

International Student Factsheet

Enrolment Cancellations - Your options



This factsheet provides an overview of your rights and obligations when considering a deferral or suspension of study.

1. Introduction

Studying in Australia can be challenging. If problems arise during your study, your education provider may choose to cancel your enrolment.

Your education provider might cancel your enrolment if:

- You fail to maintain satisfactory attendance or academic progress
- You commit serious misconduct during your study, or
- You fail to comply with the conditions of your written student agreement, including failure to pay your tuition fees

Standard 13 of the National Code* sets out some of the requirements that must be met before an education provider can cancel a student's enrolment.

Cancellation of your enrolment may have serious consequences for your student visa. You should seek legal advice as soon as you have a problem with your enrolment.

2. What can I do if my provider is considering cancelling my enrolment?

If your provider is considering cancelling your enrolment, they must do the following:

- Send you a notice to inform you that they intend to cancel your enrolment, and provide you with an opportunity to respond. The notice must specifically inform you of your right to access your provider's internal complaints and appeals process within 20 working days,
- If you choose to access your provider's appeals process, your provider must maintain your enrolment until the internal appeals process is completed,
- If you appeal a decision through the education provider's internal complaints/appeals process, the provider must maintain your enrolment. If the internal appeal is finalised and you receive a negative outcome, your provider may report you to the Department of Immigration and cancel your enrolment

3. What can I do if my 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 should access your provider's internal appeal/complaints process as soon as possible to avoid student visa cancellation.

If your provider has already cancelled your enrolment, your provider must:

- Inform you that your enrolment is cancelled, and that cancellation of enrolment might affect your student visa
- Report your enrolment as cancelled on PRISMS (electronic enrolment system) that will automatically notify the Department of Immigration of your enrolment status

If your provider sent you a notice of intention to cancel your enrolment and has generally complied with the ESOS framework, you need to act quickly to avoid student visa cancellation. If this applies to you, you will have limited options, including:

- Voluntarily cancelling your student visa before your provider reports the cancellation of your enrolment
- You can apply to another education provider and enrol in a new course, provided you are eligible to do so. If you want to consider transferring to another provider, please see the RLC factsheet, [‘Transferring between education providers’](#)

If your provider has already reported the cancellation of your enrolment to the Department of Immigration, you may receive a ‘notice of intention to cancel’ your student visa from the Department of Immigration. **You will have a very short timeframe** within which to respond before your student visa is actually cancelled.

You should always seek legal advice before making a complaint or appeal against your provider’s decision to cancel your enrolment in order to assess the strength of your claim.

For more details about making a complaint about provider or appealing a decision made by your provider, please refer to the RLC factsheet on [‘Making a complaint about your education provider’](#).

4. Tips for resolving enrolment cancellation disputes with your education provider

- Always check if your enrolment has actually been cancelled. Many providers say they have cancelled a student’s enrolment, but have not reported the cancellation on PRISMS (the electronic system of enrolment monitoring). If your provider has not cancelled your enrolment, you might be able to act quickly to resolve your enrolment issues before your student visa becomes at risk of cancellation

- Always check to make sure that you received any notice of intention to cancel your enrolment. You have a right to respond to such notices, and if you were never provided an opportunity to do so, you should appeal any decision to cancel your enrolment. Act quickly to avoid being reported to the Department of Immigration while you prepare an appeal
- The cancellation of your enrolment has serious student visa consequences. You should seek immediate migration advice from a registered migration agent if you become aware that your provider has cancelled your enrolment
- Always make sure you keep your contact details up to date with your provider and the Department of Immigration. This will ensure you receive important notices and provide you an opportunity to respond to them

Produced by the Redfern Legal Centre.

This factsheet is not a substitute for legal advice. If you have a problem with an education provider, please seek legal advice from your local community legal centre or other legal advisors.

Last updated: 28 January 2016.

** National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (Cth). ESOS framework refers to the National Code and the Education Services for Overseas Students Act 2000 (Cth).*