



Information for Students Affected by Provider Default

The Department of Immigration and Citizenship (DIAC) has special arrangements in place to help international students when education providers have 'defaulted' on their agreement with students to provide a course.

How are students safeguarded?

When a course is terminated the education provider is required to pay a full refund of course monies received. They may also offer students a place in another suitable course at their expense as an alternative to the refund. The student can choose whether they accept this offer.

If the education provider fails to give students a refund or place them in another suitable course, students may be assisted by the Tuition Assurance Scheme or the ESOS Assurance Fund.

For information about a student's right to a refund or placement in an alternative course go to the Department of Education, Employment and Workplace Relations (DEEWR) website.

See: <http://aei.dest.gov.au/ESOS/default.htm>

Will the student's visa be cancelled?

DIAC understands that students will be concerned about their visa status as they need to maintain course enrolment as a condition of their Student visa.

We appreciate that the default of the education provider is beyond the control of the student and will not cancel the student's visa if they are securing enrolment in another course. Affected students will be provided with extra time to make these arrangements.

Students who wish to travel overseas while awaiting placement with a new provider may do so, as long as they return to Australia while their visa remains valid. Students should be sure to check the visa expiry date. For more information, see *Check your Student visa expiry date* below.

Enrolling in another course

If the student is studying with the education provider when the provider ceases offering the course and the student wants to continue their studies, they must provide DIAC with a Letter of Offer or a Confirmation of Enrolment for their new course within three months of the provider's default date. If the student cannot demonstrate enrolment by this date, they should contact DIAC as soon as possible to discuss their visa options.

If the student is enrolled with the provider but had not yet commenced their studies there, they will also need to secure enrolment in another course as soon as possible.

It is important that students read the information on the DEEWR website before considering seeking their own alternative enrolment.

See: <http://aei.dest.gov.au/ESOS/default.htm>

Students under the age of 18

Students who are under the age of 18 are required to maintain their welfare arrangements at all times as a condition of their visa. If a student is under the age of 18 and their education provider has ceased to offer their course, then the student, the student's parents or their authorised representative should contact DIAC immediately to discuss their visa options. This is particularly important if the education provider was responsible for their welfare arrangements.

See: <http://www.immi.gov.au/contacts/index.htm>

Check your Student visa expiry date

Students should check the expiry date of their current visa. A Student visa will not be automatically extended if the education provider is not able to deliver a course and the student's new course has a longer duration than the existing visa.

If a student's visa expires and they wish to continue studying in Australia they must lodge a new application for a Student visa before their current visa expires. Students who secure enrolment in a different education sector will also need to apply for a new Student visa for that sector.

Students can check their visa label for their visa expiry date or use DIAC's Visa Entitlement Verification Online (VEVO) service. VEVO can be accessed through the departmental website.

See: http://www.immi.gov.au/e_visas/vevo.htm

To lodge a valid Student visa application, students should submit a Student Visa Application form, pay the Visa Application Charge and submit evidence of enrolment. Students affected by education provider default may be eligible for a refund of the Visa Application Charge paid.

See: http://www.immi.gov.au/students/_pdf/students-vac-exemptions.pdf

Students who are not able to obtain a Letter of Offer or Confirmation of Enrolment with a new education provider before they need to lodge their application should contact their nearest DIAC office as soon as possible for assistance.

Further information on applying for a Student visa is available on the DIAC website.

See: <http://www.immi.gov.au/students/>

Work entitlements

Students who were studying at the time the provider defaulted are able to work full-time while they are awaiting placement with a new provider. Even though students may not have current enrolment, the Department considers that their course is 'out of session', therefore full-time work is permitted. Once a student has secured new enrolment and has commenced their new course, they will be entitled to work up to 20 hours a week while their course is in session and full time during course breaks.

Students who were enrolled with an education provider who has closed but had not commenced any studies in Australia are not eligible to work until they have begun studying with a new provider.

Students whose visa has been granted but not yet traveled to Australia

Students are encouraged to defer travel to Australia until they obtain alternative enrolment. Students will not be subject to visa cancellation and will be given opportunity to secure alternative enrolment, see *Enrolling in another course* above. Further assistance is available on the DEEWR website at.

See: <http://aei.dest.gov.au/ESOS/default.htm>

Applicants with pending student visa applications

Applicants who made an application for a Student visa with enrolment at a provider who has defaulted will be given opportunity to obtain new enrolment before a decision is made on their application. Applicants should ensure that they respond promptly to requests by the visa processing office and provide updated enrolment information as soon as possible.

Useful Information

Information regarding the consumer protection entitlements for students, including information on the arrangements to help students secure enrolment in an alternative course or obtain a refund, is available on the DEEWR website.

See: <http://aei.gov.au/AEI/ESOS/Default.htm>

Telephone: 1300 363 079 (ESOS Helpline)

Information regarding visas is available through the website or by contacting the department.

See: <http://www.immi.gov.au/students/education-providers-approval.htm>

Telephone: 131 881 (in Australia)

For students located outside Australia, contact details for DIAC offices are available on DIAC's website.

See: <http://www.immi.gov.au/contacts/overseas/>