

## Fact sheet for overseas students

### Course progress and attendance

#### What do I need to know?

This fact sheet sets out information about maintaining satisfactory course progress and/or attendance to meet your student visa conditions and avoid being reported to the Department of Immigration and Border Protection (DIBP). This includes your right to appeal to the Overseas Students Ombudsman (OSO) if you are studying with a private registered education provider.

#### Why do I have to maintain satisfactory course progress and attendance?

All primary student visa holders have a mandatory visa condition (8202) imposed on their student visa which states:

... You **must** maintain satisfactory attendance in your course and course progress for each study period as required by your education provider.<sup>1</sup>

#### What happens if I fail or do not attend enough classes?

Education providers are required to report overseas students who fail to achieve satisfactory course progress and/or attendance<sup>2</sup> to the Department of Education and Training (DET) and DIBP under s 19 of the *Education Services for Overseas Students Act 2000* (ESOS Act) and Standards 10 and 11 of the *National Code of Practice for Registration Authorities and Providers of Education and Training for Overseas Students 2007* (National Code).

#### Will I receive a warning first?

Standards 10 and 11 of the National Code require education providers to be proactive in warning and assisting students who are at risk of failing to meet course progress, and to contact and counsel students who are at risk of failing to meet attendance requirements.

<sup>1</sup> [www.immi.gov.au/students/visa-conditions-students.htm](http://www.immi.gov.au/students/visa-conditions-students.htm)

<sup>2</sup> Standard 11 – Monitoring Attendance - does not apply to Higher Education courses. Standard 11 only applies to courses in the following education sectors:

- Schools
- English Language Intensive Courses for Overseas Students (ELICOS)
- Vocational Education and Training (VET)
- non-award.

In addition, Standard 11.2 states that VET providers who implement the 'DET-DIBP Course Progress Policy and Procedures for CRICOS Providers of VET Courses' are not required for ESOS purposes to monitor and report on attendance for those courses.

## **If I have unsatisfactory course progress and/or attendance, do I have the right to appeal before being reported to Immigration?**

If a student fails to achieve satisfactory course progress and/or attendance after being warned by their provider, then the provider must notify the student that it intends to report them, subject to the student's right to lodge an internal appeal with the provider and then an external appeal with an independent complaints and appeals body.

The OSO is an independent complaints and appeals body for overseas students with private registered providers. The third and fourth most common types of complaints/appeals the OSO receives are students appealing against their provider's intention to report them for unsatisfactory course progress and/or attendance.

## **If I complain to the Overseas Students Ombudsman will this stop my provider from reporting me to Immigration?**

If you appeal your provider's intention to report you for unsatisfactory course progress or attendance to the OSO within the timeframe your provider gave you, then your provider has to maintain your enrolment while the complaints and appeals process is ongoing.

The OSO will notify you and your provider when starting and finishing an investigation of an external appeal. Depending on the outcome, your provider may still be required to report you or the OSO may recommend your provider not report you.

To find out more about lodging an external appeal, see our [Frequently Asked Questions \(FAQs\)](#).

## **What happens if I am reported to Immigration?**

DIBP will send you a Notice of Intention to Consider Cancellation (NOICC) if you are in Australia and it is considering cancelling your student visa.

If you have any concerns about your student visa you can contact DIBP within Australia on phone 131 881. For more contact details go to the DIBP website: [www.immi.gov.au/contacts/](http://www.immi.gov.au/contacts/)

## Course progress

### The rules

Education providers have to monitor the course progress of international students in all types of courses. Education providers have to monitor overseas students' course progress and activate the provider's intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements.

Where the provider has assessed the student as not achieving satisfactory course progress, after the intervention strategy has been implemented, the provider notifies the student of its intention to report the student, subject to the student's right of appeal.

### Tips for international students

#### Do this ...

- Read your provider's Course Progress Policy and make sure you understand what it means for you. If you have questions about it, ask your provider.
- Make sure you understand your provider's definition of 'satisfactory course progress' and 'unsatisfactory course progress'. Do you know what standard you have to meet? If not, ask your provider to explain it to you.
- Make sure you know over what period your provider monitors course progress – is it over a five-week block of study? Or a 10-week term? Or a 26-week semester? Or the total length of your course?
- If you start to experience any problems with your course, talk to your provider about it and ask for help. It is better to ask now than when it is too late and you are about to be reported to Immigration for possible visa cancellation.
- Keep your contact details up to date with your provider so if they contact you to advise you that you are at risk of failing to meet satisfactory course progress, you receive their text, call, email or letter.
- If your education provider tells you that you are at risk of failing to meet satisfactory course progress, they should offer you some sort of intervention strategy or strategies designed to help you improve your course progress. Accept what they offer you and do what they ask you to do to improve your course progress.
- Co-operate with your education provider if they ask you to come to a meeting to discuss your course progress or ask you to make an appointment to see a staff member. Do it quickly – do not wait until it is too late. This is your opportunity to get help and support to improve your course progress so you can avoid being reported to Immigration.
- Be honest with your education provider and tell them what is happening and why you are having troubles with your studies. This might be due to homesickness, relationship issues, illness, not understanding your course or other problems that you are experiencing. Your provider should try to help you with these problems or tell you about other support services you can contact such as counselling.

