may be shared with government agencies. This includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach by the student of a student visa condition
- The student’s obligation to notify the Principal of a change of address while enrolled in the course and that any change in accommodation and welfare arrangements will be subject to the approval of the Principal and Assistant Director of Schools

Schools must use the standard Catholic Schools Office, Newcastle Overseas Student Letter of Agreement proforma, for this purpose. A copy of the signed Letter of Agreement must be kept on the student’s file.
BoS 3.10  Education Agents

Registered providers take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity. (National Code Standard 4)

Maitland/Newcastle Diocesan Schools may not, under any circumstances, recruit the services of an Education Agent for the purpose of advertising or marketing for potential overseas students.

BoS 3.11  Younger Students

Where younger students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative (as defined by DIAC on its website), registered providers ensure the arrangements made to protect the personal safety and social well-being of those students are appropriate. (National Code Standard 5)

The School together with the CSO Newcastle will endeavor both prior to acceptance of an enrolment and for the duration of the course of study for accepted enrolments to ensure the student will be residing in a safe, secure and suitable environment.

Enrolment from 1 December 2011

Effective 1 December 2011 applications for enrolment of overseas students will be considered only if the student will remain, for the duration of the course of study, in the direct care and living in the same household of a parent or legal guardian or a DIAC approved suitable relative.

A DIAC approved suitable relative can include a grandparent, brother, sister, aunt, uncle, niece or nephew, or a step-grandparent, step-brother, step-sister, step-aunt, step-uncle or step-niece who has been nominated by a parent or legal custodian of the applicant who is aged at least 25 and who is of good character.

For consideration of the student’s enrolment in the care of a ‘DIAC’ approved relative, the following documents must be provided to the school with the student application for enrolment:

- Documentary evidence substantiating the relationship to the student

- If the nominated guardian is a resident of Australia, an Australian Federal Police Check, by name, must be provided for both the guardian and each member of the household over the age of 18.
**Enrolment prior 1 December 2011**

Before a student visa is granted to a student under the age of 18 years, the Australian Government (through the Department of Immigration and Citizenship processes), must be satisfied that there are appropriate accommodation, support and general welfare arrangements in place for the period, including school holidays, that the student will be under 18 while in Australia.

For overseas students enrolled prior to 1 December 2011 who are under the age of 18 and who are in the care of a parent nominated guardian, the Principal, together with the CSO Newcastle, as the CRICOS provider, are responsible under Migration Regulations and also have legislative obligations in relation to child protection for ensuring that the student has and maintains appropriate arrangements for accommodation/welfare.

Legislative Acts relating to child protection in New South Wales include:

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Commission for Children and Young People’s Act (2000) (NSW)
- NSW Ombudsman’s Act 1974

Minimum arrangements that are to be put in place to ensure compliance include:

**Regular meetings with parent/nominated guardian**

The Principal (or delegate), on behalf of the CSO Newcastle, will meet with the student’s parent/guardian on a regular basis to monitor approved arrangements and to confirm:

- that the student’s welfare/accommodation arrangements have not changed
- that the student will remain in the care of the Provider approved nominated guardian during term vacation
- that the student’s personal safety and social wellbeing is evident

Catholic Schools Office, Newcastle proforma Overseas Student Term Report should be completed as documentary evidence of these meetings. The form, signed by both parties, should be held on the student’s file with a copy retained by the guardian and a copy forwarded to the CSO Newcastle.

The Assistant Director of Schools of the CSO Newcastle will review the Overseas Student Term Report to ensure that arrangements remain suitable.

Should the Principal or CSO Newcastle identify any concerns regarding the student’s accommodation or welfare, these will be immediately addressed in accordance with the Catholic Schools Office Welfare/Accommodation Guidelines.

The Overseas Student Term Report will include reports on the student’s current course progress, achievements and attendance.
**Bi-annual visits to student’s accommodation**

The Principal (or delegate) will visit the student in their household two times each year (in February and July), to monitor approved arrangements and to confirm:

- that the student’s approved welfare/accommodation arrangements have not changed
- that the student’s personal safety and social wellbeing is evident
- that an Australian Government Federal Police Check (name only) is held for each member of the household over the age of 18 years
- that the accommodation arrangements are suitable in providing a comfortable, clean and well maintained environment, with both adequate sleeping, living and study areas.

