

# International Student on a Student Visa Policy

## 1. PREAMBLE

- 1.1. The [Education Services for Overseas Students Act 2000 \(ESOS Act\)](#) sets out the legal framework governing delivery of education services to international students in Australia on a student visa. The [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(National Code\)](#) is a legislative instrument made under the ESOS Act and specifies the standards governing the protection of such students and the delivery of courses to them by education providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students [Commonwealth Register of Institutions and Courses for Overseas Students \(CRICOS\)](#).
- 1.2. Charles Darwin University (CDU) is a CRICOS registered provider committed to maintaining compliance with the National Code 2018.

## 2. PURPOSE

- 2.1. This policy provides the framework for the procedures and processes that ensure compliance with the [National Code 2018](#).

## 3. SCOPE

- 3.1. This policy applies to all international students on a student visa and all University staff with responsibilities for international students.

## 4. POLICY

### National Code and ESOS training

- 4.1. CDU will comply with the [ESOS Act](#) and the [National Code](#).
- 4.2. CDU will ensure its staff are aware of CDU's obligations deriving from the [ESOS Act](#) and the [National Code](#) and understand how these obligations affect their roles and their interactions with international students on student visas.

### Marketing information and practices

- 4.3. CDU will uphold the integrity and reputation of Australia's education sector by ensuring the marketing of its courses and services is not false or misleading.

### Recruitment of an international student on a student visa

- 4.4. CDU will recruit responsibly by ensuring students seeking to study, or studying, in Australia on a student visa are appropriately qualified for the course for which they seek enrolment, including having the necessary English language proficiency, educational qualifications and work experience, and ensuring that prospective students have sufficient information to enable them to make informed decisions about studying with the University.



### Formalisation of enrolment and written agreements

- 4.5. CDU will formalise its enrolment of international students on a student visa through written agreements with such students. These written agreements will protect the rights and set out the responsibilities of each party, as well as the courses and related education services to be provided, tuition and non-tuition fees payable, and refund policies.

### Education agents

- 4.6. CDU will ensure that its education agents act ethically, honestly and in the best interests of students seeking to study, or studying, in Australia on a student visa, as well as uphold the reputation of Australia's international education sector. CDU will appoint and monitor its Education agents as outlined in the [International Students – Appointment and Monitoring of Education Agents Procedures](#).

### Younger students

- 4.7. CDU will meet legislative or other regulatory requirements relating to child welfare and protection where it enrolls international students on a student visa who are aged under 18. It will provide such students with emergency contact information and information about how to report actual or alleged abuse.
- 4.8. CDU only accepts international students under 18 years of age who are studying at CDU International College
- 4.9. CDU will only accept international students on a student visa who are aged under 18 if:
- the student is being cared for in Australia by a parent or legal guardian; or
  - the CDU International College student has an approved Confirmation of Appropriate Accommodation and Welfare (CAAW) arrangement in accordance with the [Welfare of International Students U18 Procedure](#).

### Student support services

- 4.10. CDU will assist international students on a student visa to adjust to study and life in Australia and provide appropriate orientation programs that help them to access the information and services they require.

### Student transfers

- 4.11. CDU will not knowingly enrol an international student on a student visa wishing to transfer from another registered provider prior to that student completing six months of their principal course, unless there are exceptional circumstances as outlined in the [International Students – Transfer Between Registered Providers Procedure](#).
- 4.12. CDU will only approve the transfer of an international student on a student visa to another registered provider, prior to that student completing six months of their principal course, in certain exceptional circumstances as outlined in the [International Students – Transfer Between Registered Providers Procedure](#).

### Student visa requirements

- 4.13. CDU will safeguard the integrity of Australia's migration laws by supporting international students on a student visa to complete their course within the required duration and fulfil their visa requirements for course attendance and course progress as outlined in the [International Students – Monitoring Course Progress Procedure](#).
- 4.14. CDU may have flexible provisions to allow online learning provided it maintains restrictions enabling international students of a student visa to comply with student visa conditions.

### Deferring, suspending or cancelling the overseas student's enrolment

- 4.15. CDU will appropriately manage the enrolment of its international students on student visa and ensure all necessary information about enrolments has been provided to the relevant government department by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database.



4.16. CDU will only defer, suspend or cancel the enrolment of an international student on a student visa will be in accordance with the [International Students – Deferring, Suspending or Cancelling Enrolment Procedure](#).

**Complaints and Appeals**

4.17. CDU will ensure its international students on a student visa have their rights to natural justice protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes as outlined in the [Students - Academic Grievance Procedure](#) and the [Students - Administrative Complaints Procedure](#).

**5. NON-COMPLIANCE**

5.1. Non-compliance with Governance Documents is considered a breach of the [Staff Code of Conduct](#) or the [Student Code of Conduct](#), as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures.

5.2. All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Governance Framework, [Fraud and Corruption Control Policy](#) and [Whistleblower reporting \(Improper Conduct\) Procedures](#).

**RELATED AND SUPPORTING DOCUMENTS**

Legislation	<a href="#">Education Services for Overseas Students Act 2000</a> (Cth) <a href="#">Migration Act 1958</a> (Cth) <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018</a>
Policy	<a href="#">Academic and Scientific Misconduct Policy</a> <a href="#">Charles Darwin University (Student Conduct) By-Laws</a> <a href="#">Charles Darwin University (Student Residences) By-Laws</a> <a href="#">Code of Conduct</a>
Procedures	<a href="#">Higher Education Student Academic Progression Procedures</a> <a href="#">International Students – Appointment and Monitoring of Education Agents Procedure</a> <a href="#">International Students – Deferring, Suspending or Cancelling to Enrolment Procedure</a> <a href="#">International Students – Monitoring Course Progress and Attendance Procedure</a> <a href="#">International Students – Refund of Fees Procedure</a> <a href="#">International Students – Transfer between Registered Providers Procedure</a> <a href="#">Students - Academic Grievance Procedure</a> <a href="#">Students - Administrative Complaints Procedure</a> <a href="#">Students - Grievances with Staff or Other Students Procedure</a> <a href="#">Welfare of International Students U18 Procedures</a>
Definitions	<a href="#">CDU Glossary</a>

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## GOVERNANCE

Responsible Executive	Deputy Vice Chancellor, Students and VET	
Implementation Officer	Director, CDU Global	
Category	Academic Governance	
Approving authority	Academic Board	
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1.00	5 Nov 2014	Vice-Chancellor	<ul style="list-style-type: none"><li>• Creation of original document and upload to CDU website</li></ul>
1.01	15 Dec 2017	Governance	<ul style="list-style-type: none"><li>• Conversion to new Governance template</li></ul>
2.00	17 Nov 2021	Academic Board	<ul style="list-style-type: none"><li>• Complete review of Document</li><li>• Converted document into new template</li><li>• Changed name from International Student Policy to "International Students on a Student Visa Policy"</li><li>• Updated Office of International Services to CDU Global</li><li>• Amended Responsible Executive to Deputy Vice-Chancellor, Students and VET</li><li>• Added information about international students under 18 years of age</li></ul>