



Overseas Student Visa Requirements: John Paul College Courses

Section 1 - Background and Purpose

The *Education Services for Overseas Students Act 2000* (ESOS Act) and related legislation are designed to protect the interests of overseas students coming to Australia on student visas. The legislation aims to protect and enhance Australia's reputation for quality education, to provide tuition protection and support the integrity of the student visa programme.

Under the ESOS Act, the purpose of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code 2018) is to set nationally consistent standards and procedures for registered providers and for persons who deliver education services on behalf of registered providers. The National Code supports the effective administration of the ESOS legislative framework by the Commonwealth and state and territory governments.

Standard 8 sets out that registered providers must safeguard the integrity of Australia's migration laws and John Paul College's reputation by supporting overseas students to complete their course within the required duration and fulfil their visa requirements for course attendance and course progress. Standard 8 sets flexible provisions to allow online learning while maintaining appropriate standards for overseas students to comply with student visa conditions.

Section 2 - Scope

The scope of this policy includes:

- Overseas Students on student visas completing CRICOS registered courses in John Paul College
 - Primary (Prep to Year 6)
 - Junior Secondary Years 7 to 10
 - Senior Secondary (Year 11 and 12)
- All College staff

The scope of this policy excludes:

- Other CRICOS registered courses at the College
- Domestic students
- International Secondary Student Exchange programmes
- International Secondary Student Exchange students
- Any short-term overseas students attending or enrolled at the College on a tourist visa

Section 3 - Policy Statement

John Paul College recognises its obligation to monitor Overseas Student course progress and attendance for each course in which students are enrolled. The College's enrolment of Overseas Students is in accordance with the maximum Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered course duration. The College monitors individual Overseas Student course duration specified on Confirmation of Enrolment (CoE) in relation to individual Overseas Student actual course progress. The College has documented processes to identify, notify and assist Overseas Students at risk from not meeting course progress or attendance requirements. The College clearly outlines course requirements to achieve satisfactory course progress and satisfactory course attendance prior to a course commencement in accordance with 8.6 and 8.7 in the ESOS Act 2000.

The College informs Overseas Students and parents or guardians of unsatisfactory course progress or attendance as soon as practicable, as per 8.13 of the ESOS Act and P4.1 of the ELICOS Standards 2018. The College will report unsatisfactory course progress or attendance in Provider Registration and International Student Management System (PRISMS) once thresholds in 8.14 of the ESOS Act are met. At its discretion, the College may choose not to report unsatisfactory course attendance if an Overseas Student is still attending at least 70% of the scheduled contact hours and there is genuine evidence



demonstrating compassionate or compelling circumstances.

From time to time, the College may seek to extend the duration of an Overseas Student's course in accordance with 8.16 of the ESOS Act. The College will provide information to external contacts regarding impacts on visas.

Section 4 – Procedures

Monitoring Course Progress

Satisfactory Course Progress

Students in Prep-6 must demonstrate a minimum overall achievement of:

- Pass/C-/satisfactory (or equivalent) in core subjects studied each Semester.
- If the student's effort is at least "satisfactory", despite not passing all subject/areas studied, the College may consider the student to have achieved "satisfactory" course progress.

Students in Years 7 to 10 must demonstrate a minimum overall achievement of:

- An overall average grade of C- across core subjects
- If the student's effort is at least "satisfactory", despite not passing all subject/areas studied, the College may consider the student to have achieved "satisfactory" course progress.

Students in the senior secondary course must remain eligible for a QCE.

Intervention Strategy

The College will implement levels of support appropriate to student course progress. This could include:

- communication with parents;
- additional EAL/D support;
- subject changes and/or selection;
- counselling; or
- other strategies as deemed necessary.

Course Progress Letters: Primary and Junior Secondary Courses

Course progress letters are issued in Study Periods when the set standard is not achieved. A settling in period upon initial arrival is permitted and notices regarding academics issued as per below. Academic reports are issued at the end of every Semester. A Study Period for Primary and Junior courses is one Semester.