The CSO Newcastle proforma Accommodation Report for Overseas Students, should be completed as documentary evidence of these visits. The document, signed by both parties, should be held on the student’s file with a copy retained by the guardian and a copy forwarded to the Catholic Schools Office Newcastle.

The CSO Newcastle will review the Accommodation Report for Overseas Students to ensure that arrangements remain suitable.

Should the Principal or CSO Newcastle identify any concerns regarding the student’s accommodation or welfare, these will be immediately addressed in accordance with the Catholic Schools Office Welfare/Accommodation Guidelines.

**BoS 3.12 Student Support Services**

*Registered providers support students to adjust to study and life in Australia, to achieve their learning goals and to achieve satisfactory progress towards meeting the learning outcomes of the course.*  *(National Code Standard 6)*

Upon acceptance of enrolment, the Principal (or delegate) will conduct an orientation program for the student that will include:

- Information on the school’s facilities and resources
- Information and advice on the support services provided by the school and available to the student that may assist in both academic pursuits as well as pastoral wellbeing

- The appointment of a designated staff member who will be the official point of contact for the student. This staff member will also be conversant with the Education Provider’s responsibilities to the student under the ESOS framework

- Information on and provision of a copy of the school’s Critical Incidents Policy

- Information on the school’s complaints and appeals processes
• Information on the school’s Overseas Student Transfer Request Assessment Policy and Procedure

**BoS 3.13 Transfer between registered providers**

*Registered providers assess requests from students for a transfer between registered providers prior to the student completing six months of the principal course of study in accordance with their documented procedures. (National Code Standard 7)*

Overseas students, under migration legislation, are required to complete six months of a principal course of study before a transfer can be requested to a new Education Provider. Requests for student transfer within this period will only be considered under extenuating circumstances including:
- that it will be in the best interest of the student’s personal wellbeing (for example, due to pastoral reasons or due to relocation of the parent or approved guardian)
- it is agreed by the school Principal that the student would benefit due to the availability of suitable courses at the school
- Any government sponsor of the student considers the change to be in the student’s best interest, with supporting documentation provided

Student written requests, using the CSO Newcastle Application for Transfer to another Education Provider, should be forwarded via the Principal to the CSO Newcastle for the discernment of the Assistant Director of Schools.

Student requests for transfer may be granted where the transfer will not be to the detriment of the student and if:

- The student’s parent or legal guardian has provided written confirmation supporting the request for transfer
- The student has provided a letter from another registered provider confirming that a valid enrolment offer has been made and, for students not in the care of a parent or DIAC approved relative, includes that the registered provider will accept responsibility for approving the student’s accommodation and welfare arrangements (per BoS 3.11)

Decisions on a request for transfer will be advised to the student within 10 working days.

If the transfer request is approved, the Catholic Schools Office Newcastle, will issue a letter of release, at no cost to the student, which will include advice to the student that they should contact the Department of Immigration & Citizenship (DIAC) to confirm whether a new student visa is required.

Reasonable grounds for refusal of a student’s transfer request include:
- Request associated with a personal grievance that has not been processed through the school Complaints and Appeals process
- That the Principal is concerned that the request may be due to the adverse influence of a third party
• Request to transfer to a provider where the course offered would not be in the student’s best academic interest

If the transfer request is not approved, the CSO Newcastle will notify the student of the decision with advice that the student may appeal the decision through the Complaints and Appeals process as outlined in the Is Complaints Resolution Policy.

The school Principal will ensure that copies of all documents relating to the student request for transfer, decision and letter of release or advice of refusal together with appeal documents, as relevant, are kept on the student’s file.

**BoS 3.14 Complaints and appeals**

Registered providers’ complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved. (National Code Standard 8)

Refer Maitland/Newcastle Diocesan Schools Complaints Resolution Policy.

Overseas students will also be advised in any relevant correspondence that they have access to a free and independent external complaint and appeals process provided by the Overseas Students Ombudsman (phone 1300 362 072; www.oso.gov.au).

The student’s enrolment will be maintained whilst any complaint or appeal is being considered.

**BoS 3.15 Course completion within expected duration of study**

Registered providers monitor the enrolment load of students to ensure they complete the course within the duration specified in their Confirmation of Enrolment (CoE) and do not exceed the allowable portion of online or distance learning. Registered providers only enable students to extend the expected duration of study for the course through the issuing of a new CoE in limited circumstances. (National Code Standard 9)

Student’s progress will be monitored within standard school procedure and as deemed by the Board of Studies, through school registration and accreditation processes.

