



Policy and Procedure – Non-Commencement of Studies

Purpose

The purpose of this document is to outline Lawson College Australia's Non-Commencement of Studies policy and procedure as related to students **who do not** commence studies as per their Written Agreement and Confirmation of Enrolment, and to ensure that support and guidance is offered in a timely way, and the process and outcome/s is compliant.

Scope

This Policy applies to all:

- International Students who have a student visa to study at Lawson College Australia; and
- Lawson College Australia staff who deal with all matters concerning International Students.

This policy and procedure must be read in conjunction with relevant ESOS policy and procedures [International Student Policies – Lawson College](#) including those relating to overseas student visa conditions, deferring, suspending and cancelling an overseas student enrolment, overseas student transfers, tuition fees and refund, and complaints and appeals.

Definitions

Confirmation of Enrolment (CoE)	The CoE is a document that will be issued by the educational provider that verifies enrolment in a specific course. The CoE will be sent after an offer is accepted and a deposit paid. The prospective student must include a copy of this document in their visa application so that the government has proof that they are registered in their declared course. https://www.studyaustralia.gov.au/english/latest-travel-and-visa-advice/updates/step-by-step-guide-to-visa-and-entry-requirements
DoHA	Department of Home Affairs – DoHA. The Department of Home Affairs. The DoHA brings together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs and immigration and border-related functions, working together to keep Australia safe. https://www.homeaffairs.gov.au/
ESOS Act	Educational Services for Overseas Students Act as amended from time to time
Non - Commencement of studies	Non- Commencement of studies can be due to various reasons: <ol style="list-style-type: none"> Off-shore student: Delay in Student Visa being granted (where student is outside Australia) On-shore student: Electing to return permanently to their home country and not commencing the course. On-shore student: Does not commence the course and no reason is provided. On-shore student: Does not present for scheduled orientation or commence the course as timetabled due to the misconception that on entry into Australia on a student visa, they can immediately request transfer out of Lawson College Australia without enrolling at Lawson College Australia.
Overseas Student	The <i>Education Services for Overseas Students Act 2000</i> defines an overseas student as: overseas student means a person (whether within or outside Australia) who holds a student visa, but does not include students of a kind prescribed in the regulations. Education Services for Overseas Students Act 2000 (legislation.gov.au)
PRISMS	Provider Registration and International Student Management System [PRISMS] . Through PRISMS, certain Australian Government agencies can monitor student compliance with visa conditions and provider compliance with the <i>Education Services for Overseas Students Act 2000</i> (ESOS Act). PRISMS is a secure system for providers to: -issue 'Confirmations of Enrolment' to overseas students intending to study in Australia (the Department of Home Affairs requires these to issue a student visa), and report changes in overseas student's course enrolment.
Proposed Course Start Date	This is the course commencement date as per the Confirmation of Enrolment (CoE). Students are expected to complete their course within the date range listed on their CoE.
RTO	Registered Training Organisation

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ESOS Standard 2	Quality & Compliance Committee	Document Name	Policy & Procedure – Non-Commencement of Studies	01/2022	31/01/2022



Student	A student who is enrolled at Lawson College Australia and includes both prospective students and enrolled students who are 'overseas students' as defined in the National Code and hold a student visa as defined by the ESOS Act, and to students of Lawson College Australia who do not hold student visas and are studying off-shore; but does not include domestic students.
Student Course Variation	Student Course Variation is a formal process related to changes in course enrolment.
Student Visa Conditions	As an international student on a student visa, you must: <ul style="list-style-type: none"> • comply with your student visa conditions • ensure you have and continue to maintain your Overseas Student Health Cover (OSHC) for as long as you stay in Australia on a student visa • tell your institution if you change your address or other contact details • meet the terms of your written agreement with your education institution (including payment of fees). Please note, the written agreement is a legal contract • maintain satisfactory course progress and attendance.
Written Agreements	A written agreement under Australian law, is in regard to acceptance of an offer of a course and must be in the form of a written agreement. This is the document that the student signs when they enrol with an education provider. In the written agreement, providers must give detailed information on: <ul style="list-style-type: none"> • the course enrolled in • payment plan for tuition fees including the number and length of each study period • any non-tuition fees • refund entitlements in different situations • course requirements including minimum English language • requirements on attendance and making satisfactory progress; that is, that they must participate in scheduled classes in accordance with course timetables to make satisfactory course progress, and if they don't satisfactorily progress in their course, they will be in breach of a condition of their visa. • that ASQA may, at any time, require a training provider to implement policies and procedures to monitor minimum attendance requirements and if students don't meet these requirements, they will be in breach of their visa • any services that can support student safety, and • that the DoHA may cancel a student's visa if they fail to maintain their enrolment (https://www.asqa.gov.au/news-publications/publications/fact-sheets/overseas-student-attendance July 2019)

