

# Overseas Student Factsheet: Enrolment Cancellations – Your Options

## Introduction

An education provider might cancel your enrolment for a range of reasons (*National Code*, 9.3), including:

- misbehaviour
- failure to pay fees
- failure to attend class
- failure to progress in the course

Cancellation of your enrolment may cause serious problems for your student visa. You should seek migration law advice if you have any problems with your enrolment.

In cancelling your enrolment, the education provider must comply with the Education Services for Overseas Students Act 2000 (Cth) (ESOS Act) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (*National Code*).

## What happens if my education provider is thinking about cancelling my enrolment?

If your education provider is considering cancelling your enrolment, they must do the following (*National Code*, 9.4, 9.5, 10.1, 10.2). Your

education provider will send you a letter (known as a **notice**), telling you that they are thinking about cancelling your enrolment. This letter will give reasons why the provider is considering cancellation. The letter will also tell you:

- that you can access the provider's internal complaints and appeals process within 20 working days; and
- that cancellation of your enrolment might affect your student visa, and you should seek advice from the Department of Home Affairs.
- You will be given the opportunity to respond or reply to the letter, through your educational provider's internal complaints and appeals process. As part of that process, you will be able to present your case to your provider at little or no cost to you, and you can have a support person with you.
- Your educational provider will then make a decision about whether to cancel your enrolment, and will give you a written statement containing the outcome and reasons for the decision (*National Code*, 10.2.7).

## What should I do if my educational provider gives me notice of their intention to cancel my enrolment?

If the education provider has sent you a notice that they are intending cancel your enrolment, you need to act quickly as there are limited options available to you. Make sure that you:

- Seek legal advice immediately
- Gather as much information or evidence as you can for your response
- Keep attending your classes and doing your coursework as usual – ordinarily, cancellation of your enrolment will not take effect until the internal appeals process is completed (National Code, 9.6).
- If eligible, consider applying to another education provider and enrolling in a new course.
- If you no longer wish to study, voluntarily cancel your enrolment and your student visa before the educational provider reports the cancellation to the Department of Home Affairs.

For more information about the internal appeals process and transferring your enrolment, please refer to the Redfern Legal Centre factsheets on 'Making a complaint about your education provider' and 'Transferring your course or education provider' respectively (see: <https://bit.ly/RLC-self-help>).

## What happens if my education provider has already cancelled my enrolment?

If your enrolment was recently cancelled and you did not receive a notice of intention to cancel your enrolment, you must access the provider's internal appeals or complaints process as soon as possible to avoid student visa cancellation.

Once your enrolment has been cancelled, your educational provider will notify the Department of Home Affairs of the change in your enrolment status (National Code, 9.5).

## I have received a 'notice of intention to cancel' from the Department of Home Affairs. What do I do?

If your education provider has already reported the cancellation of enrolment to the Department of Home Affairs, you may receive a 'notice of intention to cancel' your student visa.

If you receive this letter, you should immediately seek legal and/or immigration advice, and contact the Department of Home Affairs about your student visa. **You will have a very short timeframe (generally 5 working days) within which to respond before your student visa is *actually* cancelled.**

## Tips

- Keep your contact details up to date
  - Make sure you keep your contact details up-to-date with your education provider and the Department of Home Affairs.

This will ensure that you receive important notices and provide you an opportunity to respond.

- Check your enrolment status
  - Always check if your enrolment has actually been cancelled. Some education providers may advise they have cancelled a student's enrolment, but they have not yet reported the cancellation on the applicable systems.
    - > If your provider has not cancelled your enrolment, you might be able to act quickly to resolve your enrolment issue.
- Check if you have received notice
  - Always check your mail – do not ignore any letters or emails regarding your enrolment or visa.
  - You have a right to respond to notices. If you did not have the opportunity to respond, you should appeal any decision to cancel your enrolment.
  - Act quickly to avoid being reported to the Department of Home Affairs.
- Seek immigration advice;
  - The cancellation of your enrolment has serious consequences for your student visa and ability to remain in Australia.

- You should immediately seek migration advice if you have become aware that your provider has cancelled your enrolment.

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*This factsheet is not a substitute for legal advice. If you have a problem, please contact RLC's International Student Legal Service NSW at [www.rlc.org.au/contact](http://www.rlc.org.au/contact) or phone 02 9698 7645.*