Copies of all school reports and other relevant documents relating to the student’s course progress must be maintained on the student’s file.

The student’s CoE must not exceed the CRICOS registered course duration, except in the following circumstances:

a. Compassionate or compelling circumstances (for example, illness evidenced by a medical certificate)
b. School intervention strategy for students who were at risk of not meeting satisfactory course progress, or

c. An approved deferment or suspension of study has been granted under BoS 3.19 Deferring, suspending or cancelling the student’s enrolment (refer Student Management: Suspension, Transfer & Exclusion Policy)

Requests for extension of CoE should be submitted to the CSO Newcastle and will be considered only if in accordance with the above criteria and supported by documentary evidence.

**BoS 3.16 Monitor course progress**

*Registered providers systematically monitor students’ course progress. Registered providers are proactive in notifying and counseling students who are at risk of failing to meet course progress requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the course progress requirements. (National Code Standard 10)*

The Term Report for Overseas Students will include reports on the student’s current course progress, achievements and attendance.

**The Principal should immediately notify the CSO Newcastle of any instance where a student’s course progress is under investigation and the student is at risk of failing or not completing a course of study. The CSO Newcastle will notify the student’s parent and or guardian of this action.**

Student’s progress will be monitored within standard school procedure and processes as deemed by the Board of Studies through school registration and accreditation processes under the requirements of the Education Act.

For junior and senior secondary students this is in accordance with the Board of Studies Assessment, Certification and Examination (ACE) Manual

Copies of all school reports and other relevant documents relating to the student’s course progress must be maintained on the student’s file.

Where the Principal has recognised that the student is not achieving satisfactory course progress, the CSO Newcastle may notify the student in writing of its intention to report the student for not achieving satisfactory course progress.

This written notice will inform the student of their right to access the Complaints and Appeals process (BoS 3.14) within 20 working days of the date of the notice. Notice will include that this action may result in the cancellation of the student’s visa.

Should the Complaints and Appeals process result in a decision supporting the school and following the lapse of the 20 working day period, the CSO Newcastle will notify the Secretary of DEEWR through PRISMS that the student has failed to meet course requirements.
**Bos 3.17 Monitoring attendance**

Registered providers systematically monitor students’ compliance with student visa conditions relating to attendance. Registered providers are proactive in notifying and counseling students who are at risk of failing to meet attendance requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the attendance requirements. (National Code Standard 11)

A condition of grant of a student visa requires the student to progress satisfactorily and attend classes for the course in which the student is enrolled.

The Term Report for Overseas Students will include reports on the student’s current course progress, achievements and attendance. Attendance rates will be calculated on actual attendance on a term basis and averaged over the school year.

The school Principal should immediately notify the CSO Newcastle of any instance where a student’s attendance is under investigation. The CSO Newcastle will notify the student’s parent and or guardian of this action.

The NSW Education Act requires that the Principal of a registered non-government school keeps a register of enrolments and daily attendances of all children at the school. This legislation will also apply to overseas students.

Principals are required to monitor student progress and course attendance to enable the early identification of students at risk of not progressing with the implementation of necessary intervention strategies and support to assist them in achieving their educational goals.

**Principals should monitor students to ensure they meet the visa requirement for achieving satisfactory attendance, which at a minimum, requires overseas students to attend at least 80 percent of the scheduled course contact hours.**

Where the Principal has identified that the student has failed to maintain an attendance rate of at least 80 percent of the scheduled course contact hours, or has been absent from school for five days without satisfactory explanation, and the student has not maintained satisfactory course progress, the following procedure will apply:

The CSO Newcastle will notify the student, their parent and/or guardian in writing of its intention to report the student for failure to achieve minimum course attendance requirements.

This written notice will inform the student of their right to access the Complaints and Appeals process (BoS 3.14) within 20 working days of the date of the notice. Notice will include that this action may result in the cancellation of the student’s visa.
Should the Complaints and Appeals process result in a decision supporting the school and following the lapse of the 20 working day period, the CSO Newcastle will notify the Secretary of DEEWR through PRISMS that the student has failed to meet course requirements.

