

The Education Services for Overseas Students (ESOS) legislative framework is designed to ensure that Australia's reputation for delivering quality education services is maintained and that the interests of overseas students are protected. [Standard 6.7 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#) [PDF, 856 kb] requires NIT to ensure that staff members who interact directly with students are aware of NIT's obligations under the Education Services for Overseas Students (ESOS) framework and the potential implications for students arising from the exercise of these obligations

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#### 1. The ESOS framework

The ESOS legislative framework is designed to ensure that Australia's reputation for delivering quality education services is maintained and that the interests of overseas students are protected. It sets minimum standards and provides tuition and financial assurance. Together with Australian immigration law, the ESOS framework also imposes visa related reporting requirements on both students and educational institutions. The [Department of Education, Employment and Workplace Relations \(DEEWR\)](#) has produced an [Easy Guide to ESOS](#).

#### What is an International Student?

If a student is not an Australian citizen or permanent resident or a New Zealand citizen, then they are an International Student. | **Does the ESOS framework apply to all International Students?**

The ESOS framework only applies to those International Students who have Student Visas. The ESOS Act refers to these students as Overseas Students. | **Can International Students**

### **study part-time?**

If the student does not have a Student Visa, they may study part-time. If the student has a Student Visa, they must complete their course within the standard full-time completion period, unless certain circumstances apply (see [Student Visa conditions](#)). They can choose to study part-time in a particular semester, as long as they are allowed by their Program Manager to overload later, or can catch up by studying Summer School units, if available.

## **2. Student visa conditions**

If Student Visa holders do not uphold their visa conditions, their visa may be cancelled and they may have to leave Australia. A full list of conditions is available from the Department of Immigration and Citizenship website with the most important listed below:

- The Student Visa holder must remain enrolled in a course registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
- The Student Visa holder must make satisfactory course progress according to NIT's Policy.
- The Student Visa holder must advise NIT of their Australian address within seven days of arriving in Australia, and within seven days of any change of address.
- The Student Visa holder must maintain enough money to pay for travel, tuition and living expenses for themselves, their spouse and their dependent children for the duration of their stay in Australia.
- Any family members of school age (between 5 and 18 years) living in Australia must attend school in Australia. The International Centre's Pre-departure Guide contains more information about this.
- The Student Visa holder must maintain health insurance for themselves and their family members while in Australia.

## **3. Pre-enrolment information**

Standard 2 of the National Code requires NIT to give students detailed information about their course and about studying at NIT before the student accepts the offer of a place in a course.

### **4. Satisfactory course progress**

The National Code requires NIT to have an Intervention Strategy to identify and assist students at risk of not meeting their course progress requirements. For further information please refer to Monitoring and Reporting Academic Progress Policy

## **RECOGNITION OF PRIOR LEARNING (RPL)**

Applicants who consider that they have completed appropriate training or have through prior learning and experience gained the required skills/competences stipulated for the units of the course may be granted credit upon substantiation of that claim. The assessment will be professionally conducted and will be valid, reliable, flexible and fair.

### **5. Completion within the expected duration of study**

Standard 9 of the National Code requires NIT to ensure that, at all times, Student Visa holders are in a position to complete their studies within the duration specified in their CoE, unless certain circumstances apply. If a Student Visa holder chooses to study at less than a 100 per cent load in a particular teaching period, they will have to make sure that they can still complete

your course in time.

If a Student Visa holder completes their course early, NIT must report this to the [Department of Immigration and Citizenship](#) (DIAC), and the duration of the student's visa will most likely be reduced.

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### **6. Mode of study**

The National Code permits Student Visa holders to enrol in a limited amount of distance/online learning. No more than 25% of their entire course may be studied in distance/online mode, and they must study at least one unit face-to-face in each compulsory teaching period. | **7.**

### **Change of course**

If an International Student changes course they should contact the admissions Officer, because it is possible that they will have to pay a different fee. Students who change course will be asked to sign a new Acceptance of Offer and will be issued a new CoE. If a Student Visa holder intends to transfer to another Institute within the first six months of their final course at NIT, their request will be assessed using the criteria in NIT's Student Transfer Request assessment policy and procedure, which is available from the Reception. | **8. Complaints and appeals**

### **and appeals**

International Students have access to NIT's [Complaints and Appeals Policy](#) | **9. Deferring, suspending or cancelling study**

Any deferment, suspension or cancellation of a Student Visa holder's enrolment may have an effect on their visa, and it is important that they contact DIAC for advice before taking any action. For further information please refer to [Deferring Suspending Cancelling a Student Enrolment Policy](#) | **10. Course credit**

If a Student Visa holder is granted course credit, and this results in a shortening of their course, NIT will report their new expected course duration to DIAC, who may then reduce their visa duration. | **11. Under 18 students**

If a [Student Visa holder will be under 18 when they start their course](#), they must have accommodation and welfare arrangements approved by NIT or by DIAC.

For further information please refer to NIT's Younger Students Policy | **12. Definitions**

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Ø ESOS Framework:

the Education Services for Overseas Students (ESOS) Acts and regulations set out the legal framework governing delivery of education to Student Visa holders.

Ø National Code: the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007. The National Code provides standards and

procedures that institutions which provide education to Student Visa holders must adhere to.

Ø DEST: the Department of Education, Science and Training.

Ø DIAC: the Department of Immigration and Citizenship.

Ø CRICOS: institutions that offer courses to Student Visa holders, and the courses they offer, are listed on the Commonwealth Register of Institutions and Courses for Overseas Students.

Ø PRISMS: the Provider Registration and International Students Management System (PRISMS) is the web-based system that lists registered courses and is used to create CoEs or to report on changes in student enrolments.

Ø International Student: a student who is not a citizen or permanent resident of Australia, or a New Zealand citizen, and who must pay the international student fee for their course. International Students generally have Student Visas, but may have one of a range of other visas.

Ø Overseas Student: this term is used in the ESOS Framework to mean an International Student who has a Student Visa. The ESOS regulations only apply to these students.

Ø CoE: the Confirmation of Enrolment or CoE is a document that NIT creates on PRISMS for a prospective Student Visa holder when the student has signed their Acceptance of Offer. The student uses the CoE as proof of enrolment when applying for their Student Visa.

Ø Enrol: the words "enrolled" and "enrolment" are used in the ESOS Framework in the broad sense to mean that a student is undertaking a course.

## ESOS Act: Information For Staff

Written by Administrator

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Ø Suspend: in the ESOS Framework, "suspend" is used to mean any break in studies, for whatever reason, whether it is initiated by the student or the institution.