- Act on the intervention strategies your education provider offers you or tells you about. If your provider puts you on an intervention plan or learning contract, make sure you do what it says you have to do.

### **What is an ‘intervention strategy’?**

An intervention strategy may include any number of actions or methods to intervene and assist students who are at risk of failing to meet course progress. The aim of an intervention strategy is to help the student improve their course progress to a satisfactory level.

Appropriate intervention strategies may vary according to the education sector, the course and the student but may include some of the following:

- advising the student of available study skills workshops, academic counselling, English language support or other support the provider may offer
- requiring the student to meet regularly with a provider staff member/s to review their progress, before the end of the next study period
- reducing the student’s study load temporarily or changing their enrolment to another subject area if this is agreed between the student and provider
- requiring the student to submit assignments or complete assessments within a certain timeframe
- requiring the student to attend a minimum percentage of classes (note: some providers include attendance as a component of satisfactory course progress. Intervention strategies in this case may include make-up classes. Other providers do not require attendance in normal circumstances but may require an at risk student to attend a set level of classes to help them improve their course progress)
- referring the student to other support services that may be relevant, e.g. counselling for personal issues, appropriate medical services, housing services, financial counselling services
- considering a period of deferment or temporary suspension of studies
- putting a written intervention plan in place with the student to confirm the steps they are required to take, which may include participating in some of the above actions.

- If you fail again after the intervention strategy has been implemented, your provider should send you the Notice of Intention to Report telling you that it intends to report you to Immigration. But you have an opportunity to lodge an internal appeal first, within 20 working days (Monday to Friday excluding public holidays). Again, keep your contact details up to date so you receive any notice your provider sends you.
- Your provider has to give you a written outcome of the internal appeal and explain the reasons for its decision. They also have to tell you that you have the right to make an external appeal to an independent complaints and appeals body within a certain timeframe, before they report you (this includes the OSO for overseas students with private education providers, the relevant state or territory ombudsman for overseas students with public education providers and the South Australia Training Advocate for students in South Australia (SA)).
- Read the internal appeal outcome and decide if you want to make an external appeal. You have to contact the external complaints and appeals body before the provider’s deadline to do so ends. You should also tell your provider that you have lodged an external appeal so they know not to report you until the external appeal process is completed.

- Tell the external complaints and appeals body (the OSO, state or territory ombudsman or Training Advocate in SA) what happened and give them all the relevant documents like the internal appeal outcome letter/email and any documents you gave your provider with your internal appeal.

#### **What the OSO will do ...**

- We will ask your education provider to tell us their side of the story and give us the information they considered in deciding your internal appeal. This includes your academic records and details of their intervention strategy. We will check to see if your education provider followed all the rules and their course progress policy correctly before deciding if your education provider is required to report you.
- If we decide your education provider followed the rules and their policy correctly and are required to report you for unsatisfactory course progress, we will tell you this and explain why. We will give you 14 days to comment before we tell your education provider we think it is required to report you to Immigration.
- If we find your provider has made mistakes that have disadvantaged you in the course progress monitoring and reporting process, we may tell your provider they should not report you to Immigration for unsatisfactory course progress this time. We will give your education provider 14 days to comment on our proposed decision before making a final decision and tell you the outcome.
- If we decide your education provider should not report you for unsatisfactory course progress, it is important to understand that it is only for the study period your appeal relates to. You have to maintain satisfactory course progress for every study period you study. If you fail to meet satisfactory course progress in another study period, you could be reported to Immigration.

## Attendance

### The rules

Education providers have to monitor the attendance of international students studying the following courses:

- schools
- foundation courses
- English Language Intensive Courses for Overseas Students (ELICOS)
- Vocational Education and Training (VET) courses<sup>3</sup>
- non-award courses

Education providers do *not* have to monitor the attendance of international students studying Higher Education courses (Bachelor level and above).

Education providers are required to monitor overseas students' attendance and to contact and counsel students identified as at risk of failing to meet the minimum satisfactory attendance requirements (at least 80 per cent of the scheduled course contact hours). If a student is absent for five consecutive days, a provider must also contact and counsel the student.

