

International Student Visa Requirements

Purpose

KCA Education (KCA) will ensure that all international students are aware of their obligations, requirements and conditions of their student visas. KCA will also all relevant team members also have a full understanding so they can assist and support students with their enquires.

Scope

The visa requirements of an international student will be included throughout all operational procedures in order to ensure that the students are meeting their obligations. This information will also be included in the International Student Handbook and presented during their Orientation and Induction Sessions prior to commencing their program.

Responsibility

Responsibility (R)	Accountability (A)	Consult (C)	Inform (I)
Campus Support Officers Education Manager	Operations Manager	Chief Executive Officer	Quality Assurance

Applicable Legislation/Contracts

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- ESOS Act
- VET Quality Framework – National Standards for RTO and AQF

Related Policies/Procedures

- QMSP004: Formalisation of Enrolment and Written Agreement Policy V3
- QMSF003: Letter of offer and acceptance V3

Reference

National Code: Standard 8- Overseas Student Visa Requirements.

Monitoring Overseas Student Progress, Attendance and Course Duration

- 1.1 The registered provider must monitor overseas students' course progress and, where applicable, attendance for each course in which the overseas student is enrolled.
- 1.2 The expected duration of study specified in the overseas student's CoE must not exceed the CRICOS registered duration.
- 1.3 The registered provider must monitor the progress of each overseas student to ensure the overseas student is in a position to complete the course within the expected duration specified on the overseas student's CoE.
- 1.4 The registered provider must have and implement documented policies and processes to identify, notify and assist an overseas student at risk of not meeting course progress or attendance requirements where there is evidence from the overseas student's assessment tasks, participation in tuition activities or

other indicators of academic progress that the overseas student is at risk of not meeting those requirements.

- 1.5 The registered provider must clearly outline and inform the overseas student before they commence the course of the requirements to achieve satisfactory course progress and, where applicable, attendance in each study period.

Schools, ELICOS and Foundation Programs: Course Progress and Attendance Requirements

The registered provider of a school, ELICOS or Foundation Program course must have and implement a documented policy and process for monitoring and recording attendance of the overseas student, specifying:

- 8.6.1 requirements for achieving satisfactory attendance for the course which at a minimum must be 80 per cent—or higher if specified under state or territory legislation or other regulatory requirements—of the scheduled contact hours
- 8.6.2 the method for working out minimum attendance under this standard
- 8.6.3 processes for recording course attendance
- 8.6.4 details of the registered provider's intervention strategy to identify, notify and assist overseas students who have been absent for more than five consecutive days without approval, or who are at risk of not meeting attendance requirements before the overseas student's attendance drops below 80 per cent
- 8.6.5 processes for determining the point at which the overseas student has failed to meet satisfactory course attendance.

8.7 The registered provider must have and implement a documented policy and process for monitoring and recording course progress for the overseas student, specifying:

- 8.7.1 requirements for achieving satisfactory course progress for the course
- 8.7.2 processes for recording and assessing course progress
- 8.7.3 details of the registered provider's intervention strategy to identify, notify and assist students at risk of not meeting course progress requirements in sufficient time for those students to achieve satisfactory course progress
- 8.7.4 processes for determining the point at which the student has failed to meet satisfactory course progress.

Higher Education: Course Progress Requirements

8.8 The registered provider of a higher education course must have and implement a documented policy and process for monitoring and recording course progress for the overseas student, specifying:

- 8.8.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course, and processes to address misconduct and allegations of misconduct
- 8.8.2 processes for recording and assessing course progress requirements
- 8.8.3 processes to identify overseas students at risk of unsatisfactory course progress
- 8.8.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress
- 8.8.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.

Vocational Education and Training (Vet): Course Progress and Attendance Requirements

8.9 The registered provider of a VET course as defined in the NVETR Act must have and implement a documented policy and process for assessing course progress that includes:

8.9.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course and meet the training package or accredited course requirements where applicable, and processes to address misconduct and allegations of misconduct

8.9.2 processes for recording and assessing course progress requirements

8.9.3 processes to identify overseas students at risk of unsatisfactory course progress

8.9.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress

1.a.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.

