Withdrawal and Refunds Policy (International Education)

# Audience

This policy applies to all TasTAFE employees involved in the withdrawal and refund of fees for international students. It applies to students studying Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered programs and their representatives, such as but not limited to education agents. It also applies to students admitted through TasTAFE International on other temporary and provisional visas.

# Purpose

This policy outlines the withdrawal and refund conditions for international students who are offered a place to study at TasTAFE and ensure that is compliant with the obligations under the ESOS legislative framework. This process ensures that TasTAFE implements a fair, equitable and transparent refund policy for international students and prospective international students who have made payment to undertake study at TasTAFE.

# Policy Statement/Details

TasTAFE is committed to supporting international students to make an informed decision when it comes to deciding if they wish to withdraw from their studies and provide accurate and up to date information regarding refunds.

A withdrawal request is required for a student to:

* Transfer to another CRICOS registered education provider; OR
* Change of visa type; OR
* Withdraw from the course and return home.

All refunds are subject to the Financial Delegations Framework.

## Withdrawal Request

1. An international student may request to withdraw from their studies at TasTAFE at any time after accepting their Letter of Offer.
2. A withdrawal request is made by submitting a completed [Withdrawal Request Form (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7119993/download_latest_final_file).
3. All supporting documentary evidence and information (if applicable) must be submitted for the Withdrawal Request to be considered.
4. Withdrawals that include a Refund request must be submitted together to avoid confusion.

## Refund Request

1. An international student may request a refund in conjunction with their withdrawal from studies at TasTAFE at any time after accepting the Letter of Offer.
2. The calculation of any potential refund will be from the date of which the [Withdrawal Request Form (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7119993/download_latest_final_file) and [Refund Request Form (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7120156/download_latest_final_file) and any supporting documentary evidence and information has been received by TasTAFE International.
   1. If the email is received outside of business hours (after 5:30pm) then the receipt date will be deemed as the next business day.
   2. If the form is considered incomplete (for example missing signatures, details, or essential supporting documentation) then the date will be when the missing content is received.
3. Special circumstances for a refund request may be determined by the Manager International Business Development (MIBD) when presented with compassionate or compelling circumstances.

## Provider Default

1. All international students are eligible for a 100% refund of fees paid in the event that:
   1. TasTAFE cancels their course after enrolment and the student chooses not to accept a place in an alternative course that they have been offered.
   2. TasTAFE has had to refuse an offered place due to capacity limits.
   3. TasTAFE closes as a registered training organisation.
2. In the unlikely event that TasTAFE is unable to deliver the course in full, the student will be offered an alternative place at no additional cost or, the student will be refunded the unspent portion of tuition fees paid to date within 14 working days of the date on which the course ceased to be provided. If the student chooses placement in another course, the remaining process repeats actions outlined in the Formalisation of Enrolment and Written Agreement Procedure (International Education).
3. In the unlikely event that TasTAFE is unable to provide a refund or place the student in an alternative course, the Tuition Protection Service (TPS) will provide the student with options for suitable alternative courses (if any such courses are available) or if this is no possible, the student will be eligible for a refund as calculated by the TPS Director.

## Student Default

1. In cases of Student Default, TasTAFE will pay a full refund less the Application Fee in the event that:
   1. The student is refused a Visa to study in Australia, *except* where the student has applied onshore and a portion of the course has already been undertaken at the time of visa refusal.
   2. The student is prevented from entering a course by reasons beyond the student’s control (force majeure) including but not limited to natural disasters, governmental or societal actions, and infrastructure failures. Evidence must be provided at the time of requesting a refund.
2. Where a student has already commenced studies, then is refused a Visa to study in Australia, TasTAFE will pay a refund less the Application Fee, which is detailed in the [Withdrawal and Refunds Procedure (International Education).](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7123676/download_latest_final_file)

## Refund on Notice of Withdrawal, After Course Commencement

1. Where an international student sends written notice of withdrawal and requests for a refund from TasTAFE, the following rules will apply:
   1. Withdrawal request made more than 28 days before the course commencement date – 80% tuition fee refund less Application Fee; an administrative fee will be applied.
   2. Withdrawal request made less than 28 days before the course commencement date – 50% tuition fee refund less Application Fee; an administrative fee will be applied.
   3. Withdrawal request made after the course commencement date – no refund.
2. Where an international student has a change of visa subclass and wishes to withdraw as an international student, the following rules will apply:
   1. Change of visa subclass to temporary resident – no refund for current or previous semester (study periods for ELICOS courses).
   2. Change of visa subclass to permanent resident – no refund for current or previous semester (study periods for ELICOS courses).
   3. Students may continue in the course as an international student or withdrawal from the course and reapply for a domestic place.
   4. There is no guarantee that an offer will be made for a domestic place after withdrawing as an international student.

## Refund of Overseas Student Health Cover (OSHC)

1. Where a student has purchased OSHC directly from a provider, it will be the responsibility of the student to claim the refund from their OSHC provider.
2. OSHC costs paid directly to TasTAFE will be refunded if the student has not arrived and has never resided in Australia. If the student has arrived in Australia, the student must request a refund directly from their OSHC provider.