Course Progress Correspondence: Primary and Junior Secondary Courses

	Letter	To Whom	When
Settling in Period Notice	Settling in update Informal letter updating stakeholders about current course progress and the possibility that the student may need more time in current JPC Level.	- Students - Parents - Agents	Mid-term settling in period
Letter 1	Course Progress Concern Informal letter indicating student may not achieve the set standard and therefore satisfactory course progress.	- Students - Parents - Agents	Mid Study Period One
Letter 2	Course Progress at Risk Formal letter indicating student is formally 'at risk' of not achieving satisfactory course progress.	- Students - Parents - Agents	End of Study Period One
Letter 3	Serious Concern about Student Progress Informal letter indicating student may still not achieve the set standard and therefore satisfactory course progress. The College suggests that possible alternative subjects, courses and/or pathways should be considered for student.	- Students - Parents - Agents	Mid Study Period Two
Letter 4	Intention to Report Formal letter indicating student has not achieved satisfactory course progress. Informs the stakeholders of 'intention to report'.	- Students - Parents - Agents	End of Study Period Two

Support for students who are not achieving satisfactory course progress is detailed in the letters. On a case-by-case basis, JPC may allow students extra Study Periods (extension of course duration) to complete a course if:

- there are compassionate and compelling circumstances based on demonstrable evidence;
- a support plan is being put in place for the Overseas Student and the College believes there is a likelihood of success; or
- an approved deferral or suspension of the Overseas Student's enrolment has occurred under Standard 9.

If JPC extends the duration of a student's enrolment, JPC will advise the student to contact the Department of Home Affairs to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

Letter 4 informs the student that he/she is able to access the College's Complaints and Appeals Process and that he/she has twenty (20) working days in which to do so.

Where the student chooses not to access the Complaints and Appeals Process within the twenty (20) working days, withdraws from the process, or the process is completed and results in a decision supporting the College, the College will notify the National ESOS Authority via PRISMS as soon as is practicable.



Course Progress Letters: Senior Secondary Course

Course progress letters are issued according to academic milestones in the Queensland Certificate of Education. The timing may differ from subject to subject. No settling in period is permitted. Academic reports are issued at the end of every Semester.



Course Progress Correspondence: Senior Secondary Course

	Letter	To Whom	When*
Course Progress Concern	Informal letter indicating student may potentially not remain eligible for a QCE and therefore satisfactory course progress.	- Students - Parents - Agents	When applicable
Course Progress at Risk	Formal letter indicating student is 'at risk' of not remaining eligible for a QCE and therefore meeting satisfactory course progress requirements.	- Students - Parents - Agents	
Intention to Report	Formal letter indicating student has not remained eligible for a QCE and therefore not achieved satisfactory course progress. Informs the stakeholders of 'intention to report'.	- Students - Parents - Agents	

*Letters are not necessarily issued sequentially and are issued as necessary according to a student's programme of study.

Support for students who are not achieving satisfactory course progress is detailed in the letters. On a case-by-case basis, JPC may allow students extra Study Periods (extension of course duration) to complete a course if:

- there are compassionate and compelling circumstances based on demonstrable evidence;
- a support plan is being put in place for the Overseas Student and the College believes there is a likelihood of success; or
- an approved deferral or suspension of the Overseas Student's enrolment has occurred under Standard 9.

If JPC extends the duration of a student's enrolment, JPC will advise the student to contact the Department of Home Affairs to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

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Where the student chooses not to access the Complaints and Appeals Process within the twenty (20) working days, withdraws from the process, or the process is completed and results in a decision supporting the College, the College will notify the National ESOS Authority via PRISMS as soon as is practicable.



Monitoring Attendance

Satisfactory Course Attendance

Overseas students must keep attendance rates above 80% unless there are compassionate and compelling reasons approved by the College. If there are compassionate and compelling circumstances, the College may, at its discretion, approve attendance of between 70 – 80%. If student attendance falls below 70%, the College must report the student to DIBP, regardless of reason.

Attendance letters are issued once an attendance threshold has been breached in a Study Period.

Achieving Satisfactory Attendance

- A student must attend at least 80% of the scheduled contact hours for the course.
- The class teacher will record attendance and absences on a daily basis.
- Absences will be reported via the College database by the school offices. This report will provide the reason for the absence, who reported it to the College and, in certain circumstances whether the absence has prior approval from the Head of School or his/her delegate.
- Late arrival/early departure will be recorded on the College database as identified above and included in attendance calculations.
- Attendance and absence calculation will be determined by means of access to the above reports and assessed fortnightly by the Head of School or his/her delegate.
- Where a student is only enrolled for part of the term, the calculation is made for that portion of time.
- All absences from the College should be accompanied by a Medical Certificate or an explanatory communication from the student's parent or principal carer, or evidence that leave has been approved by the Head of School or his/her delegate.
- Absences longer than five (5) consecutive days without explanation will be investigated.
- Any period of exclusion from class will not be included in student attendance calculations.