8.10 The registered provider must have and implement a documented policy and process for monitoring the attendance of overseas students if the requirement to implement and maintain minimum attendance requirements for overseas students is set as a condition of the provider's registration by an ESOS agency.

1.1 If an ESOS agency requires a VET provider to monitor overseas student attendance as a condition of registration, the minimum requirement for attendance is 80 per cent of the scheduled contact hours for the course.

1.2 If an ESOS agency requires a VET provider to monitor overseas student attendance, the registered provider must have and implement a documented policy and process for monitoring and recording attendance of the overseas student, specifying:

1.2.1.1 the method for working out minimum attendance under this standard

1.2.1.2 processes for recording course attendance

1.2.1.3 details of the registered provider's intervention strategy to identify, notify and assist overseas students who have been absent for more than five consecutive days without approval, or who are at risk of not meeting attendance requirements before the overseas student's attendance drops below 80 per cent

1.2.1.4 processes for determining the point at which the overseas student has failed to meet satisfactory course attendance.

Reporting Unsatisfactory Course Progress or Unsatisfactory Course Attendance

Where the registered provider has assessed the overseas student as not meeting course progress or attendance requirements, the registered provider must give the overseas student a written notice as soon as practicable which:

- notifies the overseas student that the registered provider intends to report the overseas student for unsatisfactory course progress or unsatisfactory course attendance
- informs the overseas student of the reasons for the intention to report
- advises the overseas student of their right to access the registered provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

The registered provider must only report unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:

- the internal and external complaints processes have been completed and the decision or recommendation supports the registered provider, or the overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period, or the overseas student has chosen not to access the external complaints and appeals process, or the overseas student withdraws from the internal or external appeals processes by notifying the registered provider in writing.

1.3 The registered provider may decide not to report the overseas student for breaching the attendance requirements if the overseas student is still attending at least 70 per cent of the scheduled course contact hours and:

- for school, ELICOS and Foundation Program courses, the overseas student provides genuine evidence demonstrating that compassionate or compelling circumstances apply; or for VET courses, the student is maintaining satisfactory course progress.

Allowable Extensions of Course Duration

The registered provider must not extend the duration of the overseas student's enrolment if the overseas student is unable to complete the course within the expected duration, unless:

- there are compassionate or compelling circumstances, as assessed by the registered provider on the basis of demonstrable evidence, or
- the registered provider has implemented, or is in the process of implementing, an intervention strategy for the overseas student because the overseas student is at risk of not meeting course progress requirements, or
- an approved deferral or suspension of the overseas student's enrolment has occurred under Standard 9 (Deferring, suspending or cancelling the overseas student's enrolment).

If the registered provider extends the duration of the student's enrolment, the provider must advise the student to contact Immigration to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

Modes of Delivery

Note: Online learning is study where the teacher and overseas student primarily communicate through digital media, technology-based tools and IT networks and does not require the overseas student to attend scheduled classes or maintain contact hours. For the purposes of the ESOS framework, online learning does not include the provision of online lectures, tuition or other resources that supplement scheduled classes or contact hours. Distance learning is any learning that an overseas student undertakes off campus and does not require an overseas student on a student visa to physically attend regular tuition for the course on campus at the provider's registered location.

A registered provider must not deliver a course exclusively by online or distance learning to an overseas student.

A registered provider must not deliver more than one-third of the units (or equivalent) of a higher education or VET course by online or distance learning to an overseas student.

A registered provider must ensure that in each compulsory study period for a course, the overseas student is studying at least one unit that is not by distance or online learning, unless the student is completing the last unit of their course.

For school, ELICOS or foundation programs, any online or distance learning must be in addition to minimum face-to-face teaching requirements approved by the relevant designated State authority or ESOS agency as part of the registration of the course, if applicable.

The registered provider must take all reasonable steps to support overseas students who may be disadvantaged by:

- additional costs or other requirements, including for overseas students with special needs, from undertaking online or distance learning
- inability to access the resources and community offered by the education institution, or opportunities for engaging with other overseas students while undertaking online or distance learning.