[S = ESOS Standard]

1. Policy

This policy is created pursuant to Section 19 of the ESOS Act 2000 and Standard 8 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Section 19 (1) (c) of the ESOS Act 2000, requires providers of CRICOS courses, to report non-commencement of studies by a student issued a CoE for studies, and who does not commence their studies on the **Proposed Course Start Date of the Confirmation of Enrolment (CoE)**.

This information must be reported through PRISMS within the specified periods below:

- 14 days - if the student is under 18 years of age (*Note: Lawson College Australia does not enrol students under 18 years of age*).
- 31 days - all other international students.

2. Procedure

2.1. Non-Commencement of studies on the Proposed Course Start Date of the Confirmation of Enrolment

2.1.1 Offshore Students

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ESOS Standard 2	Quality & Compliance Committee	Document Name	Policy & Procedure – Non-Commencement of Studies	01/2022	31012022



Students who are offshore **waiting for their student visa to be granted and the Proposed Course Start Date of the Confirmation of Enrolment (CoE) has passed**, must submit:

- a. A Student Course Variation Form within 5 days of their **Proposed Course Start Date as per the Confirmation of Enrolment (CoE)**, requesting to **defer** their course commencement to the next available intake.
- b. On receipt of a valid Course Student Course Variation Form as per a. above Lawson College Australia will defer course commencement start date to the next available intake and enter relevant comments in PRISMS within 31 days of the Proposed Course Start Date as per the Confirmation of Enrolment (CoE).
- c. If a student fails to submit an Student Course Variation Form as per a. above, Lawson College Australia will initiate the process of Student Course Variation and report such instance on PRISMS within 31 days of the **Proposed Course Start Date as per the Confirmation of Enrolment (CoE)** of the course under Non-Commencement of Studies.

2.1.2 On-shore Students return permanently to their home country

Should an onshore student return permanently to their home country and cancel their enrolment/s before Proposed Course Start Date as per the Confirmation of Enrolment (CoE), they must submit:

- a. A completed Student Course Variation Form; and
- b. A copy of flight Ticket and boarding pass to cancel their CoE at Lawson College Australia to be forwarded to compliance@lawsoncollege.edu.au
- c. If a student fails to submit an Student Course Variation Form within 5 days of the **Proposed Course Start Date as per the Confirmation of Enrolment (CoE)** with Lawson College Australia, Lawson College Australia will initiate the process of Student Course Variation and report such instance on PRISMS within 31 days of the **Proposed Course Start Date as per the Confirmation of Enrolment (CoE)**.

2.1.3 On-shore and Offshore students whose visa is already granted

- a. If the student does not commence on the **Proposed Course Start Date as per the Confirmation of Enrolment (CoE)** and has not contacted Lawson College Australia to defer their course within 5 working days, Lawson College Australia will initiate the process of Student Course Variation and report such instance on PRISMS within 31 days of the **Proposed Course Start Date as per the Confirmation of Enrolment (CoE)** as non-commencement of studies.
- b. The student should contact the Department of Home Affairs at <https://immi.homeaffairs.gov.au/change-in-situation/study-situation> before making changes to their education situation, to make sure that they continue to meet the conditions of their visa or their visa may be cancelled.
- c. Lawson College Australia is not obliged to notify student of cancellation of their COE based on non-commencement of studies on the **Proposed Course Start Date as per the Confirmation of Enrolment (CoE)**
- d. Student may seek re-instatement of their CoE, if applicable.

2.1.4 Continuous Improvement

Policy, procedure, and practices will be reviewed in accordance with policy and procedure.

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ESOS Standard 2	Quality & Compliance Committee	Document Name	Policy & Procedure – Non-Commencement of Studies	01/2022	31012022 9/2022



2.1.5 Retention of records

Records of non-commencement will be retained in accordance with Lawson College Australia retention guidelines.

Document History and Version Control Table

Version Number	Date approved	Approved by	Type of change	Extent
V.1.0	31012022	QACC	Initial	Initial development

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