Contacting, Supporting and Counselling Students

- Where a student has been recorded as absent for more than five (5) consecutive days without approval or his/her attendance rate falls to 85% of the scheduled contact hours at the point of attendance calculation, and the student is in danger of not being able to meet the attendance requirements for the course, the Head of School or his/her delegate will make an appointment to discuss the student's attendance rate.
- At this meeting, the student's attendance will be discussed to ascertain why absences have been occurring and to check the accuracy of the information recorded on the database. The College will ascertain what kind of assistance or support the College can offer to enable the student to meet these requirements.
- Compassionate or compelling grounds will be continuously considered to determine whether a student-initiated suspension in PRISMS is required. These circumstances will be considered and evaluated at all attendance rate percentages and on a case-by-case basis.
- Information regarding visa conditions and the consequence of breaching this condition will be explained to the student. The process for reporting absence from school; acquiring prior approval from the Head of School or his/her delegate for any known absence from the College; and the requirement for providing documented evidence for absence will also be discussed.
- Copies of the attendance warning letter are given to the student and, subsequently, placed on the student record in the database.



Attendance Rate Calculation

$$\text{Attendance Rate} = 100 - \frac{\text{Days Absent}}{\text{Number of Study Period Days}} \times 100$$

Attendance Warning Correspondence

Are there compassionate or compelling reasons for student-initiated suspension?	Letter		To Whom	When
	Letter 1	Informal letter indicating student attendance.	- Students - Parents - Homestay Providers - Agents	95% attendance rate
	Letter 2	Informal letter indicating student attendance.	- Students - Parents - Homestay Providers - Agents	90% attendance rate
	Letter 3	Formal letter indicating student attendance and that satisfactory student attendance is at risk. Meeting held.	- Students - Parents - Homestay Providers - Agents - Counsellor	85% attendance rate
	Letter 4	Formal letter indicating student attendance has fallen below 80% and that satisfactory student attendance is at risk. AND/OR Five (5) consecutive days without approval Informs the stakeholders of 'intention to report'.	- Students - Parents - Homestay Providers - Agents - Counsellor	79% attendance rate

Point of Failure to Meet Satisfactory Attendance Requirements

- Where student attendance falls below 80% in any given term and contact and counselling with that student have been undertaken and the criteria for compassionate and compelling circumstances have not been met, the student is identified as not achieving satisfactory attendance.
- At this point, the College notifies the student in writing of its intention to report him/her for not achieving satisfactory attendance.
- This notice informs the student that he/she is able to access the College's Complaints and Appeals Process and that he/she has twenty (20) working days in which to do so.
- Where the student chooses not to access the Complaints and Appeals Process within the twenty (20) working days, withdraws from the process, or the process is completed and results in a decision supporting the College, the College will notify the National ESOS Authority via PRISMS as soon as is practicable.
- If the student falls below the 70% threshold for attendance for the study period, the process for reporting the student for unsatisfactory attendance will commence.



Criteria for Assessing Compassionate and Compelling Circumstances

Circumstances that are beyond the control of the student and that have an impact on the student's progress through a course. These could include:

- serious illness, where a medical certificate states that the student was unable to attend classes;
- bereavement of close family members, such as parents or grandparents (where possible a death certificate should be provided);
- major political upheaval or natural disaster in the home country requiring student emergency travel that has impacted on the student (where possible supported by police or psychologists' reports);
- a traumatic experience which has impacted on the student (where possible supported by police or psychologists' reports);
- where the school was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol;
- inability to commence study on the course start date due to delay in receiving a student visa; or
- important exams in a student's home country require a period of absence.

For other circumstances to be considered as compassionate or compelling, evidence would need to be provided to show that these were having an impact on the student's progress through a course.

Where the student has a genuine on-going illness/situation, the College may choose not to report the student if attendance falls below 80%, if:

- there is documentary evidence demonstrating that compassionate or compelling circumstances apply;
- the decision is consistent with its documented attendance policies and procedures;
- the student is attending at least 70% of the course contact hours.

Section 5 - Definitions

Study Period

The Study Period for John Paul College Courses is one Semester.

Settling in period

One Semester for John Paul College Courses. No settling in period is permitted for senior secondary.

Section 5 - Stakeholders

Responsibility for implementation – Relevant Head of School with support from International Student Services.

Responsibility for monitoring implementation and compliance – Mrs Karen Spiller, Principal



Status and Details

Status:	Approved
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Policy Owner:	John Paul College
Executive Sponsor:	Heads of School
Author:	John Paul College
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Related Documents

- ESOS Act 2000
- ELICOS Standards 2018
- Course Progress Letters
- Attendance Letters