Policy

The policy describes the requirements for meeting your course progression and related requirements of your student visa. All courses are full offered by KCA are on a fulltime basis for a **minimum of 20hrs per week**. Note as a Vocational Education and Training Provider (VET) KCA monitors all students' course progression in order to ensure they are meeting the duration requirements of the visas. However due to the practical nature of KCA's VET programs attendance is also used as a 'best practice model' to ensure the students are in the best position to meet their course progression. Furthermore, students are also reminded that attendance is also a condition of their student visa.

This means you are required to:

- Meet all of your attendance obligations for each class and unit;
- Submit and undertake all assessment on time; and
- Complete all the requirements for the unit within the prescribed study period.

To ensure fairness, equity and maintain an open process, KCA will use the following process for determining the point at which the student has failed to meet satisfactory course progress.

The CEO or nominated delegate of KCA will assess and monitor the course progress of students by:

- reviewing attendance records
- reviewing class participation
- evaluating any mid-course assessments
- reviewing final assessment
- checking overall competency

All Trainers and the Education Manager are required to record and access the progress of each student at the end of each term to identify students at risk of progressing.

If the CEO or nominated delegate identifies a learner at risk of not meeting their course progress requirements, they will implement the appropriate **Early Intervention Strategy**.

KCA will assess each student's progress at the end of each compulsory study period. **Each study period will equal one term that equates to approximately 10 weeks of study.**

Unsatisfactory progress is defined as not successfully completing or demonstrating competency in at least 50% of the course requirements in that study period.

KCA defines in the timetable the course requirements for each study period and can identify when a student has not passed or demonstrated competency in 50% or more of the course requirements. The course requirements for each study period must also be made clear to the student at the start of the course, or if variable, each study period.

KCA has implemented an intervention strategy for any student who is not making satisfactory course progress.

It must be made available to staff and students and must specify:

- I. procedures for contacting and counselling students;
- II. strategies to assist identified students to achieve satisfactory course progress; and
- III. the process by which the intervention strategy is activated.

The intervention strategy must include provisions for:

- I. where appropriate, advising students on the suitability of the course in which they are enrolled;
- II. assisting students by advising of opportunities for the students to be reassessed for tasks in units or subjects they had previously failed, or demonstrate the necessary competency in areas in which they had not been previously able to demonstrate competency; and
- III. advising students that unsatisfactory course progress in two consecutive study periods for a course could lead to the student being reported to DoHA and cancellation of his or her visa, depending on the outcome of any appeals process.

At the end of each compulsory study period, students must be assessed against the course progress policy. If a student is identified for the first time as not making satisfactory course progress, the intervention strategy as outlined above and in the “Intervention Strategy Document” is implemented. The intervention strategy must be activated within the first four weeks of the following study period.

However, if a provider identifies that a student is at risk of making unsatisfactory course progress before the end of the study period, the provider is encouraged to implement its intervention strategy as early as practicable.

If a student is identified as not making satisfactory course progress in a second consecutive compulsory study period in a course, the provider must notify the student of its intention to report the student to DOH via PRISMS for unsatisfactory progress. The provider does this through the written notice described below.

The written notice (of intention to report the student for unsatisfactory progress) must inform the student that he or she is able to access the registered provider’s complaints and appeals process under Standard 8 and that the student has 20 working days in which to do so. A student may appeal on the following grounds:

- I. provider’s failure to record or calculate a student’s marks accurately,
- II. compassionate or compelling circumstances, or
- III. provider has not implemented its intervention strategy and other policies according to its documented policies and procedures that have been made available to the student.

Where the student’s appeal is successful, the outcomes may vary according to the findings of the appeals process.

- I. If the appeal shows that there was an error in calculation, and the student actually made satisfactory course progress (successfully completed more than 50% of the course requirements for that study period), the provider does not report the student, and there is no requirement for intervention.
- II. If the appeals process shows that the student has not made satisfactory progress, but there are compassionate or compelling reasons for the lack of progress, ongoing support must be provided to the student through the provider’s intervention strategy, and the provider does not report the student. (See notes at the end of this document)

Where:

- I. the student has chosen not to access the complaints and appeals processes within the 20 working day period;
or
- II. the student withdraws from the process; or
- III. the process is completed and results in a decision supporting the registered provider (i.e. the student’s appeal was unsuccessful);

KCA will notify the Secretary of DET through PRISMS as soon as practicable of the student not achieving satisfactory course progress.