If the student's attendance falls below the minimum projected level, the provider must notify the student that they intend to report them, subject to the outcome of an appeal. If the student's attendance is below 80 per cent but still at or above 70 per cent, the education provider can decide not to report the student if certain conditions are met.

For VET and non-award courses, the provider may only decide not to report the student for breaching the 80 per cent attendance requirement if all of the following conditions are met:

- the student is attending at least 70 per cent of the scheduled course contact hours in the course in which they are enrolled
- the student is maintaining satisfactory course progress
- the provider has a policy of not reporting students with at least 70 per cent attendance and satisfactory course progress.

For ELICOS and schools courses, the provider may only decide not to report the student for breaching the 80 per cent attendance requirement if all of the following conditions are met:

- the student is attending at least 70 per cent of the scheduled course contact hours in the course in which they are enrolled
- the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances apply (for example, illness where a medical certificate states that the student is unable to attend classes)
- this decision is consistent with the provider's documented attendance policies and procedures.

---

<sup>3</sup> Standard 11.2 of the National Code 2007 states that providers who implement the 'Department of Education-Department of Immigration and Border Protection (DIBP) Course Progress Policy and Procedures for CRICOS Providers of VET Courses' are not required for ESOS purposes to monitor and report on attendance for those courses.

## Tips for international students

### Do this ...

- Read your provider's Attendance Policy and make sure you understand what it means for you. If you have questions about it, ask your provider.
- Make sure you know if your provider reports on attendance
- Make sure you know the minimum attendance required by your provider – is it 80 per cent of the total scheduled course contact hours or higher? Some providers require 90 per cent attendance.
- Make sure you know over what period your provider monitors attendance – is it over a five-week block of study? Or a 10-week term? Or a 26-week semester? Or the total length of your course? The shorter the period, the faster your attendance will fall if you miss any classes.
- Try to attend all your classes, if possible, and at least 80 per cent of your scheduled course contact hours. Ask your provider what your attendance is if you are not sure.
- Respond to any warnings or contact from your education provider about your attendance. If your providers tell you that you are at risk of falling below the minimum attendance level, accept any offers of help and go to any meetings your provider invites you to (or make an appointment to speak to a staff member to talk about your attendance). It's better to talk about why you haven't been attending enough classes now while there's still time to do something about it, rather than waiting until it's too late and you are about to be reported to Immigration for possible visa cancellation.
- Keep your contact details up to date with your provider so if they do send you a warning about your attendance, you receive it.
- If you fall below the minimum attendance, your provider has to send you a Notice of Intention to Report telling you that they intend to report you to Immigration. But you have an opportunity to lodge an internal appeal first, within 20 working days. You can find out more about your provider's internal appeal process in its complaints and appeals policy (sometimes called a student grievance policy).
- Check your provider's attendance policy to see if they can decide not to report you if your attendance is at least 70 per cent and the other required conditions are met, depending on the education sector of your course (see the rules above).
- Your provider has to give you a written outcome of the internal appeal and explain the reasons for its decision. It also has to tell you that you have the right to make an external appeal to an independent complaints and appeals body (like the Overseas Students Ombudsman for overseas students with private education providers) within a certain timeframe, before they report you.
- Read the internal appeal outcome and decide if you want to make an external appeal. You have to contact the external complaints and appeals body before the provider's deadline to do so ends. You should also tell your provider that you have lodged an external appeal so they know not to report you until the external appeal process is completed.

- Tell the external complaints and appeals body (like the Overseas Students Ombudsman) what happened and give us all the relevant documents like the internal appeal outcome letter/email and any documents you gave your provider with your internal appeal.

#### **What the OSO will do ...**

- We will ask your education provider to tell us their side of the story and give us the information they considered in deciding your internal appeal. This includes your attendance records and any warnings they sent you. We will check to see if your education provider followed all the rules and its attendance policy correctly before deciding if your education provider is required to report you.
- If we decide your education provider followed the rules and their policy correctly and are required to report you, we will tell you this and explain why. We will give you 14 days to comment before we tell your education provider we think it is required to report you to Immigration.
- If we find your provider has made mistakes that have disadvantaged you in the attendance monitoring and reporting process, we may tell your provider they should not report you to Immigration for unsatisfactory attendance this time. We will give your education provider 14 days to comment on our proposed decision before making a final decision and tell you the outcome.
- If we decide your education provider should not report you, it is important to understand that it is only for the study period your appeal relates to. You have to maintain satisfactory attendance for every study period you study. If you fail to meet satisfactory attendance in another study period, you could be reported to Immigration.

To find out more about lodging an external appeal with the OSO, see our [Frequently Asked Questions \(FAQs\)](#).