Where the school Principal has identified that the student has failed to maintain an attendance rate of at least 80 percent of the scheduled course contact hours or has been absent from school for five days without satisfactory explanation however the student is maintaining satisfactory course progress, the school Principal may only decide **not to report** a student for breaching of the attendance requirement where:

a. the student provides documentary evidence demonstrating that compassionate or compelling circumstances apply (eg illness supported by a medical certificate stating that the student is unable to attend classes)

b. the student is attending at least 70 percent of the scheduled course contact hours for the course in which he or she is enrolled.

**BoS 3.18 Course Credit**

*Registered providers appropriately recognise course credit within the ESOS framework.* *(National Code Standard 12)*

For senior secondary course students studying for the Higher School Certificate, the Principal may, at their discretion, consider a student’s prior learning, including study in other systems as course credit that will exempt a student from certain Board of Studies requirements.


**BoS 3.19 Deferring, suspending or cancelling the student’s enrolment**

*Registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.* *(National Code Standard 13)*

**Deferment**

Deferment of a course following commencement will be considered only where compassionate or compelling circumstances apply and where this is supported by documentary evidence.
Any request for deferment of the commencement of a course of study is to be provided by the student in writing (using the Application for Deferment of Course of Study form, to the Principal, together with supporting documentary evidence. Requests will be considered by the CSO only if:

a. there has been a justifiable delay associated with administrative requirements of a government body in the visa grant process.

b. compassionate or compelling circumstances apply (eg bereavement due to the loss of a close family member supported by a death certificate)

c. illness or trauma where a medical certificate states that the student was unable to attend classes

The Assistant Director of Schools holds the right to approve or refuse an application for deferment following due discernment.

Suspension

The Principal will remain responsible for a student’s accommodation and welfare during any suspension and ensuing Complaints and Appeals process.

A decision to suspend, with due consideration to the circumstances and the severity of the offence, may be made by the Principal. This will be issued in writing to the student and the student’s parent and/or legal guardian by the CSO Newcastle. The school policy in relation to suspension will apply, given the Catholic Schools Office has been involved in the process and school policy reflects appropriate procedural sequence and fairness.

Due discernment of the circumstances of a student suspension may result in cancellation of the student’s enrolment.

Cancellation

The Principal will remain responsible for a student’s accommodation and welfare during through the Complaints and Appeals process and until such time as the student’s visa is cancelled by DIAC.

The Principal may deem, at his/her considered discretion, and recommend to the CSO Newcastle that the student’s enrolment should be cancelled. This may be based on:

- The student’s misconduct and/or breach of the student code of conduct, (Student Management: Suspension, Transfer & Exclusion Policy)
- The student’s failure to meet course progress requirements
- The student’s failure to meet course attendance requirements

Following due discernment, the Assistant Director of Schools will make a decision, based on documentary evidence provided by the Principal.

A written notice will inform the student, their parent and/or guardian of a decision and of their right to access the Complaints and Appeals process (BoS
3.14) within 20 working days of the date of the notice. Notice will include that this action may result in the cancellation of the student’s visa. Should the Complaints and Appeals process result in a decision supporting the school and following the lapse of the 20 working day period, the CSO Newcastle will notify the Secretary of DEEWR through PRISMS of the decision to cancel the student’s enrolment.

BoS 3.20  Staff capability, educational resources and premises

The staff of registered providers are suitably qualified or experienced in relation to the functions they perform for students. The educational resources of registered providers support the delivery of courses to students. The premises of registered providers, including the floor space available for each student, support students to achieve their course outcomes. (National Code Standard 14)

The CSO Newcastle processes for provision of educational resources to schools and as notified to the Board of Studies for school registration and accreditation under the requirements of the Education Act apply.

BoS 3.21  Changes to registered provider’s ownership or management

Registered providers proactively inform the designated authority of prospective ownership and/or management changes. (National Code Standard 15)

The Board of Studies will be notified within 14 days of any change in Senior Management of the Catholic Schools Office Newcastle in the positions of Director of Catholic Schools and Assistant Director of Schools who, under delegated authority, currently acts as Principal Executive Officer for the purpose of CRICOS accreditation.

The Board of Studies will also be advised, as soon as it is known, of any proposed changes to location of any school delivery site. This will be, wherever possible, a minimum of 3 months prior to any change taking place.