



## Visa Application Charge Exemptions for Students Affected by an Education Provider Default

Where an education provider closes or ceases to offer a course to international students this is known as education provider default. If a provider defaults but the student wants to continue their studies in Australia, in most circumstances the student can continue studying on their existing Student visa. Where required, the Department of Immigration and Citizenship will allow students extra time to enrol in another course.

See: [http://www.immi.gov.au/students/\\_pdf/edu-provider-default.pdf](http://www.immi.gov.au/students/_pdf/edu-provider-default.pdf) (70KB PDF file)

If the student's alternative course has a longer duration than their current Student visa allows, the student will need to apply for a new Student visa to complete their studies. These students may be eligible for a Visa Application Charge (VAC) exemption for this new application.

### Nil VAC provisions

From 1 January 2010, students who are affected by a provider default who need to apply for a further Student visa to continue their studies may be exempt from paying the VAC for this application. Subclass 580 - Student Guardian visa applicants may also be eligible for a nil VAC application where the nominating student has been affected by a provider default.

The VAC exemption applies to Student visa applicants if:

- the education provider default occurred on or after 1 January 2010
- the student was enrolled with the education provider when the default occurred
- the student is applying for a further Student visa on or after 1 January 2010 to continue their studies
- the student holds a Student visa at the time that they make the application, or if they didn't hold a substantive visa (i.e. they held a bridging visa), the last substantive visa they held was a Student visa
- the student hasn't previously applied for a VAC exemption or refund because of the same provider default
- the application is made within 12 months of the provider default day.

To be eligible to lodge a VAC exempt application students should:

- apply by post or in person using *Form 157A – Application for a Student Visa*
- indicate on their application that they are affected by a provider default
- attach satisfactory evidence of enrolment with the provider on the default day (e.g. Confirmation of Enrolment).

**Note:** The eVisa service does not accept VAC free applications.

### VAC refund provisions

Students who were affected by a provider default that occurred in 2009 and who needed to apply for a new Student visa to continue their studies in another course, may be eligible to request a refund of the VAC for that application.

The refund applies to Student visa applicants if:

- the education provider default occurred in 2009
- the student was enrolled with the education provider when the default occurred
- the student applied for a further Student visa to continue their studies
- at the time that they made the application they held a Student visa, or if they didn't hold a substantive visa (where they were holding a bridging visa), the last substantive visa they held was a Student visa
- they have not previously applied for a VAC exemption or refund because of the same provider default.

To apply for a refund, students who were affected by a provider default in 2009 will need to submit:

- a written request for a refund outlining their reasons
- their original receipt of payment of the VAC
- evidence of enrolment with the provider on the default day (e.g. Confirmation of Enrolment).

Specific information on applying for a refund of the VAC should be obtained by contacting the department.

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

Telephone: 131 881

## Frequently asked questions

### **Why has the VAC exemption been introduced?**

The Australian Government has consumer protections in place to safeguard international students who are studying in Australia. VAC refunds have been introduced to assist students who are affected by the default of their education provider. More information on the entitlements for students affected by provider defaults is available on the Department of Education, Employment and Workplace Relations (DEEWR) website.

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

### **Will a student's family members be eligible for the VAC exemption?**

The VAC exemption applies to the student. While family members will be eligible for a VAC exemption if they are applying for a visa and are included in the student's application, the VAC exemption is not available for family members who chose to apply separately from the student.

### **If a student has a pending application for a Student visa when their provider defaults and they have obtained enrolment for that provider will they be eligible for a VAC exemption for that application?**

No. Students with pending applications will be given an opportunity to enrol in another course before a decision is made on their Student visa application.

### **What is the education provider default date?**

If the student is studying with the provider, the default day is the official day that the provider stopped teaching the course. If the student has been granted their Student visa but had not yet commenced their studies with the provider, the provider default day is the day that the student was due to commence their course.

### **If a student left the education provider before they defaulted but hasn't received their qualification are they entitled to a VAC exemption if they need to apply for a new Student visa to undertake a further course?**

No. To be eligible for a VAC refund the applicant must be enrolled with the provider on the default date.

### **If a student is waiting to be placed in an alternative course and obtains a visitor visa will they be eligible for a VAC exemption once they are placed in their new course and apply for a new Student visa?**

No. To be eligible for a VAC exemption, at the time of applying for a new Student visa the applicant must have been the holder of a Student visa or, if they did not hold a substantive visa, then their last substantive visa must have been a Student visa. Special arrangements are in place to help students to lodge a new Student visa application in situations where their Student visa is due to expire but they are still waiting to be placed in another course.

**See:** [http://www.immi.gov.au/students/\\_pdf/edu-provider-default.pdf](http://www.immi.gov.au/students/_pdf/edu-provider-default.pdf)

### **If a provider cancels the student's enrolment before the default date will the student be eligible for a VAC exemption?**

No. Students must be enrolled with the provider on the day the provider defaulted to be eligible for a exemption.

### **If a student decides to undertake a different course to that studied with the defaulting provider are they entitled to a VAC exemption?**

Yes. If a student is affected by the default of their education provider, has secured enrolment in an alternative course and requires a new Student visa to continue these studies they may be eligible for a VAC exemption.

### **Will students be eligible for a VAC refund if their application was lodged before 9 November 2009?**

Yes. Student visa holders who were affected by a provider default during 2009, and who lodged an application for a further Student visa to continue their studies after this default occurred, may be eligible for a VAC refund.

### **If a student paid their course fees upfront before the default, are they eligible for a refund of these fees?**

Enquiries regarding the refund of course fees and the placement of students in alternative courses should be directed to DEEWR.

**Email:** [ESOSmailbox@deewr.gov.au](mailto:ESOSmailbox@deewr.gov.au)

**Telephone:** 1300 363 079

## Useful Information

Specific information on applying for a VAC exemption in Australia is available by phoning **131 881**.

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

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

Further information on applying for a Student visa and the visa arrangements for international students who are affected by provider defaults is available on the department's website.

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