## Circumstances where there will be no Refunds

1. TasTAFE will not refund any money paid by an international student in the following circumstances:
   1. They are in breach of the conditions of their student visa;
   2. Where enrolment is suspended or cancelled as outlined in the [Deferring, Suspending or Cancellation of Enrolment Procedure (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7122756/download_latest_version).
   3. A written claim and supporting evidence for the student’s withdrawal from the course is submitted after the commencement date as stated in the Letter of Offer.
   4. Change of visa subclass to temporary resident or permanent resident.
   5. The student has completed their course in a shorter time than what was specified in the Letter of Offer.
   6. The student arrives late or has non-attendance in class.

## Payment of Refunds

1. The provision of a refund from TasTAFE does not guarantee the issue of a release letter and conversely the issue of a release letter does not guarantee the eligibility for refund.
2. Refunds will be paid directly to the student or the person nominated by the student and verified by the MIBD. The refund will be calculated in the currency of the country the bank account is held in and the exchange rate will be determined on the day of the transaction.
3. Provider default refunds will be paid within 14 days of the finalisation of the refund request, as per the Education Services for Overseas Students Act (ESOS Act).
4. Student default and other refunds will be paid within 21 days of the finalisation of the refund request.
5. All refunds will be paid from TasTAFE’s nominated Trust Account as per the ESOS Act.

## Complaints

1. International students have access to TasTAFE’s complaint and feedback processes.
   1. During the review process, all procedures in relations to Withdrawal and Refunds will be placed on hold until an outcome has been reached, or the student withdraws their complaint.
   2. This policy, and the availability of the complaints and feedback process, does not remove the right of the student to take action under Australia’s consumer protection laws.

# Associated legislation

* [Education Services for Overseas Students Act 2000 (ESOS Act)](https://www.legislation.gov.au/Details/C2017C00292)
* [National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)](https://www.legislation.gov.au/Details/F2017L01182)

# Associated documents

[Withdrawal Request Form (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7119993/download_latest_final_file)

[Refund Request Form (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7120156/download_latest_final_file)

[Release Request Form (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7119970/download_latest_final_file)

# Related Policy and Procedures

[International Education Policy](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7120644/download_latest_version)

[Formalisation of Enrolment and Written Agreement Procedure (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7121751/download_latest_version)

[Fees and Charges Policy (International Education)](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/7122767/download_latest_final_file)

[Complaint Management Policy](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/5834466/LatestFinalFile)

# Measure of procedure effectiveness

TasTAFE provides a fair, equity and transparent approach to granting withdrawal and refunds that are consistent with the practices outlined in the ESOS Legislative framework.

# Definitions/acronyms

**CoE:** Confirmation of Enrolment

**CRICOS:** Commonwealth Register of Institutions and Courses for Overseas Students

**ESOS:** Education Services for Overseas Students

**International Students:** International students are ‘overseas students’ as defined within Section 5 of the ESOS Act. This includes the enrolment of a person, (whether inside or outside Australia) who holds a ‘student visa’ to undertake study in a course that is registered on the CRICOS Register. Persons with the following visas are excluded (as defined in regulation 1.03 of the Migration Regulations 1994):

* + a Subclass 576 (Foreign Affairs and Defence Sector) visa, or
  + a person who satisfies the secondary criteria, but not the primary criteria, under the Migration Regulations 1994 for the grant of the visa, or
  + a secondary exchange student within the meaning of the Migration Regulations 1994, or
  + an international student who has been approved under a scholarship scheme, or an exchange scheme, sponsored by the Commonwealth to undertake a course of study or training in Australia.

**MIBD:** Manager International Business Development

**PRISMS:** Provider Registration and International Student Management System

**Provider Default:** Where the registered provider fails to provide a course or ceases to provide a course to an overseas student in accordance with Section 27(1) of the ESOS Act.

**Student Default:** A student default occurs when a student:

* + does not start the course on that day; or
  + the student withdraws from the course at the location (either before or after the agreed starting day due to visa refusal); or
  + the student failed to pay an amount they were liable to pay the provider
  + the student breached a condition of their student visa
  + there is misbehaviour by the student.

# Policy control

## Contact points

| **Responsibility** | **Position title** | **Contact person** | **Contact number** |
| --- | --- | --- | --- |
| **Executive owner** | Executive Director Marketing, Communications and Engagement | Graham Bethune | 0498 582 771 |
| **Policy owner** | Manager International Business Development | Edgar Fergus Ho | +61 03 6165 9621 |
| **Contact person** | Manager International Business Development | Edgar Fergus Ho | +61 03 6165 9621 |

## Consultation

The following teams/positions should be consulted during the development/review of this Policy:

* International
* Finance

## Endorsement required prior to Executive Approval:

Education and Training Committee

**Endorsements**

| **Committee** | **Date** |
| --- | --- |
| Education and Training Committee | 17.09.2024 |

## Dates:

**Last approved:**  24/09/2024

**Next review**: 24/09/2027

## Version history

| **Version** | **Date** | **Description of changes** |
| --- | --- | --- |
| 1.0 | 20.08.2024 | New Policy |

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