International Student on a Student Visa Policy

Section 1 - Preamble

(1) The Education Services for Overseas Students Act 2000 (ESOS Act) sets out the legal framework governing delivery of education services to international students in Australia on a student visa. The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) is a legislative instrument made under the ESOS Act and specifies the standards governing the protection of such students and the delivery of courses to them by education providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

(2) Charles Darwin University (CDU) is a CRICOS registered provider committed to maintaining compliance with the National Code 2018.

Section 2 - Purpose

(3) This policy provides the framework for the procedures and processes that ensure compliance with the National Code.

Section 3 - Scope

(4) This policy applies to all international students on a student visa and all University staff with responsibilities for international students.

Section 4 - Policy

National Code and ESOS Training

(5) CDU will comply with the ESOS Act and the National Code.

(6) CDU will ensure its staff are aware of CDU's obligations deriving from the ESOS Act and the National Code and understand how these obligations affect their roles and interactions with international students on student visas.

Marketing Information and Practices

(7) CDU will uphold the integrity and reputation of Australia's education sector by ensuring the marketing of its courses and services is not false or misleading.

Recruitment of an International Student on a Student Visa

(8) CDU will recruit responsibly by ensuring students seeking to study, or studying, in Australia on a student visa are appropriately qualified for the course for which they seek enrolment, including having the necessary English language proficiency, educational qualifications and work experience, and ensuring that prospective students have sufficient information to enable them to make informed decisions about studying with the University.

Formalisation of Enrolment and Written Agreements

(9) CDU will formalise its enrolment of international students on a student visa through written agreements with such students. These written agreements will protect the rights and set out the responsibilities of each party, as well as the courses and related education services to be provided, tuition and non-tuition fees payable, and refund policies.

Education Agents

(10) CDU will ensure that its education agents act ethically, honestly and in the best interests of students seeking to study, or studying, in Australia on a student visa, as well as uphold the reputation of Australia's international education sector. CDU will appoint and monitor its Education agents as outlined in the International Students - Appointment and Monitoring of Education Agents Procedure.

Younger Students

(11) CDU will meet legislative or other regulatory requirements relating to child welfare and protection where it enrols international students on a student visa who are aged under 18. It will provide such students with emergency contact information and information about how to report actual or alleged abuse.

(12) CDU only accepts international students under 18 years of age who are studying at CDU International College. CDU will only accept international students on a student visa who are aged under 18 if:

a. the student is being cared for in Australia by a parent or legal guardian; or
b. the CDU International College student has an approved Confirmation of Appropriate Accommodation and Welfare (CAAW) arrangement in accordance with the International Students - Welfare of International Students U18 Procedure.

Student Support Services

(13) CDU will assist international students on a student visa to adjust to study and life in Australia and provide appropriate orientation programs that help them to access the information and services they require.

(14) The Support for Students Policy outlines support available for students at the University.

Compassionate and compelling circumstances

(15) Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the overseas student's course progress or wellbeing. Evidence of compassionate or compelling circumstances is required to initiate University processes including but not limited to:

a. Leave of Absence applications;
b. Reduced Study Load applications;
c. Extension of COE applications;
d. Letter of Release/Transfer applications;
e. Failure to complete the course within the expected duration;
f. Failure to meet attendance requirements;
g. Deferment of course commencement;
h. Academic appeals; and
i. Other appeals lodged through internal University policies and procedures.

(16) Compassionate or compelling circumstances are only actionable when they occur subsequent to the student accepting an offer to study at the University and may include:

a. Significant medical illness or injury of a student or the student's family members;
b. Bereavement of close family members such as parents, grandparents and children;
c. An adverse experience that has impacted on the student such as involvement or witnessing a serious accident or witnessing or being a victim of crime;
d. Major political upheaval or natural disaster in the students' home country requiring emergency travel and which has impacted on their studies;
e. Inability to begin studying on the course commencement date due to a delay in receiving a student visa; and
f. Lack of unit availability.

(17) More information, examples, and lists of acceptable evidence, can be found on the CDU website.

(18) The following are not considered compassionate or compelling circumstances:

a. A desire to change course;
b. The course is difficult or not what was expected;
c. Minor illnesses or homesickness;
d. Difficulties in adjusting to living in Australia or academic life;
e. Failure to enrol in a course by the enrolment date;
f. Failure to understand or seek clarification of key dates or withdrawal procedures;
g. Financial difficulties;
h. A desire to move to another provider; or
i. Work commitments.

Student Transfers

(19) CDU will not knowingly enrol an international student on a student visa wishing to transfer from another registered provider prior to that student completing six months of their principal course, unless there are exceptional circumstances as outlined in the International Students - Transfer Between Registered Providers Procedure.

(20) CDU will only approve the transfer of an international student on a student visa to another registered provider, prior to that student completing six months of their principal course, in certain exceptional circumstances as outlined in the International Students - Transfer Between Registered Providers Procedure.

Provider study obligations

(21) CDU will safeguard the integrity of Australia's migration laws by supporting international students on a student visa to complete their course within the required duration and fulfil their visa requirements for course attendance and course progress as outlined in the International Students - Monitoring Course Progression Procedure.

(22) CDU may have flexible provisions to allow online learning provided it maintains restrictions enabling international students of a student visa to comply with student visa conditions.

Deferring, Suspending or Cancelling the Overseas Student's Enrolment

(23) CDU will appropriately manage the enrolment of its international students on student visa and ensure all necessary information about enrolments has been provided to the relevant government department by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database.

(24) CDU will only defer, suspend or cancel the enrolment of an international student on a student visa in accordance with the Enrolment Policy.

Complaints and Appeals

(25) CDU will ensure its international students on a student visa have their rights to natural justice protected through access to professional, timely, and documented complaints handling and appeals processes, at minimal or no cost, as outlined in the Complaints Policy - Students.

Section 5 - Non-Compliance

(26) Non-compliance with Governance Documents is considered a breach of the Code of Conduct - Employees or the Code of Conduct - Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin University and Union Enterprise Agreement 2025 and the Code of Conduct - Students.

(27) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees and Complaints Policy - Students.

(28) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

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Responsible Executive	Shannon Holborn Vice-President Global and External Relations
Implementation Officer	Adam Lam Director CDU Global
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